

OFFICE MEMORANDUM

Subject: Central Civil Service (Classification, Control and Appeal) Rules, 1965 –
Instruction regarding timely review of suspension

Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, deals with the provisions of suspension. As per the rule, a Government servant may be placed under suspension, in the following circumstances:

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- (b) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or
- (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

2. A Disciplinary Authority may also consider it appropriate to place a Government servant under suspension in the following circumstances. These are only intended for guidance and should not be taken as mandatory:-

- (i) Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (e.g. apprehended tampering with witnesses or documents);
- (ii) where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working;
- (iii) where the continuance in office of the Government servant will be against the wider public interest [other than those covered by (i) and (ii)] such as there is public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption;
- (iv) where allegations have been made against the Government servant and preliminary inquiry has revealed that a prima facie case is made out which would justify his prosecution or is being proceeded against in departmental proceedings, and where the proceedings are likely to end in his conviction and/or dismissal, removal or compulsory retirement from service.

3. In the first three circumstances the Disciplinary Authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prima facie case has been established. Suspension may be desirable in the circumstances indicated below:-

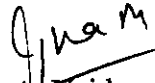
- (i) any offence or conduct involving moral turpitude;
- (ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain;

- (iii) serious negligence and dereliction of duty resulting in considerable loss to Government;
 - (iv) desertion of duty;
 - (v) refusal or deliberate failure to carry out written orders of superior officers
- In respect of the types of misdemeanor specified in sub-clauses (iii) and (v) discretion has to be exercised with care.

3. Rules 10(6) and 10(7) of the CCS (CCA) Rules, 1965, deal with review of the suspension cases. The provision for review within ninety day is applicable to all types of suspensions. However, in cases of continued detention, the review becomes a mere formality with no consequences as a Government servant in such a situation has to continue to be under deemed suspension. A review of suspension is not necessary in such cases.

4. It has been brought to the notice of this Department that in cases of prolonged suspension period, the courts have pointed out that the suspension cannot be continued for long and that inspite of the instructions of DoP&T, the Disciplinary Authorities are not finalizing the disciplinary proceedings within the stipulated time. Also, in such cases the Government is unnecessarily paying subsistence allowance without extracting any work and if, on the culmination of the disciplinary proceedings, the charged officer is exonerated from the charges, the Government has to unnecessarily pay the full salary and treat the period of suspension as on duty etc.. It is, therefore, desirable that timely review of suspension is conducted in a just and proper manner and that the disciplinary proceedings are finalized expeditiously.

5. All Ministries/ Departments are requested to bring the existing instructions on timely review of suspension and expeditious completion of disciplinary proceedings to the notice all concerned under their control.


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To

All Ministries/Departments of Government of India

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigations, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Officers and Sections in the Ministry of Personnel, Public Grievances & Pensions
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. NIC, DoP&T with the request to upload this O.M. on Department's web site
(OMs/Orders → Establishment → CCS (CCA Rules))