

COPY OF:

GOVERNMENT OF MADRAS

PUBLIC (SERVICES-A) DEPARTMENT

G.O.NO.1267, 23rd May 1967

Public Servants -> Disciplinary action - Orders administering "Warning"-Question
of entry in personal files - Instructions - Issued.

READ - the following papers:-

G.O.Ms.No.906, Public (Services -A), dated 7th May 1965.

Order No.1267, Public (Services-A), dated 23rd May 1967.

In the Government Order read above, it was ordered that copies of orders administering "Warnings" should not be placed in the personal files and that consequently the entries made in the personal files should not also contain references to "warnings" issued. The appropriateness of these orders has now been questioned on the ground that in cases where a serious irregularity is committed and the procedure laid down in the rules for imposing a statutory penalty has been followed, it may turn out ultimately that "warning" may be issued to a Government Servant on his regretting his mistake or on compassionate grounds, in the hope that such a generous gesture may enable him to turn over a new leaf. It has been argued that in such cases, even where a statutory punishment is called for, a mere "Warning" is considered sufficient, but at the same time, if the mistake or the misbehaviour is not to be repeated, the "Warning" will not have a deterrent effect unless there is an entry in the personal file and a copy of the order administering the warning is placed in the personal file. It has been contended that if this should not be done, the officers will be forced to impose a severe punishment with the result that the persons concerned would have to be censured instead of being warned, a course which would be disadvantageous to the staff. It has been further argued that such incidents should find a place in the personal file for the succeeding line of officers to know the full picture of an individual if the entries in the personal file are to serve any useful purpose. In these circumstances, a modification of the order in the Government order read above has been requested so as to allow discretion to officers to decide whether an entry in the personal file should be made of "warning" and copies of the orders should be placed there in suitable cases.

2. The Government have carefully examined the arguments mentioned above and consider that they disclose some confusion as to the scope of a Warning issued to a Public Servant. Government desire to reiterate that a "Warning" is not one of the penalties mentioned in Rule 8 of the Madras Civil Services (Classification, Control

and Appeal) Rules under which the lightest of the contemplated penalties is Censure. "Warning" is only a caution to a Public Servant to be more careful in future and to avoid repetition of a mistake or irregularity committed by him. As the very meaning connotes a Warning" would have served its purpose when the public servant who was administered the "Warning" is subsequently improves and does not commit a repetition of the conduct which initially led to a "Warning" being administered. The acceptance of the arguments advanced in the preceding paragraph would be tantamount to "Warning being adopted as one of the recognized punishments, but of a lighter nature than a Censure". The recording of "Warnings" in the personal file and the placing of copies of such orders in the personal file would necessarily create prejudice against the public servant concerned when his record has to be assessed for purposes of promotion etc., and this is neither permissible nor fair considering that "Warning" is not a recognized punishment. In the types of cases visualized in the arguments set out in paragraph 1 above, where obviously an irregularity committed is considered serious, the correct position to take up is that a "Censure" at least should be awarded notwithstanding the regret expressed by the public servant, and that there should be no question of being carried away by any compassion or generosity in thinking that not even a censure should be awarded.

3. The position explained in paragraph 2 above may be noted by all Heads of Departments while implementing the orders contained in the Government order cited. They may also suitably advise their subordinate officers in the matter.

(By Order of the Governor)

C. A. RAMAKRISHNAN
CHIEF SECRETARY TO GOVERNMENT

To
The Registrar,
High Court, Madras: