

**Ready Reckoner**

*For*

**Inquiring Authority**

**and**

**Presenting Officer**



**PRASAR BHARATI**



**VIGILANCE WING  
PRASAR BHARATI**

**JANUARY 2009**

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*for*  
**INQUIRING AUTHORITY**  
**AND**  
**PRESENTING OFFICER**

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## **PLEDGE**

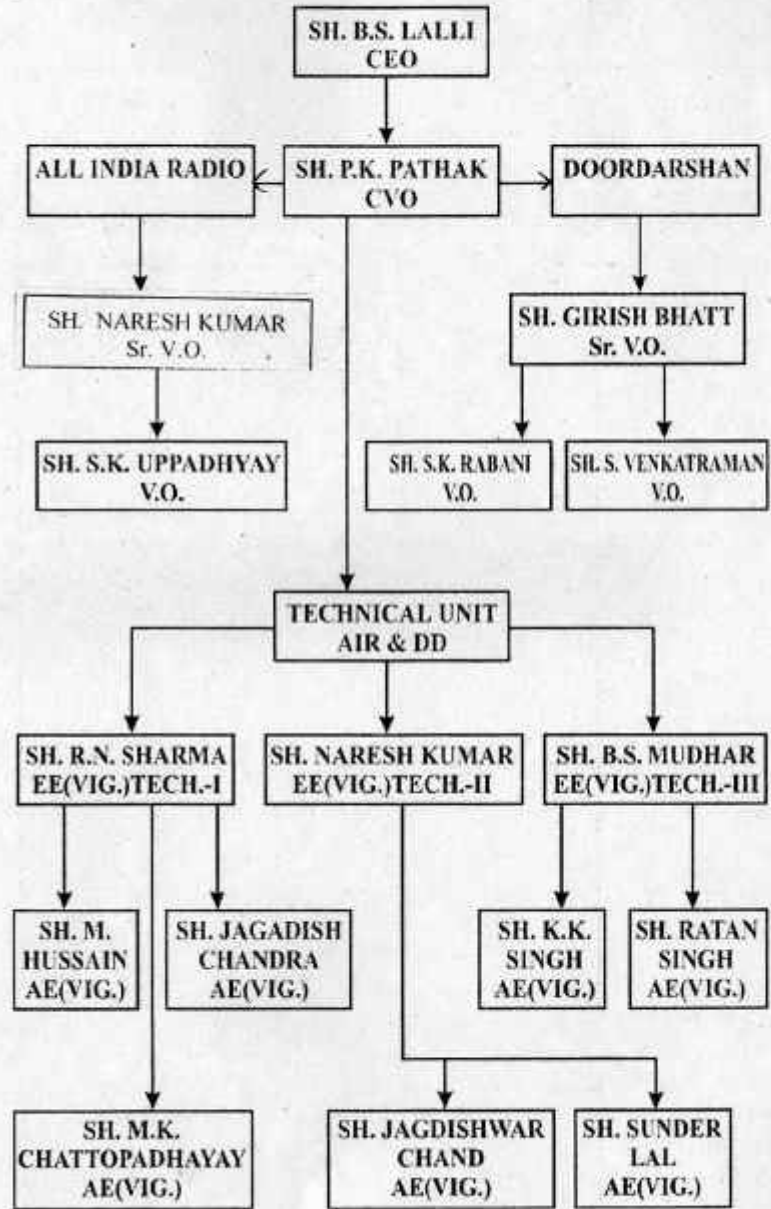
WE, THE PUBLIC SERVANTS OF INDIA, DO HEREBY SOLEMNLY PLEDGE THAT WE SHALL CONTINUOUSLY STRIVE TO BRING ABOUT INTEGRITY AND TRANSPARENCY IN ALL SPHERES OF OUR ACTIVITIES. WE ALSO PLEDGE THAT WE SHALL WORK UNSTINTINGLY FOR ERADICATION OF CORRUPTION IN ALL SPHERES OF LIFE. WE SHALL REMAIN VIGILANT AND WORK TOWARDS THE GROWTH AND REPUTATION OF OUR ORGANISATION. THROUGH OUR COLLECTIVE EFFORTS, WE SHALL BRING PRIDE TO OUR ORGANISATIONS AND PROVIDE VALUE BASED SERVICE TO OUR COUNTRYMEN. WE SHALL DO OUR DUTY CONSCIENTIOUSLY AND ACT WITHOUT FEAR OR FAVOUR.

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## A. VIGILANCE WING, PRASAR BHARATI

**SET UP OF VIGILANCE WING, PRASAR BHARATI**



**CONTACTS OF OFFICERS**  
in  
**Prasar Bharati Vigilance Set-up**

Designation	Name	Tele. No.	E-mail Address
Chief Executive Officer	B.S. Lalli	23737603	ceobci@yahoo.com
Chief Vigilance Officer	P.K. Pathak	23421248 DD:23382093 Fax:23383730	pkpathak@prasarbharati.org.in
Senior Vigilance Officer Air	Naresh Kumar	23421116	
Vigilance Officer Air	S.K. Upadhyay	23421247	
Senior Vigilance Officer DD	Girish Bhatt	23385287	garybhat04@yahoo.com
Vigilance Officer DD	S.K. Rabani	23382987	sk_rabani@indiatimes.com
Vigilance Officer DD	S. Ventakraman	23385225	
Executive Engineer Vig Tech-I	R.N. Sharma	24366861	eevigtech_1@air.org.in
Executive Engineer Vig Tech-II	Naresh Kumar	24366862	eevigtech_2@air.org.in
Executive Engineer Vig Tech-III	B.S. Madhur	24366863	eevigtech_3@air.org.in

**B. INQUIRING  
AUTHORITY**

## ***Chapter-I***

### **Appointment**

In a major penalty proceeding where the charges are denied it is obligatory to hold an oral inquiry to record oral and documentary evidence both on behalf of the Disciplinary Authority and the Charged Officer. Such an inquiry can be held by the Disciplinary Authority itself also but the general practice is that an impartial officer is appointed to hold the oral inquiry and to submit his/her report to the Disciplinary Authority.

### **Stage for the appointment of Inquiring Authority:**

The normal practice is that the Inquiry Officer is appointed after the reply to the charge sheet has been received and considered and has not been found to be satisfactory. The reason is that the Disciplinary Authority should have an open mind and be prepared to drop the charges at this stage itself if the circumstances of the case so warrant. Therefore, the stage for appointing the Inquiry Officer is reached only when the reply to the charge sheet has been considered and even then it has been decided to hold the inquiry. The appointment of Inquiry Officer before that stage may lead to the grievance that the Disciplinary Authority had pre-judged the issue.

### **Who can appoint the Inquiring Authority :**

Though the normal practice is that inquiry officer is appointed by the Disciplinary Authority itself but it is not a mandatory requirement and this appointment can be made by any other authority also if so authorized by the rules.



### **Who may be appointed as Inquiring Authority :**

A Witness cannot be an Inquiry Officer. If a person has some personal knowledge of the dispute under inquiry then he is in the position of a witness and, therefore, not eligible to act as an Inquiry Officer. The reason is that such a person, while assessing the evidence, will place more reliance on his own information rather than what is deposed by other witnesses.

