

R.O.C. No. 934/2021/C.1

Copy of the Government Letters in Letter (Ms).No.549/Pol.V/2020, Home
(Police - V) Department, dated 30.12.2020 and Letter (Ms).No.1/N/2020-1, Personnel and
Administrative Reforms (N) Department, dated 06.01.2021 are communicated for
information and necessary action.

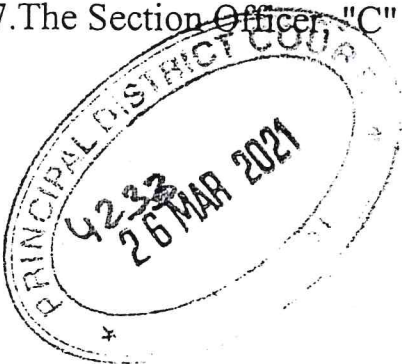
High Court, Madras,
Dated :23.03.2021.

[Signature]
23-03-2021
For Registrar General
G. H. K.

To

1. All the Registrars, High Court Madras & Madurai Bench of Madras High Court, Madurai
2. All the Principal District Judges
/ District Judges / Appointing Authorities.
3. All the Chief Judicial Magistrates.
4. The Principal Judge, City Civil Court, Chennai.
5. The Chief Metropolitan Magistrate, Egmore, Chennai.
6. The Section Officer, "B" & "Estt", High Court, Madras.
7. The Section Officer "C" Section, Madurai Bench of Madras High Court, Madurai.

(With a request to communicate
the Govt. Letter to all the
Officers and Heads of units in
the respective Districts.)



D.no 2206
29-3-21





Personnel and Administrative
Reforms (N) Department,
Secretariat,
Chennai - 600 009.

சார்வரி, மார்கழி - 22

திருவள்ளூர் ஆண்டு - 2051.

Letter (Ms) No.1/N/2020-1, Dated 06.01.2021.

From

Thiru.K.Shanmugam, I.A.S.,
Chief Secretary to Government.

To

The Additional Chief / Principal / Secretaries to Government.
All Departments of Secretariat.
All Heads of Departments.

Sir/Madam,



Sub: Public Services - Disciplinary proceedings - Passing of final orders in the disciplinary proceedings and passing of orders in appeal / revision / review - Orders to be issued as self contained speaking orders - Further guidelines issued - Regarding.

- Ref:
1. Government Letter (Ms). No.10, Personnel and Administrative Reforms (N) Department, dated 10.01.2005.
 2. Government Letter (Ms). No.94, Personnel and Administrative Reforms (N) Department, dated 25.08.2015.
 3. Orders of the Hon'ble High Court of Madras in W.P.No.8782 of 2013, dated 03.02.2020.

In the Government Letter first cited, instructions have been issued to ensure that while initiating disciplinary action, the charges / show cause notice are carefully drafted in such a way that they are not vague and no irrelevant or incorrect rule or sections of an Act is quoted therein and also to ensure that the final orders should be in self contained 'speaking orders'.

2. In the Government Letter second cited, instructions have been issued to the effect that the competent authority while imposing penalty, should examine the evidence and satisfy himself that the evidence does prove the guilt and record his independent observations or reasoning regarding how the charges are held proved against the delinquent officer with due justification for imposing penalty. Further, in cases, where the Tamil Nadu Public Service Commission is consulted, the disciplinary / appellate / revisionary / reviewing authorities as the case may be, should record their independent views in the order, in addition to the views offered by the Tamil Nadu Public Service Commission and the order should be a self contained and speaking order.

(p.t.o.)

3. In spite of the above instructions, instances have come to the notice of the Government that several Writ Petitions are being filed before the Hon'ble Courts challenging the rejection order of the appellate authority and the same are being quashed on the ground that the said orders are cryptic in nature and passed without assigning any reason / findings / discussion and without following relevant rules and procedures. The Hon'ble High Court of Madras in its order third cited, while disposing W.P.No.8782 of 2013 filed by one Thiru A.Rajendran, Grade-1 Police Constable has observed so and has directed the Government to issue necessary circular to the appellate authorities who deal with the statutory appeals to strictly follow the procedure and rules, while deciding the appeals in future without fail and to the appellate authorities of other departments concerned with regard to the same.

4. It is imperative that the disciplinary proceedings are stringent and should be thorough in every respect and the final order passed in such proceedings or in appeal / revisionary / review should not get vitiated for the reason that the order is a "non speaking order". The powers and functions of the disciplinary / appellate / revisionary / reviewing authorities are quasi-judicial in nature and it is the bounden duty of the authorities concerned to examine the case in the backdrop of its own facts and circumstances of each and every case and to record the reason with due application of mind for taking such decision. The reason for passing such order must be recorded in the operative portion of the order to be passed, without fail.

5. All the disciplinary / appellate / revisionary / reviewing authorities are, therefore, requested to follow the above instructions strictly and also to follow the relevant rules and procedures, keeping in mind the orders of the Hon'ble High Court of Madras, scrupulously, while passing orders in the above such cases.

Yours faithfully,

V. Balakrishnan
06/01/2021
for Chief Secretary to Government
06/01/2021

Copy to:

The Principal Private Secretary to
Chief Secretary to Government, Chennai-600 009.

The Private Secretary to
Secretary to Government, Personnel and Administrative Reforms Department,
Chennai-600 009.

All Officers in Personnel and Administrative Reforms Department, Chennai-600 009.

All Sections in Personnel and Administrative Reforms Department,
Chennai-600 009.

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