

DO's and DONT's for the disciplinary cases being referred to the Commission

1. A Single Window System has been implemented in UPSC for accepting the disciplinary cases. The Disciplinary cases are to be brought by an officer not below the level of Under Secretary who is well conversed with the case records after prior appointment with Under Secretary in-charge of Single Window.
2. Before referring the case to UPSC, the Officers must ensure that the cases are complete in all documentary aspects and proper procedure has been followed.
3. The Ministries/Departments should forward the disciplinary case to the Commission in terms of DoP&T OM No.39011/12/2009-Estt.B dt.10.5.2010.
4. The proforma/check list must be signed by CVO/Joint Secretary to the Govt. of India.
5. The documents indicated in proforma/Checklist should be duly referenced with page number, folder name etc.
6. Any column of the proforma should not remain unfilled. Avoid use ÷ _ _ _ø or ÷doø in the proforma, instead the column should be filled using the terms ÷Not Applicableø or ÷nilø as the case may be.
7. The Ministry should forward the documents either in original or duly authenticated copy thereof. Authentication of documents should preferably be done in blue ink to enable cross-checking of authentication.
8. The exhibits and all other documents should be legible.
9. If any document is in Regional language, its authenticated translation in English should be available.
10. The full form of abbreviations if any, should be mentioned. The abbreviated terms for designation of C.O and for technical terms should be avoided.
11. In case of retired C.O. the information like last pay drawn, monthly pension and gratuity must be mentioned. In case pension and/or gratuity is withheld, the same should be indicated.

12. If any clarifications on the issues/points are sought by the Commission, the DA should make point-wise clarification.
13. The group of posts (viz. A, B, C, D) of the C.O. should preferably be indicated in the first column of the proforma/checklist.
14. The feeder grade and its scale of pay in respect of C.O. should be indicated.
15. The position of co-accused, if any, may be indicated in the letter or proforma/checklist.
16. The Rules under which minor or major proceedings were instituted, should be indicated
17. The Charge Sheet issued must contain all its part/annexures.
18. The records regarding proof of the delivery of the Charge Sheet to the C.O. must be available.
19. The statement of defence and reply to the charge sheet should not be inferred as the same document.
20. The orders of appointment of Inquiry Officer (I.O.) and Presenting Officer (P.O.) should be available.
21. Daily order sheets should be available for all dates of hearing.
22. The exhibits should be available with the records as per chargesheet.
23. In minor penalty cases, the relied upon documents referred in the statement of imputation should be available and properly referenced.
24. The records of oral inquiry should be available with the records of the case.
25. The column relating to general examination of the C.O. should clearly indicate the reference of related papers. The requirement of general examination should be completed as per Rule 14(18) of CCS(CCA) Rules, 1965 and other analogous rules.

26. The Report of the inquiry Officer is essential in major penalty cases.
27. Final Para-wise comments of the D.A. on the representation of the C.O. on I.O report should be indexed at one place.
28. In case of disagreement of DA with IO report, a note of disagreement has to be prepared by the DA and it should be forwarded to the CO. Only forwarding the advice of CVC alongwith IO report will not suffice.
29. The para-wise comments of the DA should address the points raised by the CO in his reply. The comments should not be in brief or general in nature.
30. In case of pension cut proposals, the approval of the President is necessary.
31. All the cases in which a cut in pension is tentatively proposed by the Disciplinary Authority, the Disciplinary Authority must indicate in his note that the charges proved are grave enough and therefore, a cut in pension/ pensioner benefits is proposed without quantifying the cut.
32. If a disciplinary case instituted under major penalty and deemed to have been continued once C.O. retires, the approval of President is required under relevant Pension Rules afresh.
33. The records of the case referred originally be sent to the Commission in Appeal/review/revision cases.
34. If a Show Cause Notice is to be given to a C.O., it should be under relevant Rules and in proper format.
35. It is desirable that a list of duty of the CO/channel of submission of cases should be forwarded with case records where situation demands it.
36. The DA should not make references to the Commission seeking clarification on rules where administrative decisions are involved.
37. The Ministries/Departments should ensure that the cases be sent to the Commission for advice at least 6 months before the date of retirement with complete case records. If the case records are received in the Commission on a

date less than 3(three) months before the date of retirement, the case records are returned to the Administrative Ministry/ State Government.

38. Unauthorised form of communication such as I.D. Note, endorsement etc. should not be used while referring the cases to UPSC. The Communication with UPSC should be in letter form prescribed under Manual of Office Procedure.

39. All Communications should be in the form of letter addressed to Secretary, UPSC.

40. The forwarding letter should not be issued over the signature by an officer below a level of Under Secretary.

41. The letter should contain priority indication, i.e. if the C.O. is due to retire in near future or any Court case/directions are involved. The Ministry should also indicate the present status of the Court/ CAT cases/ Contempt cases and also whether any extension of time has been sought to implement the direction, if any, of the CAT/ Court.

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