**Precise Knowledge of Rules Imperative:** The person selected to hold inquiry must be familiar with the rules and procedures governing the subject. The courts have, many a time, tersely commented on the imperative need for the departmental authorities to possess a precise knowledge of the constitutional proprieties and the rules of procedure and to observe them honestly and efficiently, as their non-acquaintance with such rules and procedures is responsible for causing a rush of writ petitions with the courts.

**Familiarity with procedures essential:** The unfamiliarity with the procedure or inadequate appreciation of the difference between a departmental inquiry and a trial in a criminal court, may lead to over-elaboration or lack of firmness in dealing with dilatory tactics. This may contribute to undue delays and faulty disposal of the case.

### **Inquiry Officer should be higher in rank than Charged Officer :**

The Supreme Court has observed that it is desirable that the inquiry officer should be superior in rank to the charged officer.

### **Appointment of Whole time Inquiring Authority:**

Where the volume of work in connection with departmental inquiries is so large as to justify the appointment of a whole-time officer for the purpose of conducting the departmental

inquiries, the question of appointing a whole-time officer, fully trained in conducting disciplinary proceedings, for a department, a group of offices or for a region may be considered.

### **Can the Officer who held the preliminary inquiry be appointed as Inquiring Authority?**

Although it is generally avoided but the position in law is that there is no objection to it provided he has not pre-judged the issues. Thus, in a case where the officer while holding the preliminary inquiry had reached prima facie conclusion only, the holding of regular inquiry by him was upheld by the Bombay High Court. On the other hand, where the officer who held the preliminary inquiry pre-judged the issues and his report indicated that he closed his mind, the holding of regular inquiry by him was quashed by the Andhra Pradesh High Court in *Narayana Rao v. State*, AIR 1958 A.P. 63.

### **Appointment of CDIs as Inquiring Authority :**

Inquiries in disciplinary proceedings against officers who come within the jurisdiction of Central Vigilance Commission, such as, Group 'A' Officers of Central Government, are conducted by Commissioners of Departmental Inquiries (CDIs) who function under the CVC. But, cases involving lack of integrity, corruption or an element of Vigilance alone are entrusted to the CDIs. Other cases of disciplinary proceedings involving purely administrative or technical lapses are not referred to them.

### **Inquiries by Departmental Officers :**

In such matters, the Government of India have decided that in the appointment of inquiry officers, the following points should be kept in mind:

- (a) Though it may not be possible always to entrust inquiries to Gazetted Officers, these should be conducted by an

officer who is sufficiently senior to the officer whose conduct is being inquired into, as inquiry by a junior officer cannot command sufficient confidence.

- (b) Only Officers who are not personally involved in the case should be appointed as inquiry officers. There is no bar to the immediate superior officer holding an inquiry but, as a rule, he should not be suspected of any bias in such cases.
- (c) In each Ministry or Department, a specified officer or officers of appropriate rank shall be nominated and earmarked for the purpose of conducting all the departmental inquiries arising within that Ministry/department.
- (d) The officer nominated as Inquiry Officer will be relieved of his normal duties to such extent as may be necessary to enable him to devote full and careful attention to the completion of the inquiries and submission of the reports. During this time, the work of the officer relieved may be distributed amongst other officers.

**Complaint of sexual harassment—Complaints Committee established in the Ministry or Department or Office to be deemed to have been appointed as the Inquiring Authority :**

“Provided that where there is a complaint of sexual harassment within the meaning of Rule 3-C of the Central Civil Services (Conduct) Rules 1964, the Complaints Committee established in each Ministry or department or Office for inquiring into such complaints, shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules”.

**Appointment of Retired Government servants or Retired Judges as Inquiring Authority :**

The Government of India have decided that 'wherever it is not possible to have full-time Inquiry Officers and there is no suitable officer among the existing staff to conduct a disciplinary inquiry, Ministries/department may engage retired Government servants of proved integrity or retired judges as Inquiry officer in individual cases on a fixed honorarium. The honorarium in such cases may normally be regulated under the financial powers delegated to Ministries/Departments and taking into account the quantum of work involved in individual disciplinary cases. The rates of honorarium and conditions for grant thereof are mentioned later in this chapter. While engaging the services of retired Government servants or retired Judges as Inquiry Officer a time-limit for completion of inquiry may be stipulated.

**Appointment of an Outsider as Inquiring Officer :**

Occasions may arise where the Disciplinary Authority may consider it appropriate to entrust inquiry to an outsider who may be a consultant or may be having special qualification or experience in service matters or the particular problem under the inquiry. Sometimes, the Charged Officer may demand and the disciplinary authority may be agreeable that the inquiry may be held by an impartial outside authority.

The principle in this regard is that if the rules specifically provide that a person not belonging to the service concerned or even outsider can be appointed as an Inquiring Authority, no difficulty shall arise. But, where the rules do not provide for it, an outsider may be appointed as an Inquiring Authority only after the consent of the employee concerned is obtained and the relaxation of the rule is obtained at appropriate level.

### **CVC Instructions regarding appointment of outsiders including retired officers as Inquiry Officers :**

On 25.3.2003 vide their instruction No. 98/MS/23, and in supersession of all instructions issued earlier on the subject, the Central Vigilance Commission has decided:

“Attention is hereby invited to the instructions contained in the Commission’s circular letter no. 98-MS-23 dt. 29th November, 2002 on the subject cited above.

The matter relating to appointment of outsiders including retired officer as Inquiry officer has been considered further in the Commission and in supersession of all the instructions issued on the subject, it has now been decided that the Disciplinary Authority may appoint outsiders including retired officer as Inquiry Officer with the approval of the CVO. In case the CVO does not agree to his appointment as Inquiry Officer and the DA/Management insist on his appointment, only then the approval of the Commission should be sought. However, before doing so, the organization should lay down clear cut guidelines for appointment of Inquiry Officers.

In view of the aforesaid instructions, the Commission does not find the need to maintain a centralized panel”.

### **Question of Bias against Inquiring Officer :**

It is of paramount importance that the inquiry in a disciplinary case is conducted by a person who has an open mind and is expected to conduct the inquiry in an objective and impartial manner.

### **Accordingly, the inquiry cannot be entrusted to a person :**

- (i) Who has deep rooted bias against the employee.
- (ii) Who is personally interested in result of the inquiry.

- (iii) At whose instance the disciplinary proceedings were started.
- (iv) Who is a witness against the delinquent official.
- (v) Who has any pecuniary interest in the case. The reason is given by the Supreme Court in Rattan Lal Sharma case, supra, as – “If a person has a pecuniary interest, such interest, even if very small, disqualifies such person”.
- (vi) Who has pre-judged the issues.
- (vii) Where there is a close relationship between him and one party.
- (viii) Where there was history of personal litigation on seniority matters.

**On the other hand**, where presence of bias could not otherwise be shown, the following circumstances cannot, ipso facto, lead to a presumption of bias on the part of inquiry officer and, hence, holding of inquiry by him would be valid :

- (i) Where the Inquiry Officer happens to be a subordinate of the Disciplinary Authority. The Court observed—“In every departmental proceeding, the Inquiry Officer is likely to be a Subordinate Officer of the Disciplinary Authority. Unless a prejudice is shown or any biasness on the part of the Officer is indicated during the course of the enquiry, it will not be open for a delinquent officer to raise such a grievance after imposition of penalty”.
- (ii) The status of Inquiry Officer is inferior to that of the Disciplinary Authority.
- (iii) That the Inquiry Officer and Charged Officer were of equal ranks. Although, the Supreme Court has stressed that wherever practicable the Inquiry Officer higher in status than the Charged Officer should be appointed.
- (iv) That he had placed the employee under suspension.

- (v) That he had issued charge sheet to the employee. The reason is that in principle, a prosecutor cannot be a judge, is not strictly applicable to the departmental inquires, since the Disciplinary Authority, if it so desires, can hold the inquiry itself also.
- (vi) That he was cited as a defence witness before his appointment as an Inquiry Officer.
- (vii) That he was the Investigating Officer or had held the preliminary inquiry. But if he expresses his definite opinion holding the delinquent employee guilty of the misconduct attributed to him, he will be disentitled to be appointed as an Inquiry Officer since he had pre-judged the issues.

ch. 24  
Pg. 164

Rule 14 of CCS (CCA)  
Functions of I.O.  
(Chapter 12. S. 200A)  
(Disc. proceedings)  
11.3.

## Chapter-II

### Role & Function

#### Role of Inquiry Authority :

The role of Inquiry Officer is to hold an in-depth inquiry with the twin purpose of (i) to bring out correct facts of the case after holding an inquiry in accordance with the prescribed procedure; and (ii) to ensure an impartial and fair hearing to the charged employee.

#### Functions of Inquiry Authority :

Broadly speaking, the Inquiry Officer has to perform the following functions:

- (i) to bring on record all documents in support of the charges and those permitted for the defence;
- (ii) to record oral testimony of the prosecution and the defence witnesses after subjecting them to cross-examination by the opposite party;
- (iii) generally to examine the charged officer after the evidence has been recorded to enable the charged officer to explain any circumstances going against him in the evidence recorded during inquiry;
- (iv) to analyse the evidence recorded by him and make correct and proper assessment of the effect of total evidence on record; and
- (v) to write a reasoned report of inquiry giving his pointed findings whether the charges are proved or not proved.

To sum up, his functions are to document, to analyse and to record findings. In other words, the informal terms of reference

to the inquiry officer are—

- (i) please record all evidence in this case on my behalf;
- (ii) please analyse the evidence recorded by you, for my benefit; and
- (iii) please recommend whether the charge is proved or not proved.

### **Inquiry Officer must not cross-examine any witness or the charged employee :**

Cross-examination of a witness is the prerogative of the party opposite. The Inquiry Officer, as a Presiding Officer must maintain complete impartiality and should not cross-examine a witness to bring out any information. No doubt, he has the right to ask any question when a witness is deposing but it must not be a leading question. This position has to be maintained even if no presenting officer has been appointed.

### **Payment of Honorarium to the Inquiry Officer :**

The Government of India decided vide their OM No. 134/5/85-AVD.I, dated 11.7.1988 that the competent authority, within its financial powers, may consider sanction of suitable honorarium, within the prescribed limits, to Inquiry Officers where inquiries are not part of their sphere of duty. The amount payable on each occasion may be decided on merits depending on quality/volume of work and its quick and expeditious completion. In their OM No. 134/4/99-AVD.I, dated 29.6.2001, the Government of India have decided that the payment of honorarium may range from Rs. 1,000 to 2,000.

In case of retired Government servants appointed as Inquiry Officer the Government have decided that they may be paid a lump sum remuneration of Rs. 6,500/- per Inquiry report with an additional Rs. 1,000/- for every additional Charged Officer where more than one charged officer is involved.

The grant of honorarium as above is further subject to following conditions:—

- (i) The competent authority should exercise its utmost care in the matter of grant of honorarium. The honorarium in such cases may normally be regulated under the financial powers delegated to the Ministries/Departments and taking into account the quantum of work involved in individual disciplinary case.
- (ii) The number of disciplinary cases may be restricted to 10 cases in a year, with not more than 2 cases at a time for serving Government servants and 20 cases with not more than 4 cases at a time for retired Government servants.
- (iii) The full amount of honorarium should be paid only when the inquiry is completed within a period of six months. If there is a delay in completion of the inquiry which is not due to non-cooperation of the charged officer or due to stay orders, etc., the honorarium should be reduced by 50%.
- (iv) Before the honorarium payment is made to Inquiry Officer/Presenting Officer, all case records and inquiry report may be handed over to the Disciplinary Authority by the Inquiry officer/Presenting Officer.

### **Should Inquiring Authority recommend Penalty also?**

The Supreme Court has held that unless the statutory rule or the specific order appointing the Inquiry Officer so requires, the Inquiry Officer should not make any recommendation about the punishment which may be imposed on the delinquent officer. If however, the Inquiry Officer makes such a recommendation, it will be, like his findings on merits of the case, intended merely to supply material for the consideration of the disciplinary authority.

### **Inquiring Authority may be proceeded against if he fails to follow prescribed procedure :**

The Inquiry Officer must follow the prescribed procedure properly. The Government of India have held that failure

to follow proper procedure may lead to institution of disciplinary proceedings against the erring departmental officer and the question of recovery from such authority the whole or part of pecuniary loss arising from the reinstatement of the employee concerned should be considered.

### **Dispute, if any, as to what happened during the course of inquiry :**

The Supreme Court has held that if any dispute arises as to what happened during the course of the inquiry, the statement of the Inquiry Officer in that regard is generally taken as correct.

Therefore, a practice has come to be established that every Inquiry Officer keeps a record of the work transacted by him on each hearing, in the form of a Daily Order sheet. The signatures of the charged employee and the Presenting Officer are also obtained on it.

The officer conducting a departmental enquiry has to hold the balance between the interest of the State and the avoidance of injustice to the accused. He is free to take a responsible, reasonable and prudent view of the facts and circumstances of the case and is not bound by the rigid limitations regarding the admissibility of evidence and the degree of proof applicable to prosecution before Criminal Courts.

The Inquiring Authority (IA) is a delegate of the Disciplinary Authority (DA), but he is not subject to his orders/instructions or those of the superior authority in the administrative hierarchy.

The functions of the IA are threefold viz., to document, to analyse and to recommend whether the charges are proved or not.

## **Chapter-III**

### **Do's and Don'ts for Inquiring Authority (IA)**

1. At the very outset, the job of IO is a thankless one. Normally, it is not one of his legitimate duties too. Anyhow, the job has been assigned to him. It has to be taken as a rare opportunity in his official career for dispensing justice.
2. The IO has to be clear in his mind about the scope and his function as an Inquiry Officer. He has been appointed to enquire into the truth of the charge against the charged officer. He has been assigned a quasi-judicial function and for this purpose he ceases to be a Government servant.
3. The I.O. has to be unbiased, fair, just and judicious.
4. The I.O. has to be interested in justice and fair play.
5. For being unbiased, he should obviously have no personal interest in the case.
6. He has to see that both sides get just and reasonable opportunity to place their viewpoints.
7. He is not to be interested either in the charged officer being proved guilty or being exonerated.
8. He has to ensure that there is no undue delay in the commencement and conduct of enquiry.
9. He has to draw up a positive programme in consultation with the parties. Once a regular hearing is started, he has to see that the case is heard on day to day basis.
10. What is required is fair and reasonable opportunity and not an unfair and unreasonable opportunity to obstruct and hinder.

11. He has to ensure that the parties are not allowed to dominate the proceedings by seeking adjournments.
12. He should not allow lengthening of the agony of the charged officer. He should not also be allowed to waste public money and time by delaying the proceedings.
13. Adjournments have to be minimum necessary; justice to be effective has to be quick. There should normally be no adjournments except for illness supported by medical certificate or for unavoidable and adequate reasons.
14. The I.O. has to be alert to check either party from indulging in every trick to delay or hinder proceedings and put a spoke in the wheel of justice.
15. The I.O. has to be serene and even-handed during hearings.
16. He should not indulge in loose talks or give any indication about his view at any stage.
17. He should not consult others behind the back of the charged officer.
18. The I.O. should not look into the report of investigation or any unspecified record.
19. The I.O. should bear in mind that a departmental inquiry is different from a criminal case and that the technical rules of evidence are not applicable to domestic enquiries. However, since the provisions of this Act are based on the principles of Natural Justice, they have to be observed, but not as meticulously as they are followed in courts.
20. The I.O. should not entertain any request from the charged officer for supply of copies of documents. He may be permitted to take extracts.
21. The I.O. has to ensure that previous statements of listed witnesses are made available to the charged officer well in time for cross-examination, i.e. at least three clear days before the examination of the witnesses.

22. He should not entertain any request from the charged officer for copies of statements of witnesses interrogated during the investigation but who are not listed as witnesses in support of the charge.
23. The I.O. should not hold enquiry ex-parte if the charged officer under suspension is unable to attend due to non-receipt of subsistence allowance.
24. He should not refuse permission to charged officer to participate in the middle of an enquiry being held ex-parte.
25. The I.O. should not normally interfere with the discretion of the cross-examiner in putting questions to the witness. However, he should not allow questions which are irrelevant or are malicious or are likely to cause annoyance to the witness during examination.
26. The I.O. should protect the witness from any unfair treatment during examination.
27. He should not allow leading questions in main examination. They may be permitted in cross-examination. However he should not permit the questions in such a way as to put the very words in the mouth of the witness which he echoes back.
28. He has to ensure that the witness understands the question put to him before he answers and see that the answers given in vernacular is properly translated in English and recorded.
29. He should recall a witness for re-examination only if it is absolutely necessary in the interest of justice.
30. He should watch the demeanor of the witness while deposing and make a note of it.
31. He should use his powers judiciously to put such questions to a witness as to bring out the truth so that he has a fair and clear understanding of the whole case.
32. The I.O. should not allow production of new evidence to fill up a gap in the evidence, but only where there is an

inherent lacuna or defect in the evidence originally produced. He has to be careful in the exercise of this discretion.

33. His power to pass orders on objections/points arising during the course of the enquiry is absolute as there is no right of appeal against it. It is therefore, imperative that he is judicious in his decisions.
34. If during the course of enquiry, the charged officer comes forward to plead guilty, he has discretion to accept the plea and record his findings or to continue the case to its conclusion.
35. Though the rule provides hearing of both sides at the end, it would be preferable to call on them to give written briefs, so that he should not leave out to discuss/analyse any point brought out by them. He will only be doing justice to both the sides by such an act.
36. His finding must be based only on evidence adduced during the enquiry. Reliance should be placed only on the facts which have come into evidence and which the charged officer had opportunity to refute, examine or rebut.
37. No material from personal knowledge bearing on the facts of the case or extraneous matter which has not appeared either in the articles of charge or in the statement of imputations or in the evidence adduced at the enquiry and against which the charged officer had not opportunity to defend himself should be imported into the case.
38. While studying the case and canvassing the evidence IO has to be judicious and show poise and balance. The I.O. should not be satirical.
39. The I.O. should not indulge in unnecessary hair-splitting argument about the letter of the rule or instruction but confine his finding to the essence of the misconduct attributed to the charged officer and whether the charge of misconduct is made out against him.

40. The I.O. has to draw inferences as a rational and prudent person would do considering the oral and documentary evidence, noting who said it, when and in what circumstances, whether what was said or done was consistent with the normal probability of human behavior.
41. The I.O. should not summaries the versions of the two sides and select one.
42. The I.O. should base his conclusion on a report which looks reasonable. Clearly indicate in the report the relation between the imputations, evidence and conclusions.
43. The conclusion should be logical and should not appear as if he had already made up his mind and that he is making a one-sided presentation of facts to support it.
44. In partly heard inquiries, he may proceed from the stage left by his predecessor.
45. The I.O. should not fail to bear in mind the principles of Natural Justice and reasonable Opportunity and burden of proof vis-a-vis departmental proceedings.
46. After signing the report, he becomes functus officio and cannot make any change in his report or to offer comments, clarifications, etc. thereon.
47. Last but not the least, do not overstep his functions. Just enough to probe into the relevant issue and not more. It is not in his domain to condemn the charged officer or to suggest a deterrent punishment.



**Specimen Notice for Preliminary hearing**

**CONFIDENTIAL**

No. \_\_\_\_\_ Date: \_\_\_\_\_

Government of India  
Ministry/Department of \_\_\_\_\_  
(Full address of the office)

To \_\_\_\_\_

**Sub: Departmental Inquiry into the charges framed  
against Shri \_\_\_\_\_ vide Memo.No. \_\_\_\_\_  
Issued by \_\_\_\_\_.**

Sir,

I have been appointed as Inquiry Officer vide Order  
No. \_\_\_\_\_ Dated \_\_\_\_\_ issued by \_\_\_\_\_,  
copy endorsed to you, to inquire into the charges referred  
to in the Memo. cited above.

2. The Preliminary hearing in the case will be held on  
\_\_\_\_\_ at \_\_\_\_\_ in my office at the address given  
above. You are required to attend the hearing alongwith  
your defence Assistant, if any, at the aforesaid place and  
time failing which proceedings will be held ex-parte.
3. The purpose of the Preliminary hearing is to sort out  
preliminaries relating to your case and to lay down a time  
schedule for holding of further proceedings in the case.
4. Receipt of this letter should be acknowledged.

Yours faithfully,  
(Inquiry Officer)

Copy to:

Shri \_\_\_\_\_ P.O. He is requested to attend  
the preliminary hearing at the aforesaid place and time  
along with all listed documents, in original.

(Inquiry Officer)

**Specimen letter to be addressed by I.O. to the  
custodian of the documents for requisition of  
additional documents required by C.O.**

**CONFIDENTIAL**

No. \_\_\_\_\_ Date: \_\_\_\_\_

To \_\_\_\_\_

**Sub: Requisition of additional documents in the case  
against Shri \_\_\_\_\_ (C.O.) under Rule 14(12)  
of CCA Rules.**

Sir,

I have been appointed Inquiring Officer vide Order No.  
\_\_\_\_\_ dated \_\_\_\_\_ issued by \_\_\_\_\_ to inquire  
into the charges framed against Shri \_\_\_\_\_ (C.O.)  
in Memo. No. \_\_\_\_\_

2. The C.O. has submitted a list for the discovery/production  
of additional documents which has been scrutinized by  
me. The documents as per list attached are considered  
relevant for the purpose of inquiry. In pursuance of the  
provisions contained in Rule 14(12) of CCA Rules, I am  
forwarding the same with the request that arrangements  
may please be made to produce the documents in question  
before me on \_\_\_\_\_ at \_\_\_\_\_.
3. I am endorsing a copy of the letter to Shri \_\_\_\_\_ (C.O.)  
for his information.

