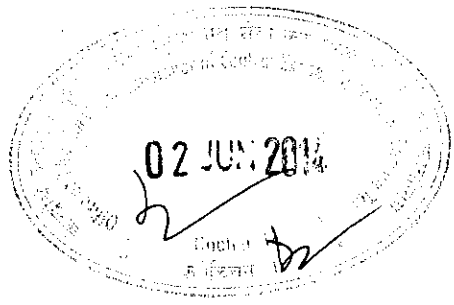
447/14

IV (A)

F.No. O-21030/01/2014-(Coord)(part)
Government of India
Ministry of Finance
Department of Revenue



North Block New Delhi,
Dated 30th April, 2014

OFFICE MEMORANDUM

Subject:- Circulation of Check – list for disciplinary cases against IAS Officers and initiation of single window system – ref. from DoPT-reg.

A copy of a D. O. letter No. AV.18050/20/2013-A1 dated 20.03.2014 received from Department of Revenue (Vigilance Cell) on the subject mentioned above is forwarded herewith for information and necessary action.

(R.N. SINGH)
Under Secretary to the Government of India
Tele Fax 23095539

Encl: as above.

0. All Heads of Attached and subordinate Offices in CBDT.
0. All Heads of Attached and subordinate Offices in CBEC.

F.No. A.50050/3/2014-Vig
Government of India
Ministry of Finance
Department of Revenue
(Vigilance Cell)
***

New Delhi, the 11th April 2014
21st.

OFFICE MEMORANDUM

Subject : Circulation of Check-List for disciplinary cases against IAS Officers and initiation of single window system - ref from DoPT reg.

***

The undersigned is directed to enclose a copy of DoPT's letter No.142/16/2013-AVD.I dated 13.2.2014 on the above subject for information and necessary action.

Encls. As above

(S.N. Bharti)
Under Secretary (Vig.)

To,

(i) DG(Vig.), CBEC
(ii) DGIT(Vig.), CBDT
(iii) SO(Ad.1)
(iv) US(Ad. 1A & 1B)
(v) US (Admn.), CEIB
(vi) US(C.A.T.)
(vii) US(NC-I)
(viii) US(Ad.IC / AAR)
(ix) US(Ad.ED)

Copy to:- **US(Coord)** with a request to circulate it among all the attached/subordinate offices of both the Boards and of Revenue Headquarters.

21/4/14
SO(Coord)
23/4/14
Sh. DK

70927/2014/Coord
24-04-2014

(1)

FTS-32423/14

F.No.142/16/2013-AVD.I
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block,
New Delhi – 110001.
10th February January, 2014.

To

The Chief Secretaries of all the State Governments.
The Administrators of all Union Territories.

13 FEB 2014

Subject: Circulation of Check-List for Disciplinary cases against IAS Officers and initiation of Single Window System.

*****

Sir / Madam,

The Department of Personnel & Training deals with the disciplinary matters of the officers of the Indian Administrative Services, being their cadre controlling department. It receives the proposals for disciplinary proceeding cases against the IAS officers working with the affairs of the State from the State Government and the officers working under various Ministries/Departments in the Central Government from the Central Ministries/Departments, GoI under the All India Services (Discipline & Appeal) Rules, 1969 and All India Services (Death-cum-Retirement Benefits) Rules, 1958. Besides, it is also entrusted with dealing with the appeals/Memorials and Revision/Review under the said Rules.

2. It is the responsibility of the Disciplinary Authorities concerned to lead the departmental proceedings to their logical conclusion. The authority to institute disciplinary proceedings and to impose penalty has been provided under Rule 7 of the AIS (D&A) Rules, 1969. For the IAS officers working with the affairs of the State Government that State Government and for the IAS officers working with the affairs of the Central Government, the Central Government is the Disciplinary Authority. However, it is provided under Rule 7(2) that the penalty of dismissal, removal or compulsory retirement shall not be imposed on a Member of Service (MoS) in IAS except by an order of the Central Government (DoPT). Therefore, for the officers serving in connection with the affairs of the State, if the State Disciplinary Authority comes to a conclusion that such penalties are required to be imposed, the complete proposal along with the requisite case-records are to be forwarded to the Central Government (DoPT) for a final decision and order. Besides, proceedings continued or instituted after the retirement of MoS in IAS require the sanction of the Central Government (DoPT) under the AIS (DCRB) Rules, 1968.

3. For the IAS officers working in the Government of India and organizations under the Government of India, as per Rule 7 of the AIS (D&A) Rules, 1969, the authority competent to institute proceedings and to impose penalty is the Central Government (DoPT). Powers of the Central Government in respect of Members of the Indian Administrative Service while they are on deputation with the Central Government are exercised by the Department of Personnel & Training.

..2/-

4. The prescribed procedure for intimation of disciplinary proceeding against the officers of the All India Services (in this case, IAS) working under various Ministries / Departments in the Government of India are contained in DoPT's O.M. dated 9.6.1995 (enclosed).

5. Inordinate and inexplicable delay in conclusion of the DP vitiates the proceedings and sometimes leads to litigations. This delay is mainly attributed to the documentary & procedural deficiencies and a lot of time is consumed in avoidable protracted correspondence with the State Government or the Ministries concerned, for furnishing requisite documents/case-records or fulfilling the procedural deficiencies.

6. It has, therefore, been decided to prescribe **check-lists** as per **Appendix - I & II** for the submission of the disciplinary cases against the IAS officers and the requisite case-records will be checked against these check-lists through a **single window system** in DoPT. The check-list for the cases forwarded by the State Disciplinary Authority under the prescribed rules will be checked against the list in Appendix – I while the proposals forwarded by the Ministry concerned in the Central Government will be checked against the list in Appendix – II. The check-lists shall be certified by an officer not below the rank of Secretary in the State Government/Joint Secretary in the Government of India.

7. In the DoPT, Under Secretary (AVD-I), Room No. 270, North Block (through Gate No.4) will receive the Disciplinary cases referred to by the State Government/ Central Government Ministries or Departments from 11.00 a.m. to 1.00 p.m. on all working days. The Ministries/State Governments will be required to depute an officer not below the rank of the Under Secretary to submit the records of the disciplinary case as per the check-list, in this Department. Only such case-records as are found complete in all respects shall be accepted for processing. Cases found wanting vis-à-vis the mandated check-list will be returned back and it would not be deemed to be received until it is received in complete form as per the check-list.

8. It is requested that the above instructions are strictly followed with effect from 01.03.2014 while submitting the proposals of disciplinary cases against IAS officers in this Department with a view to streamline and expedite the processing of Disciplinary Proceeding Cases.

Encl: Appendix – I & II.

Yours faithfully,

(Anshu Sinha)
Director (AVD-I)

Copy to:

(i) All Ministries / Departments of Government of India.
(ii) As per standard list.

PART II: DETAILS OF CASE RECORDS

(All the records are required to be arranged and cross-referenced, as indexed below and page numbers of the file/folders to be indicated against each item.)

Item	*Reference/comments
(A) ORIGINAL CASES (Where the State Government is the Disciplinary Authority and an order of penalty is to be passed for the first time within the competence of Central Government under rule 7(2) of AIS (D&A) Rules, 1969.)	
(a) Complaint, if any, received by the authorities	
(b) (i) Report of the preliminary enquiry, if any, held in the matter leading to the institution of formal disciplinary proceedings against the C.O. (together with Depositions recorded) (ii) Order of suspension / revocation of suspension, if any.	
(c) Order, if any of the competent authority for joint/common proceedings where two or more Govt. servants are involved.	
(d) (i) Charge sheet together with the statement of imputations along with enclosures. (ii) Records of delivery of charge sheet to the charged officer (iii) Whether the Charge sheet issued as per the Rules	
(e) Reply of the Charged Officer	
(f) A note from the State Disciplinary Authority (SDA) explaining the factual or procedural Points, if any, raised in the Charged Officer's reply in minor penalty cases where no enquiry has been held	
(g) Order of the State disciplinary authority appointing the Inquiry Officer.	
(h) Order of the State disciplinary authority appointing the Presenting Officer	
(i) Daily Order Sheet maintained by the Inquiry Officer, indicating the progress of oral inquiry	

