

Government of Tamil Nadu

Copy of:

Personnel and Administrative
Reforms (Per-N) Department,
Fort St. George, Madras-9.

Letter (Ms) No.1118/Per-N/87, dated 22.12.87.

From
Tmt.J.ANJANI DAYANAND, I.A.S.,
Special Commissioner and Secretary to Government.

To
All Commissioners and Secretaries to
Government, Departments of Secretariat,
Madras-9.
All Heads of Departments including District Judges,
All Collectors.
Secretary, Tamil Nadu Public Service Commission,
Madras-600 002.
The Registrar, High Court, Madras-104.

Sir,

Sub: Public Services – Disciplinary cases – Expeditious disposal –
Regarding.

Ref: Government D.O.Letter No.46568/Per-N/86-1, P&AR, dated
24.6.1986.

An instance has come to the notice of the Government wherein, the charges against an individual which were originally framed under rule 17(a) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules were re-issued after a lapse of five years under 17 (b) of the said rules. In that connection the High Court, Madras has observed among others that it cannot be five years for the re-issue of the same charges irrespective of under which part of rule 17 of the said Rules the petitioner is sought to be proceeded against, and that such delay will certainly disable the delinquent Officer to defend himself effectively, which is a denial of reasonable opportunity.

2. Instructions have been issued from time to time that the disciplinary cases should be disposed of expeditiously. Time limits to dispose of disciplinary cases have already been prescribed as follows:-

1. Departmental Disciplinary Proceedings:

- (i) Investigation, framing of charges and taking decision as to who should deal with the case (i.e.) Department or Tribunal for Disciplinary Proceedings or Court of Law 4 months

- (ii) Conducting enquiry by the investigating authorities6 months
- (iii) Issue of orders after report of Inquiring authority is received where punishing authority is different from inquiring authority140 days

2. Disciplinary cases arising out of Directorate of Vigilance and Anti Corruption

- (i) To complete the investigation by Directorate of Vigilance and Anti-Corruption and to send a report to Government through Vigilance Commission One year
- (ii) To complete the enquiry by the Tribunal and to send its findings to the Departments of Secretariat. One year
- (iii) To pass final orders by the Government/ Heads of Department on receipt of the report of the Tribunal. Four months

3. Nevertheless, it has been observed that the disciplinary authorities are taking unduly long time in framing of charges, conducting enquiry and disposing of the departmental disciplinary proceedings. It is likely, that unjustified delay may result in quashing of the disciplinary proceedings by the Courts of Law and consequently the disciplinary authorities may not be in a position to impose any penalty on the erring officials, notwithstanding the fact that the charges stand clearly proved.

4. In the above circumstances, the need to prescribe revised time limits for disposing of "Departmental Disciplinary Proceedings" arises. Further, the time limits already prescribed and indicated in para 2 above appear to be quite liberal. Hence, the following time limits are now prescribed for processing the disciplinary proceedings so as to ensure that there is no unwarranted delay in finalising them:-

- (i) For calling for explanation under Rule 17(a) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules or framing charges under 17(b) of the aforesaid rules after lapse comes to notice 15 days
(The choice of the rule under which the disciplinary proceedings should be initiated is very important, and the Disciplinary Authorities are expected to exercise their mind and take decision)

- (ii) For the accused Officer to peruse the records and to submit his written explanation.30 days
- (iii) For appointment of enquiry Officer wherever necessary after the receipt of the explanation.7 days
- (iv) For the Enquiry Officer to complete enquiry and submit the enquiry report30 days
- (v) For the Disciplinary Authority to take a decision, after the receipt of the Enquiry Officer's Report.10 days
- (vi) For obtaining the views of TNPSC, whenever it is consulted.30 days
- (vii) For issue of final orders on the departmental disciplinary proceedings:-
 - (a) By Disciplinary Authorities other than Government7 days
 - (b) By Departments of Secretariat which have to consult other Departments and obtain orders in circulation.30 days

5. Government desire that the above time limits should be followed and delay should be eliminated while processing disciplinary cases. The choice of the rule under which the disciplinary proceedings should be initiated is very important and the Disciplinary Authorities are expected to take decision regarding the rule under which disciplinary action should be initiated with due regard to the nature of lapses committed. Indiscriminate recourse to Rule 17(b) will only cause delay in finalising the disciplinary proceedings. If for any valid reason, any disciplinary authority is not able to adhere to the above time limits, he should obtain the specific orders of the next higher authority for grant of extension of time, explaining the circumstances under which it has not been possible to process the case within the time limits prescribed.

6. In cases where the delay occurs due to non-cooperation on the part of the accused officers, it is not necessary to wait indefinitely either for their explanation or for their appearance before the enquiry officers. Three reminders may be served on the accused officers to submit their explanations and where the explanations are not received in spite of these reminders without valid reasons, the disciplinary authorities can proceed on the assumption that the accused Officers have no explanation to offer. Similarly where the accused officers are required to appear before the Enquiry Officers and where they fail to do so without valid reasons, even after serving three reminders on them, the Enquiry Officers may proceed to conduct exparte enquiries, in accordance with rules and procedures and submit their reports.

7. The object behind the issue of these instructions is that all delays while processing disciplinary cases should be avoided. At the same time it should be clearly remembered that while handling the disciplinary cases, all the procedures and formalities contemplated in the Rules should be followed without fail.

8. In this connection, Government would like to re-iterate the instructions in their letter No.77288/Per-N/82-4, dated 22.11.83 that deliberate and arbitrary delay in enquiring the cases on the part of the inquiry officer or on the part of the disciplinary authority, as the case may be, without valid reasons shall be treated as an abatement to shield the delinquent officer and severe disciplinary action should be taken against such officers.

9. Regarding the time limits for completion of investigation/ enquiry respectively by Directorate of Vigilance and Anti-Corruption / Tribunals and sending their reports, the existing time limits prescribed in the Government letter cited will be followed until further orders.

10. The receipt of the letter may be acknowledged.

Yours faithfully,

sd/-----

for Special Commissioner and
Secretary to Government

Copy to:-

The Director of Vigilance and Anti-Corruption ,
Madras-6.

The Personnel and Administrative Reforms
(per-L) Department, Madras-9.

The Personnel and Administrative Reforms
(per-M) Department, Madras-9.

The Personnel and Administrative Reforms
(Statistics) Department, Madras-9.

The Personnel and Administrative Reforms
(Training) Department, Madras-9.

The Personnel and Administrative Reforms
(OP.I) Department, Madras-9.

The Private Secretary to Special Commissioner and
Secretary to Government, Madras-9.

The Tamil Nadu Vigilance Commission, Madras-9.

/True Copy/

N. Malini
Section Officer.

08/11/10