

Letter No. No. 124, dt: 27.2.95

From
Shri. S. Sivasubramanian, IAS
Secretary to Govt.

Sub: Disciplinary Proceedings - Initiation of proceedings
under rule 17(b) of Tamil Nadu Civil Services
(Discipline and Appeal) Rules - Model form for framing
of charges - Guidelines - I issued.

- Ref: 1. Govt. Lr. Ms. No. 1118, Personnel & Administrative Reforms
(Per.N) dated 22.12.87.
2. Govt. Lr. No. 371, Personnel & Administrative Reforms
(Per.N) dated 24.6.88.
3. Govt. Circular No. 14353/Per.N/9-1 dated 11.3.93.
4. From Tamil Nadu Public Service Commission Lr. No. 7419/
C1/94, dated 16.11.94.
5. From Director of Vigilance and Anti-Corruption Lr.
No. 8921/VAC.4/95, dated 1.6.95.

In the Government Letter (Ms) No. 1118, Personnel and Administrative Reforms (Per.N) dated 22.12.87, it has already been reiterated that the choice of rule 17(a) or 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, under which disciplinary proceedings are to be initiated is very important. In the Government Circular dated 11.3.93, instructions are issued that the disciplinary authority should frame charges under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules only when they are of the firm view that the charges, if framed and proved, could result in the imposition of any of the major penalties, namely, dismissal from service, removal from service compulsory retirement or reduction to a lower rank in the seniority list, or to a lower post or in the scale. The cases of indiscipline, moral turpitude, corruption, bigamous marriage, unauthorised absence, etc., would attract action under rule 17(b) of the said Rules. For the delinquencies other than the above, a simple show cause notice under rule 17(a) would be quite adequate instead of framing specific charges under rule 17(b) unless a major punishment is fully warranted. (A model form of such a show cause Notice for use in rule 17(a) proceedings was given in annexure IV to the Government Circular dated 11.3.93).

2. In order to maintain uniformity and to avoid defects, a model format for framing of charge letter/memo. under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules has been prepared as suggested by the Tamil Nadu Public Service Commission on 16.11.94 and appended. All the departments of Secretariat, the Heads of Department etc., are requested to follow the model format while framing charges under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3. While framing the charges such verbal modifications as might be necessitated by the special requirements of individual cases may be made provided the salient points are not omitted.

Yours faithfully

For Secretary to Government.

APPENDIX

MODEL FORM OF CHARGE SHEET FOR SUCH OFFICIALS. UNDER RULE 17(b) TAMIL NADU CIVIL SERVICES (DISCIPLINE AND APPEAL) RULES.

..... Office

... Dated

Let it be/Here.

The undersigned proposes to hold an inquiry against Tr..... under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The substance of the allegations, namely, the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held set out in Annexure-I. A statement of allegations namely, the imputations of misconduct or misbehaviour in support of each charge is enclosed Annexure-II. A list of documents by which, and a list of witnesses by which the charges are proposed to be sustained are also enclosed in Annexure III and IV, respectively. Any other witnesses and documents which are necessary will be brought to the notice of the course of the inquiry.

3. It is hereby notified to the said Tr..... to submit within 15 days of the receipt of this letter a written statement of his defence and also to state whether he desires to be heard in person or to be heard in person or both. If the written statement of defence is not received within the stipulated time, it will be presumed that he has nothing to offer in his defence. Further action will be pursued.

3. It is further notified that an oral inquiry will be held and oral evidence shall be heard by the authority in respect of such charges as are made by him. He should, therefore, specifically admit or deny each charge.

4. This is further notified that if he does not submit written statement of defence on or before the date specified in paragraph 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or the orders or directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex-parte.

5. Notification of Thiru... is invited to rule 18 of the Tamil Nadu Government Servants' Conduct Rules, 1973, under which no Government servant shall bring or attempt to bring any political or outside influence upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation received on his behalf from another person in respect of any matter with in these proceedings it will be presumed that Thiru... is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 18 of the Tamil Nadu Government Servants' Conduct Rules 1973.

C. The receipt of this letter/Memorandum may be acknowledged

* By Order and in the name of the Government

()

** Name and designation of Competent Authority

To
Thiru

* Where the Governor is the disciplinary authority

** The Officer in the appropriate Department authorised under Article 156(2) of the Constitution to authenticate orders on behalf of the Governor or the disciplinary authority, as the case, may be.

... of the Govt. Servant)

Charge I

That the said Thiru ... while functioning as during the period

Charge II

That during the aforesaid period ... the said Thiru ...

Charge III

That during the aforesaid period and while functioning in the aforesaid office, the said Thiru ...

AND SO ON

ANNEXURE - II

Statement of allegations, namely imputation of misconduct or misbehaviour in support of the charge(s) framed against Thiru... (Name and designation of Government Servant, is

- Charge - I
- Charge - II
- Charge - III
- and so on

ANNEXURE - III

List of documents by which the charge(s) framed against Thiru... (Name and designation of Govt. Servant) are proposed to be sustained:

ANNEXURE - IV

List of witnesses by whom the charge(s) framed against Thiru... (Name and designation of the Government Servant) are proposed to be sustained:

Rec.2266/95/C1

Sd/-S.Sivasubramanian
Secretary to Govt.

P.Dis.No.129/96
Copy communicated in continuation of High Court's communication in P.Dis.No.27/93 dated 12.4.'93.

Sd/- S.Shantha

Sub A. ... (D.O.)

3/115/96 dated 4.2.'96
Copy communicated to all Judicial Magistrates
Copy to Sherishtadar, A1 and Account Section

Sd/- A. ...
Additional District Judge and
Chief Judicial Magistrate,
P.W.T. District ...
/ True Copy / By Order

[Handwritten signature]
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