

MOST IMMEDIATE

No.39035/01/2011-Estt.(B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

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New Delhi, 10th May, 2011OFFICE MEMORANDUM

Subject:- Departmental proceedings against Government servants – consultation with the Union Public Service Commission for advice.

The undersigned is directed to say that this Department has been impressing upon various Ministries/Departments to complete the disciplinary proceedings by minimizing avoidable delays. In para 3.11.10 of the 4th report of the 2nd ARC titled "Ethics in governance", it has been observed from a sample study that the Administrative Departments take more than 2/3rd of the time taken to process the case under the CCS(CCA) Rules. In the sample study, the Inquiry Officers were found to be taking about 17% of the time and the UPSC about 5% of the time to conclude their findings. This Department has issued OM No.39011/12/2009-Estt.(B) dated 14.9.2010 reiterating that the requisite details in the proforma to be sent to the UPSC are properly filled up and sent with the relevant documents so that there does not arise occasion for the UPSC to make a back reference to the Ministries/Departments for the deficiencies found by the Commission in the papers sent to them.

2. The UPSC has brought to the notice of this Department that during the year 2010-11 the Commission had to return the case to the concerned Departments in more than 40% of the cases on account of procedural/documentary deficiencies. A list of the common deficiencies observed by the Commission in these cases are given in the Annexure. All Ministries/Departments are requested to ensure that the deficiencies indicated in the Annexure are not repeated in the proposals being sent to the UPSC for seeking its advice on disciplinary matters.

3. Attention of Ministries/Departments is also drawn to this Department's OM No.39011/12/2009-Estt.(B) dated 16.11.2010 wherein it has been requested that in cases where the Courts are being apprised of the time taken in finalizing a disciplinary proceeding through affidavit, information in regard to the pendency of the matter before the UPSC may be correctly projected. The average time taken by the Commission in tendering advice in disciplinary proceedings is about 4 to 6 months. The Commission tender its advice in about 3 months in those cases where priority is attached due to direction of Court. In such cases, in order to expedite scrutiny of the cases a single window system on pilot basis had been introduced in the UPSC from September 2010 and initially 9 Ministries/Departments were included in the single window system. The Commission has now decided to extend the single window system to all other Ministries/Departments whose offices are situated in Delhi for submission of disciplinary cases involving court cases. Under

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this system, a Ministry/Department while referring the disciplinary cases to the Commission for advice, is required to authorize a representative, not below the level of Under Secretary, to hand over the case to the designated officer in the UPSC, with prior appointment. The cases received from a Ministry/Department are initially scrutinized on the spot, in terms of information sought in the Proforma check list issued by this Department. Only cases which are complete as per the check list are accepted by the Commission for further scrutiny and examination. Incomplete cases are returned at the counter itself after pointing out the deficiencies. In UPSC, the case records are to be handed over to the Under Secretary(S-1),(Tel No.23387346/23098591-Ext.4342) in Room No.10-A located in the Annexe Building of the Commission. The case records should explicitly indicate the status of the CAT/Court cases, the fact regarding the time limit for disposal of the case if any and extension sought for providing at least 3-4 months of time to the Commission for disposal of the case.

4. All Ministries/Departments are requested to adhere to the above procedure for submission of disciplinary cases involving Court cases to the Commission through single window system.



(C.A. Subramanian)
Director

To

All Ministries/Departments of Government of India.

Copy to:-

1. President Secretariat/Vice-President's Secretariat/Prime Minister's Office/ Rajya Sabha and Lok-Sabha Secretariat/CVC/CIC/C&AG/CAT(Principal Bench).
2. All officers/Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of the Ministry.
3. UPSC, New Delhi.
4. NIC, DOPT, North Block for up-dating of the OM in DOPT website.


(C.A. Subramanian)
Director

ANNEXURE to OM No.39035/01/2011-Estt.(B) dated 10th May, 2011

- (i) The documents indicated in proforma/checklist not duly referenced with page number, folder name etc.
- (ii) Vague comments/information e.g. '---' or 'do' in the proforma were mentioned.
- (iii) The documents were not original or duly authenticated.
- (iv) Photocopies were signed in black ink.
- (v) The exhibits and other documents were not legible.
- (vi) Documents in regional language:-
 - (a) Translation not provided.
 - (b) Translation unauthenticated.
- (vii) In case of retired CO, the information like last pay drawn, monthly pension and gratuity were not provided. No specific information provided whether pension and/or gratuity is withheld or released.
- (viii) Para-wise comments of the DA on the representation of the CO on IO Report were not part of the record.
- (ix) Daily Order Sheets were not available for all the dates of hearing.
- (x) In minor penalty cases, the Relied Upon Documents (RUDs) referred in the statement of imputation were not forwarded and not properly referenced.
- (xi) The column related to general examination of the CO did not clearly indicate the reference of related papers.
- (xii) In case of disagreement of DA with IO Report, a tentative note of disagreement was not forwarded to the CO.
- (xiii) The para-wise comments of the DA did not address the points raised by the CO in his reply.
- (xiv) In case of pension cut proposals, the approval of President was not taken. The approval of the President in all pension cut cases is mandatory.
- (xv) The DA in a large number of cases, expresses opinion regarding the quantum or penalty or amount of pension cut to be imposed on the CO.
- (xvi) Procedure of prescribed Complaints Committee on Sexual Harassment were not followed.
