

IMMEDIATE
By Speed Post

No.11018/01/2013-AIS-III
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, dated the 1st January, 2015.

To,

The Chief Secretaries of all the States (as per list attached).

Sir/Madam,

I am directed to refer to this Department's letter of even number dated the 10th October, 2014 and reminder dated 27th November, 2014 seeking comments on the aforesaid amendments which were forwarded vide this Department's letter of even number dated the 5th May, 2014.

2. It may be appreciated that the proposed changes in the rules would have to be implemented by the State Governments and the Cadre Controlling Authorities, as such, their comments/views would constitute a vital input for giving final shape to the amendments.

3. It is requested that comments/views on the proposed amendment of the above said rules may be sent to this Department latest by **07.01.2015**. If no reply is received by the stipulated date in the Department, it will be presumed that the State Government has no objection to the proposed amendment.

4. This may be accorded **TOP PRIORITY**

Yours faithfully,



(Diwakar Nath Misra)

Director (services)

Tele.:23092483

Copy with request to furnish the comments/views as mentioned above:

1. I.G. of Forests (Ms. Rekha Pai), 6th Floor, Prithvi, Indira Paryavaran Bhavan, Ministry of Environment & Forests, Jor Bagh Road, New Delhi.

✓ 2. NIC, DoP&T with request to upload the letter on the website of the Department.

Proposal for amendment in AIS (D&A) Rules, 1969

(67)

No.	Existing Rules	Proposed Amendments (Highlighted)
1.	<p>Rule 3. Suspension—</p> <p>(1) If, having regard to the circumstances in any case and, where articles of charge have been drawn up, the nature of the charges, the Government of a State or the Central Government, as the case may be, is satisfied that it is necessary or desirable to place under suspension a member of the Service, against whom disciplinary proceedings are contemplated or are pending, that Government may—</p> <p>(a) if the member of the Service is serving under that Government, pass an order placing him under suspension, or</p> <p>(b) if the member of the Service is serving under another Government request that Government to place him under suspension, pending the conclusion of the disciplinary proceedings and the passing of the final order in the case.</p> <p>Provided that, in cases, where there is a difference of opinion,—</p> <p>(i) between two State Governments, the matter shall be referred to the Central Government for its decision</p> <p>(ii) between a State Government and the Central Government, the opinion of the Central Government shall prevail:</p> <p>Provided further that the Chief Secretary, Director General of Police and the Principal Chief Conservator of Forests, who are the heads of the respective Services, shall not be placed under suspension without obtaining prior approval of the Central Government:</p> <p>Provided also that, where a State Government passes an order placing under suspension a member of the Service against whom disciplinary proceedings are contemplated, such an order shall not be valid unless, before the expiry of a period of forty-five days from the date from which the member is placed under suspension, or such further period not exceeding forty-five days as may be specified by the Central Government for reasons to be recorded in writing, either disciplinary proceedings are initiated against him or the order of suspension is confirmed by the Central Government.</p>	<p>Provided for continuing suspension beyond a week, the appropriate Government will have to get the recommendations of the Civil Services Board/Central Review Committee in the case of Central Government and in the case of a State Government, the recommendations of the Review Committee constituted by the State Government under Schedule 1 appended to Rule 3(8)(c). The central Government may confirm the order of suspension or take any other appropriate decision in the matter keeping in view the recommendations of the Civil Services Board.</p> <p>Provided also that, where a State Government passes an order placing under suspension a member of the Service against whom disciplinary proceedings are contemplated, such an order shall not be valid unless, before the expiry of a period of fifteen days from the date from which the member is placed under suspension, or such further period not exceeding thirty days as may be specified by the Central Government for reasons to be recorded in writing, either disciplinary proceedings are initiated against him or the order of suspension is confirmed</p>

		by the Central Government.
	<p>Rule 3(6A) Where an order of suspension is made, or deemed to have been made, by the Government of a State under this rule, detailed report of the case shall be forwarded to the Central Government ordinarily within a period of fifteen days of the date on which the member of the Service is suspended or is deemed to have been suspended, as the case may be.</p>	<p>Where an order of suspension is made, or deemed to have been made, by the Government of a State under this rule, detailed report of the case shall be forwarded to the Central Government ordinarily within a period of fifteen days of the date on which the member of the Service is suspended or is deemed to have been suspended, as the case may be.</p>
3.	<p>Rule 3(9) Every order of suspension and every order of revocation shall be made, as nearly as practicable, in the appropriate standard form appended to these rules.</p>	<p>Rule 3 (9) Every order of suspension and every order of revocation shall be made in the stipulated standard form appended to these rules. A copy of the order shall be endorsed to the Appointing Authority, if the order is made by some other authority; and to the Lending Authority in the case of borrowed officer. The reasons for every such order shall also be communicated to the Appointing Authority and the Lending Authority, through confidential letters alongwith the order itself.</p>
		<p>Rule 3 (10) As soon as a member of the Service is placed under suspension or is deemed to have been placed under suspension, the information in this regard may be communicated to Government of India by fastest means immediately.</p>
4.	<p>Rule 18(4) The authority which made the order appealed against shall, on receipt of a copy of every appeal, which is not withheld under rule 21, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the Central Government.</p>	<p>Rule 18(4) The authority which made the order appealed against shall, on receipt of a copy of every appeal, which is not withheld under rule 21, forward the same with its comments thereon together with the relevant records to the appellate authority within one week of the receipt by the State Governments and without waiting for any direction from the Central Government. If the original appeal along with the comments of the State Government is not received by the Central Government within stipulated period, the Central Government would take a decision on the advance copy of the appeal received by them.</p>
5.	<p>Rule 24-A Review.—The Central Government may at any time, either its own motion or otherwise, review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has</p>	

been brought, to its notice:

Provided that no order imposing or enhancing any penalty shall be made by the Central Government unless the member of the Service concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in rule 6 or to enhance a minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under rule 8 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 8, subject to the provisions of rule 14, and except after consultation with the Commission.

Provided further that the Central Government may at any time, either on its own motion or otherwise, review any order passed under these rules, if there are reasons to believe and to be recorded in writing that injustice is being meted out to a member of Service.

6.

Rule 25(4) If the memorial is against the orders of a State Government, it shall be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the authority concerned in the Central Government, and the State Government concerned, or as the case may be, the Ministry or authority in the Central Government shall forward the same together with a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of its opinion thereon:

Provided that if the memorialist is for the time being serving under a State Government, or under a Ministry or an authority in the Central Government, which has not passed the orders against which the Memorial is submitted then, the memorial shall be submitted through that State Government, or that Ministry or authority in the Central Government, under which he is for the time being serving.

Rule 25(5) A memorial submitted under the proviso to sub rule (4) shall be referred to the State Government, or as the case may be, to the Ministry or authority in the Central Government, against whose orders the memorial is submitted, and the State Government concerned or, as the case may be, the Ministry or authority in the Central Government, shall return the memorial together with a concise statement of facts material thereto, and, unless there are special reasons to the contrary, with an expression of its opinion thereon.

Rule 25(4) If the memorial is against the orders of a State Government, it shall be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the authority concerned in the Central Government, and the State Government concerned, or as the case may be, the Ministry or authority in the Central Government shall forward the same together **within one week of the receipt** with a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of its opinion thereon. **If the original memorial alongwith the comments of the Ministry or the State Government concerned, or as the case may be, is not received by the Central Government within stipulated period, the Central Government would take decision on the advance copy of the memorial received by them.**

Rule 25(5) A memorial submitted under the proviso to sub rule (4) shall be referred to the State Government, or as the case may be, to the Ministry or authority in the Central Government, against whose orders the memorial is submitted, and the State Government concerned or, as the case may be, the Ministry or authority in the Central Government, shall return the memorial together **within one week of the receipt** with a concise statement of facts material thereto, and, unless there are special reasons to the contrary, with an expression of its opinion thereon. **If the original memorial alongwith the comments of the Ministry or the State**

		<p>Government concerned, or as the case may be, is not received by the Central Government within stipulated period, the Central Government would take decision on the advance copy of the memorial received by them.</p> <p>Provided that memorials against an appeal should be decided by authority different from and higher than the authority that is competent to decide the appeal</p>
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1. Shri I.Y.R. Krishna Rao,
Chief Secretary,
Government of Andhra Pradesh,
Hyderabad-500001.
2. Shri Jitesh Khosala,
Chief Secretary,
Government of Assam
Dispur-781006.
3. Shri Varesh Sinha,
Chief Secretary,
Government of Gujarat,
Gandhinagar-382010.
4. Shri Mohammad Iqbal Khandey,
Chief Secretary,
Government of Jammu & Kashmir,
Srinagar-190001.
5. Shri Anthony J.C. Desa,
Chief Secretary,
Government of Madhya Pradesh,
Bhopal-462001.
6. Shri P.C. Lawmkunga,
Chief Secretary,
Government of Manipur,
Imphal-795001.
7. Shri C.S. Rajan,
Chief Secretary,
Government of Rajasthan,
Jaipur-302001.
8. Shri Mohan Varghese Chunkanth,
Chief Secretary,
Government of Tamil Nadu,
Chennai-600009.
9. Shri Sanjay Mitra,
Chief Secretary,
Government of West Bengal,
'NABANNA' HRBC Building,
325 Sarat Chatterjee Road,
Howrah-711102.
10. Dr. Rajiv Sharma,
Chief Secretary,
Government of Telangana,
Hyderabad-500001.