Yours faithfully,

(Inquiry Officer)

**Specimen notice served on witnesses to tender their evidence**

**CONFIDENTIAL**

No. \_\_\_\_\_ Date: \_\_\_\_\_

Complete Address \_\_\_\_\_

To \_\_\_\_\_

**Sub: Recording of evidence of witness in the case against Sh. \_\_\_\_\_, C.O.**

Sir/Madam,

I have been appointed as Inquiring Officer vide Order No. \_\_\_\_\_ dated \_\_\_\_\_ issued by \_\_\_\_\_ inquire into the charges against Shri \_\_\_\_\_ C.O.

2. You have been cited as a State/defence witness in the case. I consider your evidence as relevant and material to the matter under inquiry. You are, therefore, requested to make it convenient to appear before me for tendering your evidence in the case at the place mentioned above on \_\_\_\_\_ at \_\_\_\_\_.
3. Receipt of this notice may be acknowledged.

Yours faithfully  
(Inquiry Officer)

Copy to:

1. \_\_\_\_\_ (Designation of the Controlling Officer). Shri \_\_\_\_\_ is working in the capacity of \_\_\_\_\_ under your control. He may please be relieved on the date and time mentioned above for tendering his evidence in the matter.
2. Copy for information P.O./C.O.

(Inquiry Officer)

(Suitable changes may be made in the specimen order sheet where considered necessary)

**FORM OF CERTIFICATE TO BE ISSUED BY INQUIRY OFFICER TO THE PRESENTING OFFICER/DEFENCE ASSISTANT FOR DRAWAL OF T.A./D.A. etc..**

This is to certify that Shri \_\_\_\_\_ (name, designation, office etc.), attended the proceedings in the departmental inquiry against Shri \_\_\_\_\_ (name, designation, etc.) to present the case in support of the charges before the undersigned in his capacity as P.O. / D.A., to assist the said Shri (name) \_\_\_\_\_ in his capacity as Defence Assistant on \_\_\_\_\_ at (Place) \_\_\_\_\_

Nothing has been paid to him on account of his travelling and other expenses.

(Signature)

(Inquiry Officer)

Place :

Date :

Copy forwarded for information to the Ministry/ Department \_\_\_\_\_

**FORM OF CERTIFICATE TO BE ISSUED BY  
INQUIRY OFFICER TO THE WITNESS FOR  
DRAWAL OF T.A./D.A. etc..**

This is to certify that Shri \_\_\_\_\_ (name, designation, office etc.), appeared before me in his capacity as a witness on \_\_\_\_\_ at \_\_\_\_\_ in the departmental inquiry against Shri \_\_\_\_\_ and was discharged on \_\_\_\_\_ at \_\_\_\_\_.

Nothing has been paid to him on account of his travelling and other expenses.

(Signature)

(Inquiry Officer)

Place:

Date

Copy forwarded for information to the Ministry/  
Department \_\_\_\_\_

**SPECIMEN OF AN INQUIRY REPORT**

Inquiry Report in the case against Shri xxxxxxxx (Under Suspension) \_\_\_\_\_, Delhi

The undersigned was appointed as Inquiring Officer vide Ministry of \_\_\_\_\_ Order No. \_\_\_\_\_ dated \_\_\_\_\_ to inquire into the charges framed against Shri \_\_\_\_\_ Salesman, C.O., (U/S) vide Memo. No. \_\_\_\_\_ date \_\_\_\_\_. I have since completed the inquiry in accordance with the provisions contained in CCS (CC & A) Rules, 1965 and other rules of natural justice applicable to domestic inquiries and am submitting my Report. The Report may be read as a part of the State/Defence documents, evidence of departmental/defence witnesses, Daily Order Sheets, Written Briefs submitted by the respective parties etc. produced during the court of the inquiry.

**2. Articles of charge and the statement of allegations in support of the articles of charge**

(a) ARTICLES OF CHARGE

- (1) That the said Shri \_\_\_\_\_ while working as \_\_\_\_\_ did not discharge his duties properly and sincerely in that \_\_\_\_\_
- (2) Due to negligence on the part of Shri \_\_\_\_\_ shortages amounting to Rs. \_\_\_\_\_ occurred.
- (3) Shri \_\_\_\_\_ deliberately entered into the act of commission of pilferage.
- (4) Shri \_\_\_\_\_ failed to do proper recording of various S.I. Notes and sales in the Liability Register.
- (5) Shri \_\_\_\_\_ while working in \_\_\_\_\_ store has failed to discharge his duties sincerely and with devotion."

- (b) Statement of allegation in support of the articles of charges.

xxxxxxx (To be reproduced in full)

**3. Participation of the Charged Officer in the Inquiry :**

- (1) The preliminary hearing in the case was held on \_\_\_\_\_ which was attended by Shri (X) \_\_\_\_\_, Charged Officer (C.O.) and Shri (Y) \_\_\_\_\_ (Presenting Officer—(P.O.)), C.O. brought with him Shri (Z) \_\_\_\_\_, a retired employee of \_\_\_\_\_ whom he wanted to engage him as his Defence Assistant (D.A.). Shri Z gave a letter of his consent which was taken on record and Sh. Z was allowed to function as D.A. of the C.O. Shri \_\_\_\_\_ (X) \_\_\_\_\_ confirmed having received the charge sheet and the documents listed therein. C.O. was requested to give a list of additional documents required by him giving relevance thereof to the charges against him. C.O. requested verbally that Joint inquiry may be held in the case along with Shri \_\_\_\_\_ who was working as a Helper with him in the Store where shortages had occurred. He also requested for revocation of his orders of suspension. C.O. was directed to make his submission in writing. The inquiry was adjourned to \_\_\_\_\_.
- (2) The hearing was resumed on \_\_\_\_\_. At the outset, C.O. submitted a representation addressed to I.O. on the points raised by him in the preliminary hearing. C.O. was informed that decision in the matter is to be taken by the disciplinary authority and accordingly the representation in question was passed on to P.O. for necessary action as deemed fit. The State documents listed in the charge sheet were taken on record and marked exhibits S-1 to S-\_\_\_\_. C.O. requested that his reply dated \_\_\_\_\_ to

the charge sheet may be taken as a defence document. This was agreed to and it was marked as D.1. C.O. was requested to indicate the names of the defence witnesses whom he wants to produce. The inquiry was adjourned to \_\_\_\_\_.

- (3) In the resumed hearing held on \_\_\_\_\_ P.O. stated that C.O.'s representation dated \_\_\_\_\_ was passed on to the disciplinary authority. C.O. stated that he was awaiting the reply and then only, he would give the list of additional documents/defence witnesses and the next date of the hearing was fixed for \_\_\_\_\_.
- (4) In the resumed hearing held on \_\_\_\_\_ P.O. informed that request made by C.O. in his representation dated \_\_\_\_\_ have not been acceded to by the disciplinary authority. It was decided to start the regular hearing in the case on \_\_\_\_\_ and the witnesses listed in the charge sheet viz. \_\_\_\_\_ and \_\_\_\_\_ were issued notices for deposing on that date.
- (5) The evidence of Shri \_\_\_\_\_ and \_\_\_\_\_ was recorded as SW-1, SW-2 and SW-3..... and photocopies of their deposition were given to P.O./C.O. Shri \_\_\_\_\_ C.O. was requested to give a list of additional documents/defence witnesses by the next date of the hearing which was fixed for \_\_\_\_\_.
- (6) In the resumed hearing held on \_\_\_\_\_, C.O. submitted list of additional documents/defence witnesses whom he wanted to produce, a copy of which was also given to P.O. for his comments, if any, by \_\_\_\_\_.
- (7) The hearing in the case was resumed on \_\_\_\_\_. As the comments of P.O. had not been received on C.O.'s letter dated \_\_\_\_\_ I.O. itself considered the

request of C.O. for production of additional documents/defence witness from the point of view of their relevance to the charge sheet. The request of C.O. for production of additional documents/defence witness was agreed to except for the production of \_\_\_\_\_ as a defence witness. It was ruled by I.O. that it was not necessary to call \_\_\_\_\_ to tender his evidence in the case since the charge sheet issued by him is already on the record of the inquiry. The deposition of other three defence witnesses, namely, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ who were allowed to depose was recorded as DW-1, DW-2 and DW-3 and photocopies thereof were supplied to P.O./C.O. It was also decided that C.O. will be questioned generally by I.O. on the circumstances appearing against him in the next hearing which was fixed for \_\_\_\_\_.

- (8) The last hearing in the case was held on \_\_\_\_\_. The replies given by C.O. to the questions asked by I.O. were recorded and photocopies thereof were supplied to P. O./C.O. It was agreed that P.O. would submit his written Brief in the case addressed to I.O. with a copy to C.O. by \_\_\_\_\_. C.O. will, in turn, submit his written defence Brief, addressed to I.O. by \_\_\_\_\_. The brief submitted by the respective parties have been received and are reproduced below:
- (9) P.O.'s Written Brief dated \_\_\_\_\_  
xxxxxxx (To be reproduced)
- (10) Defence Brief dated \_\_\_\_\_  
xxxxxxx (To be reproduced)

#### 4. Analysis of the Evidence

- (1) There are five charges against Shri \_\_\_\_\_ C.O. It is mentioned in charge No. 2 that C.O. while

functioning as Incharge, \_\_\_\_\_ Store, was responsible for shortage of Rs. \_\_\_\_\_ as revealed in P.V. for the period ending March 2001 due to "negligence" on his part. In charge No. 3, it is stated that C.O. entered "deliberately" into the act of commission of pilferage as aforesaid charges No. 1 and charge No. 5 stipulated that C.O. did not discharge his duties properly, sincerely and with devotion.

It will be observed that Shri \_\_\_\_\_ has been simultaneously charged with both "negligence" and for entering "deliberately in to the act of commission of pilferage". The two charges are, however, not complimentary to each other. The dictionary meaning of the word "negligence" is "failure to exercise such care as would normally be expected of a reasonable man". The word "deliberate" on the other hand signifies "careful weighed and intentional act". There is an element of "intention" in the word "deliberate"; while it is no so in the word "negligent". To that extent the two charges against C.O. are somewhat contradictory to each other.

- (2) It has come in evidence that P.V. of \_\_\_\_\_ store was conducted on \_\_\_\_\_ for the period \_\_\_\_\_ to \_\_\_\_\_ in which a net shortage of Rs. \_\_\_\_\_ was revealed. Shri \_\_\_\_\_, C.O. who had taken over the charge of that store on \_\_\_\_\_, therefore, continued to remain in that position during the entire period covered by P. V. from \_\_\_\_\_ to \_\_\_\_\_.
- (3) The case of the Disciplinary Authority is that Shri \_\_\_\_\_ C.O. was fully associated with the said P.V. and he, also, duly signed the P.V. Sheet is token of its acceptance. Recovery memo dated \_\_\_\_\_ was, thereafter, issued to him in which the fact of the said shortage in the store was

communicated to him. C.O. in consultation With Shri \_\_\_\_\_, Helper, was called upon to show-cause as to why the amount of the said shortage of Rs. \_\_\_\_\_ be not be recovered from them on the principle of joint responsibility viz. Rs. \_\_\_\_\_ each. He was given an opportunity to make representation, if any, in the matter within 15 days failing which, it was indicated that action for recovery of the shortage would start. No reply was, however, received from C.O. in that regard during the stipulated period and the process of recovery started vide Memo dated \_\_\_\_\_. According to P.O., the charges against C.O. are, thus, proved beyond doubt.

- (4) As stated above, the notice for the recovery Memo. was issued on \_\_\_\_\_ calling upon C.O. to submit his reply thereto within 15 days i.e. upto \_\_\_\_\_. However, as per evidence, adduced during the inquiry, C.O. was summoned to the Chamber of \_\_\_\_\_ on \_\_\_\_\_ i.e. 3 days before the stipulated period of 15 days was to expire and questioned about the shortage revealed in the store. In this connection, extracts from the note dated \_\_\_\_\_ recorded by \_\_\_\_\_ are reproduced below:-

“XXXXX \_\_\_\_\_ Incharge, has been summoned in the Chamber of \_\_\_\_\_ on \_\_\_\_\_ to ascertain reasons for huge shortage of Rs. \_\_\_\_\_. XXX. The individual could not give satisfactory explanation for the huge shortage. It appears that the shortage has been caused deliberately for which the Store In charge is responsible to a larger extent. This amounts to habitual and willful negligence in duties and constitutes gross misconduct under the provisions of \_\_\_\_\_. It has been decided to suspend Sh.

\_\_\_\_\_ and to conduct departmental enquiry against him by \_\_\_\_\_, XXX.”

- (5) In his defence Brief dated \_\_\_\_\_, C.O./D.A. has commented on the contents of the said note dated \_\_\_\_\_ referred to above as under:—

“XXXXX It is evident that it was predetermined by the Management to suspend C.O. without initiating any proper preliminary inquiry especially when he was already issued a show cause Memo. wherein he was asked to furnish his reply \_\_\_\_\_. XXXXX It is mentioned in the note that shortages have been caused deliberately which amounts to habitual and willful negligence of duties. But the Management could not establish even a single instance of their such contentions. XXXXX. On the other hand, the services of C.O. had all along in the past been appreciated by the Management for which he was promoted under the Merit Promotional Scheme and also awarded one advance increment. XXX. The disposal of the said note dated \_\_\_\_\_ right from its submission, routing it through various officers, issuing suspension orders speaks volumes of the interest of the Management not to give ample opportunity to C.O. to defend himself. XXX The Management did not agree to hold a joint inquiry along with Shri \_\_\_\_\_, who was working as a Helper in the Store.

The final Brief submitted by P.O. speaks volumes of the discrimination meted out to C.O. xxxxxxxx”.

- (6) The aforesaid arguments put forth by C.O./D.A. have been rebutted by P.O. in his Written Brief as under:—  
“XXXXX C.O.’s contention that the action taken by the Management in not charge-sheeting or suspending Shri \_\_\_\_\_ Helper is not discriminatory. As clarified by \_\_\_\_\_ in his deposition dated

\_\_\_\_\_ during the inquiry, that it is the discretion of the Management. The responsibility of different employees varies with the position held by them in the hierarchy of the organization. Both of them are not to be treated on equal footing... ..”

- (7) It is evident from what is stated above that the contents of note dated \_\_\_\_\_ were duly taken into consideration both for charge sheeting Shri \_\_\_\_\_ and also for suspending him. This note conveys the impression that Shri \_\_\_\_\_ is a “habitual” offender and also that the huge shortage in the store is the result of his “willful negligence of duties”. As regards the first allegation that C.O. is a “habitual” offender, it will be observed that the disciplinary authority did not produce any evidence to substantiate the allegation that C.O. was responsible for shortages in the past also during the period of about 18 years of his service. On the other hand, C.O. did produce documentary evidence to prove that he had got Merit Promotion on \_\_\_\_\_ and had also received commendation certificate on \_\_\_\_\_ for his “outstanding performance” for increasing the sale of \_\_\_\_\_ store from \_\_\_\_\_ lakhs to \_\_\_\_\_ lakhs during the year and was also sanctioned one advance increment. The claims made by C.O. as stated above, have not been disputed by P.O. The allegation that Shri \_\_\_\_\_ is a “habitual” offender is, therefore not proved from the evidence adduced during the inquiry. As regards the second allegation that the huge shortage of Rs. \_\_\_\_\_ in the store is the result of “willful negligence of duties” on the part of C.O., it may be stated that this charge is subject matter of the present inquiry and is discussed in the succeeding paragraphs.

- (8) Since C.O. had raised his accusing finger at Shri \_\_\_\_\_, Helper for causing the shortage in the present case also, Shri \_\_\_\_\_ was permitted to tender his evidence as a defence witness as desired by C.O. In his deposition dated \_\_\_\_\_ Shri \_\_\_\_\_ however, instead levelled serious charges against C.O. himself alleging that:—

- (i) C.O. was alone responsible for misappropriation and shortages in the store which had taken place when he was on leave for a long period of 71 days during the relevant period of P.V.
  - (ii) C.O. was never undertaking any monthly reconciliation in the Store as is the usual practice; with malafide motives and this resulted in the misappropriation by him;
  - (iii) There was an unauthorized person by the name of “\_\_\_\_\_” engaged by C.O. who was also handling the Store and C.O. was obliging him with gifts from time to time;
  - (iv) C.O. had acquired various assets during the relevant period and
  - (v) Certain bills/cash memos allegedly in the hand of C.O. were brought on record by Shri \_\_\_\_\_ which, according to him indicate that the amounts in question were misappropriated by C.O. and was thus responsible for the shortages.
- (9) When confronted with these aforesaid allegations made by \_\_\_\_\_, C.O. in his defence refuted these charges in these words:—

- “ \_\_\_\_\_ ”
- (10) The perusal of the evidence adduced during the inquiry reveals that both C.O. and Shri \_\_\_\_\_ Helper are trading charges and

counter-charges against each other. The Management is recovering the entire amount of shortage from both of them on the principle of joint responsibility. The defence plea of C.O. that Shri \_\_\_\_\_ Helper, is alone responsible for the shortages in question, is therefore, not tenable.

- (11) During the course of the inquiry, C.O. produced \_\_\_\_\_ as his defence witness (DW-2) to prove that partiality was shown by the Management in making recoveries from C.O. and Shri \_\_\_\_\_ Helper. According to the information made available by her during her testimony, it revealed that as on \_\_\_\_\_, the amount outstanding against Shri \_\_\_\_\_ was Rs. \_\_\_\_\_ whereas, the amount still due from C.O. was only Rs. \_\_\_\_\_. C.O.'s plea is that the discrimination shown by Management is apparent from the figure themselves since recoveries must have been made against C.O. at higher rate than against his Helper. This plea is, however, not acceptable since, it revealed during the inquiry that C.O. had made some lump sum payment at some stage to liquidate his outstanding liability and this resulted in the difference of the amounts due from them.
- (12) C.O. also raised the point that there was discrepancy in the amount of shortage mentioned in the charge sheet and the amount actually ordered to be recovered from him. There is, however no such contradiction. The shortage in the Store was also accepted by C.O. at the time of P.V. was Rs. \_\_\_\_\_ whereas the amount ordered to be recovered from him was Rs. \_\_\_\_\_ on the principle of joint responsibility.
- (13) C.O. pointed out during the course of the inquiry that P.V. was not conducted in the proper manner in that some important columns on certain pages of

P.V. Report of \_\_\_\_\_ Store had not been filled in by the P.V. verifiers and also that signature and stamp of C.A. was not there. The management may take note of these deficiencies as revealed in the testimony of \_\_\_\_\_ (State/Management Witness). These deficiencies, however, do not lessen gravity of the charges against C.O.

- (14) Charge No. 4 against C.O. is that he failed to do proper recording of various S.I. Notes and of Sales in the Liability Register. Neither the Liability Register nor the various S.I. Notes which were allegedly not properly recorded by C.O. was brought on record. This charge is, therefore, not proved against C.O. for lack of evidence.

#### 5. CONCLUSION:

- (1) Charge No. 4 is held NOT PROVED against C.O. for lack of evidence
- (2) Charge No. 1, 2, 3 and 5 are held proved against C.O. to the extent that C.O. in his capacity, as Incharge \_\_\_\_\_ Store is responsible for the shortages of Rs. \_\_\_\_\_ as revealed in P.V. conducted on \_\_\_\_\_ and that he did not discharge his duties properly, sincerely and with devotion.
- (3) The allegation made in \_\_\_\_\_ note dated \_\_\_\_\_ that \_\_\_\_\_ C.O. is a habitual offender, is not proved for lack of evidence.

New Delhi,

Dated the \_\_\_\_\_

(Inquiry Officer)



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**Specimen of Daily Order Sheet No. 1 (Date)**

**(Preliminary hearing)**

[ Departmental Inquiry against Shri \_\_\_\_\_  
File No. \_\_\_\_\_ ]

Present :

1. Shri \_\_\_\_\_ C.O.
2. Shri \_\_\_\_\_ P.O.
3. Shri \_\_\_\_\_ D.A.

The proceedings were taken up today in my office on \_\_\_\_\_  
at \_\_\_\_\_ AM/PM Both Shri \_\_\_\_\_ C.O. and Shri  
\_\_\_\_\_ P.O. were present.

2. C.O. brought with him Shri \_\_\_\_\_ as his Defence Assisant. Shri \_\_\_\_\_ is a retired/serving official. His particulars have been checked up and he is eligible to function as D.A. of \_\_\_\_\_ in the light of the instructions on the subject. He is allowed to function as D.A. of Shri \_\_\_\_\_ as from today.
3. On being asked, C.O. confirmed having received the charge sheet dated \_\_\_\_\_. He, however, denied he charges against him and desired to be heard in person.
4. C.O. confirmed that he had received photocopies of the documents listed in Annexure III of the charge sheet. He, however, desired to inspect these documents in original. P.O. is directed to offer inspection of the documents in question to C.O./D.A. in his office within 10 days keeping in view mutual convenience. Similar exercise may also be done by P.O. in respect of the statements of witnesses, if any, mentioned in Annexure IV of the charge sheet. P.O. will obtain a certificate from C.O. having inspected the documents/statements of the witnesses in question and produce the same at the time

of the next hearing which has been fixed for \_\_\_\_\_  
at \_\_\_\_\_ after ascertaining mutual convenience of  
all concerned.