* Indicate references in terms of page numbers, file numbers, folders etc. Do not leave any column blank, if a document is not enclosed, indicate reasons

(3)

Appendix-I

Check -List for submission of Disciplinary cases to the Central Government
(Disciplinary cases in respect of IAS officers serving in States)

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PART I: SERVICE AND RELATED PARTICULARS

1.	Name of charged officer and the service on which borne
2.(i)	Whether temporary/permanent
(ii)	if confirmed, date of confirmation
3.	Post held at present
(a)	Designation
(b)	Pay Band and Grade Pay(indicating stages, etc.)
(c)	Pay drawn
(d)	Date from which pay shown against (c) drawn
(e)	Date of next increment
4.	The next lower post (along with Pay Band and Grade Pay), the officer would have held but for his appointment to the present post he is holding
5.	Date of Birth
6.	Date of joining Govt. Service
7.	Due date of retirement or actual date of retirement, if already retired
8. (a)	Amount of monthly pension admissible/sanctioned (for retired employee)
(b)	(i) Amount of gratuity admissible (in respect of disciplinary proceedings initiated during service)
	(ii) Amount of gratuity withheld (for disciplinary proceedings after retirement)
9. (a)	Appointing authority in respect of the post held at present, or the authority which actually appointed the person, if that authority is higher.
(b)	Authority competent to impose the penalty in respect of the post held at present.
(c)	Appellate authority in respect of the post held at present
10.	Whether an oral inquiry, if required under the rules, has been held
11.	Name and designation of Inquiry Officer, appointed, if any.

(B) APPEAL CASES

(Where the order of penalty has been passed
by a subordinate authority and an appeal lies to the President)

(In these cases all the documents listed in (A) should also be sent)

a) Order passed by the disciplinary authority together with a note, if any, containing the conclusion arrived at by him in respect of each charge

b) Appeal of the officer concerned

c) Whether appeal has been addressed to the competent authority

d) Comments of the disciplinary authority on the appeal including clarification on procedural points, if any, raised by the appellant

(C) REVISION/REVIEW CASES

(In these cases all the documents listed in (A) and (B) should also be sent)

(a) Appellate Authority's order/President's order

(b) Petition/Memorial submitted by the officer

(c) Additional comments on the procedural or factual points, if any, raised in petition

(D) PENSION CASES

(Where the President proposes to withhold or withdraw pension otherwise admissible to the officer as a result of disciplinary proceedings instituted/deemed to continue in respect of an officer who has retired from service)

(a) For proposals under Rule 6 (1)(b)(i) of AIS (DCRB) Rules, 1958:
Self contained proposal of the SDA with relevant documents for seeking sanction of the Central Government for instituting departmental proceedings after retirement under Rule 6(1)(b) of AIS(DCRB) Rules, 1958, i.e.

(i) Authenticated copy of complaint;
(ii) Documents relating to preliminary enquiry (if any);
(iii) draft articles of charges/statement of imputations; and
(iv) Authenticated copies of relevant documents substantiating the charges constituting a grave misconduct.

.....

(j) Correspondence of the inquiry Officer, if any, with the State disciplinary Authority of the Charged Officer

(k) (i) Depositions – oral statements, recorded from prosecution witnesses and defence witnesses
(ii) Statement of defence of the Charged Officer
(iii) General examination of the charged officer
(iv) Whether copies of relevant documents have been supplied to the Charged officer
(v) Exhibits
(a) Prosecution
(b) Defence

(l) (i) Written brief, if any, submitted by the Presenting Officer
(ii) Whether a copy of brief of Presenting Officer supplied to the Charged Officer

(m) Written brief, if any, submitted by the Charged Officer

(n) Inquiry Officer's report

(o) (i) Whether Inquiry Officer's report provided to the charged officer.
(ii) Whether disagreement of the state Disciplinary Authority, if any, on the report of the Inquiry Officer, communicated to the Charged Officer
(iii) Representation of the Charged Officer on the findings of the Inquiry Officer.
(iv) Para-wise comments of the State Disciplinary Authority on the representation of the Charged Officer, if any.

(p) Whether the State disciplinary authority has considered the merits of the cases and come to the conclusion that a formal penalty is called for

(q) Final proposal of SDA (with the approval of competent authority)

(h) Evidence that UPSC's advice, if taken by SG, is furnished to the charged officer and his representation taken before the case is finalized by the State Disciplinary Authority (in accordance with the Hon'ble Supreme Court's judgment in S.K. Kapoor's Case)

(i) Acronyms/short forms should be avoided

** Signature

Name in Block letters of officer signing this statement
Designation
Telephone No.
Date:

**To be signed by an officer not below the rank of Secretary to the State Government (General Administration Department)

(7)

(b) For proposals under Rule 6(1)(b)(iii) of AIS (DCRB) Rules, 1958:

Self contained proposal of the SDA with all relevant documents listed in (A) substantiating the charges along with the sanction of Central Government issued under (a) above.

(c) For proposals under Rule 6(1)(a) of AIS (DCRB) Rules, 1958:

Self contained proposal of the SDA with all relevant documents listed in (A) substantiating the charges in case of deemed proceedings (instituted except under rule 10 of the AIS (D&A) Rules for imposing any of the penalties specified in clause (i), (ii) and (iv) of sub-rule (1) of Rule-6 of the above rules) under Rule 6(1) of the AIS (DCRB) Rules, 1958

(E) GENERAL

(a) Miscellaneous documents regarding evidence such as the exhibits, statements, etc. referred to in (A) to (D) and extracts of relevant Rules, Codes, Manuals, Acts, Judgments etc.

(b) Information/position of disciplinary proceedings instituted against other co accused officers.

(c) Whether complete and up-to-date Confidential Roll of the officer has been enclosed.

(d) Documents relating to the procedure of prescribed Complaints Committee on sexual harassment to be followed in relevant cases.

(e) Priority indication, If the charged officer is due to retire in near future or any court case/ directions are involved in the matter

(f) Documents to be in original or in duly authenticated copies

(g) Authenticated translation of documents which are in regional language alongwith their authenticated/original regional language version

Appendix -II

Check List For Submission Of Proposals To DOP&T For Initiation Of Disciplinary Through Single Window System In Respect Of IAS Officers Working On Central Deputation

1	Name of the officer with Cadre and Batch.	
2	Date of Birth/Date of superannuation.	
3	Present posting	
4	Copy of Complaint	
5	Copy of Preliminary Explanation called for from the officer	
6	Reply of the officer thereon.	
7	Self Contained Note/Comments of the Administrative Ministry on the reply of the officer.	
8	Draft Charge Sheet containing Article(s) of Charge in clear and definite terms along with	
9	Statement of Imputation of Charges.	
10	List of relied upon documents-originals/certified copies (two sets).	
11	List of witnesses, if any.	
12	Approval of the Minister-in-Charge in terms of DOP&T O.M. No. No.11018/3/94-AIS.III dated 09.6.1995 Obtained. (Please attach a copy).	YES/NO
13	Whether the case involves vigilance angle/corruption?	YES/NO
14	If answer to S.No. 12 above is Yes, attach copy of First Stage Advice of the CVC.	

****Signature** _____

Name of Officer signing this statement (in

Block letters) _____

Designation _____

Telephone No. _____

Dated: _____

****To be signed by an officer not below the rank of CVO/Joint Secretary to the Government of India**