5. After going through the listed documents/statements of witnesses, C.O. will submit on the next date of hearing viz \_\_\_\_\_ (as aforesaid), a list of additional (defence documents), if any showing their relevance to the charges against him in the following proforma:

S. No.	Brief description Relevance of the document	Present custodian of the document
1.	2.	3.
	-----	-----
	-----	-----
	-----	-----
	-----	-----

6. In addition, C.O. will also submit by the aforesaid date a list of defence witnesses, if any, giving their complete particulars along with brief gist of the evidence they are likely to depose and how it is considered relevant to the charges.
7. The directions mentioned above should be complied with by both P.O. and C.O.  
The inquiry is adjourned to \_\_\_\_\_ at \_\_\_\_\_  
and will resume at the same venue.

(D.A.)                      C.O.                      P.O.                      I.O.  
(Signature                      (Signature                      (Signature                      (Signature  
with date)                      with date)                      with date)                      with date)

(Suitable changes may be made by I.O. in the specimen Daily Order Sheet wherever considered necessary)

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**Specimen of Daily Order Sheet No.   2   (Date)**

**(Inquiry adjourned due to absence of D.A.)**

[Departmental Inquiry against Shri \_\_\_\_\_]

File No. \_\_\_\_\_]

Present:

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.

The proceedings were resumed today in my office on \_\_\_\_\_ at \_\_\_\_\_ AM/PM. P.O. and C.O. were present.

2. C.O. submitted that Shri \_\_\_\_\_ his defence Assistant has fallen sick suddenly and as such he is not in a position to attend the hearing fixed for today. C.O. submitted a medical certificate issued by Dr. \_\_\_\_\_ in this regard which was taken on record. C.O. pleaded that in the absence of his D.A. he will not be able to participate in the proceedings. The matter was discussed with P.O. also. In the circumstances, there is no alternative but to postpone the hearing in the interest of justice and fair play. The enquiry is adjourned to \_\_\_\_\_ at \_\_\_\_\_ at the same venue. The business meant to be transacted at the hearing fixed for today will be completed on the adjourned date viz. \_\_\_\_\_ at \_\_\_\_\_ AM

(D.A.)	C.O.	P.O.	I.O.
(Signature with date)	(Signature with date)	(Signature with date)	(Signature with date)

(Suitable changes may be made in the specimen order sheet wherever considered necessary)

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**Specimen of Daily Order Sheet No.   3   (Date)**

**(Taking listed documents on record)**

[Departmental Inquiry against Shri \_\_\_\_\_]

File No. \_\_\_\_\_]

Present:

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.
3. Shri \_\_\_\_\_ D.A.

The Preliminary Hearing in the case was held on \_\_\_\_\_ . The second hearing fixed for \_\_\_\_\_ was adjourned to \_\_\_\_\_ on account of the illness of Shri \_\_\_\_\_ D.A. The hearing was resumed today.

2. P.O. stated that all the original listed documents have been inspected by C.O. accompanied by his D.A. on \_\_\_\_\_ and the certificate of inspection in that regard given by them was taken on record. C.O. has not challenged the authenticity of any of the listed documents and as such these have been taken on record and marked Exhibits S-1 to S- \_\_\_\_\_. The photocopies of all these listed documents are already available with both P.O. and C.O.
3. C.O. submitted a list of \_\_\_\_\_ additional documents which are required by him for his defence giving relevance thereof to the charge sheet. The relevancy of these documents was discussed at length with C.O./D.A. and the comments of P.O. were also taken into account. After discussion I consider that all the documents are 'relevant' for the purpose of inquiry except for the documents listed at S.No. \_\_\_\_\_ and \_\_\_\_\_ etc.. The reasons for refusal for requisiting these documents are given below:—

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S.No. Brief description of the document The reasons for refusal for not considering these documents as relevant for the purpose of enquiry

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

4. There are thus only \_\_\_\_\_ documents which are considered relevant for the purpose. The custodian of these documents is \_\_\_\_\_. A letter for requisition of all the documents have been addressed to \_\_\_\_\_, requesting that arrangements may be made to produce them before the undersigned on or before \_\_\_\_\_.

5. Shri \_\_\_\_\_ D.A. (who is a serving Govt. official) stated that he was facing difficulties in getting himself relieved from his office for the purpose of inquiry. A letter has accordingly been addressed to his controlling authority to relieve him for inquiry on different dates fixed from time to time.

The inquiry is adjourned to \_\_\_\_\_ at \_\_\_\_\_ A.M. for transacting further business in the light of the reply received from \_\_\_\_\_ reg. production of requisitioned defence documents.

(D.A.)	C.O.	P.O.	I.O.
<i>(Signature with date)</i>	<i>(Signature with date)</i>	<i>(Signature with date)</i>	<i>(Signature with date)</i>

(Suitable changes may be made in the specimen order sheet wherever considered necessary)

**Specimen of Daily Order Sheet No. \_\_ 4 \_\_ (Date)**  
**(Requisitioning additional documents)**

[Departmental Inquiry against Shri \_\_\_\_\_  
File No. \_\_\_\_\_]

Present:

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.
3. Shri \_\_\_\_\_ D.A.
4. Shri \_\_\_\_\_

The hearing was resumed today at \_\_\_\_\_.

2. A reply has been received from \_\_\_\_\_ vide letter No. \_\_\_\_\_ date \_\_\_\_\_ in which \_\_\_\_\_ documents which had been requisitioned has been received. C.O./D.A. are requested to inspect them in the office of \_\_\_\_\_ who has been deputed to supervise this work.
3. It is stated in the aforesaid letter that the documents listed at S.No. \_\_\_\_\_ are not available. A non-availability certificate in respect of these documents duly signed by H.O.D. has been enclosed. A photocopy of the same has been supplied to C.O./P.O.
4. H.O.D. has claimed privilege in terms of relevant Section of the Evidence Act for the non-production of document at S. No. \_\_\_\_\_ on the grounds of public interest. C.O./D.A. may please take note of it. The requisition made for production of this document is being withdrawn.

The enquiry is adjourned to \_\_\_\_\_ for transacting further business with regard to the progress made with regard to the directions given in para 2 above.

(D.A.)	C.O.	P.O.	I.O.
(Signature with date)	(Signature with date)	(Signature with date)	(Signature with date)

(Suitable changes may be made in the specimen order sheet where considered necessary)

**CONFIDENTIAL**

**Specimen of Daily Order Sheet No. 5 (Date)**  
**(Summoning State Witness)**

[Departmental Inquiry against Shri \_\_\_\_\_  
File No. \_\_\_\_\_]

Present:

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.
3. Shri \_\_\_\_\_ D.A.
4. Shri \_\_\_\_\_

The hearing was resumed today at \_\_\_\_\_.

2. C.O. stated that he has inspected all the documents in pursuance of the directions given in para 2 of Daily Order Sheet No. 4 dated \_\_\_\_\_ in the office of \_\_\_\_\_ alongwith his D.A. After perusal, he has earmarked only \_\_\_\_\_ documents which he wishes to exhibit as defence documents. These have been marked as Exhibits D-1 to D- and kept in my custody. Photocopies of the same have been supplied to P.O./C.O.
3. Now that the documentation of all the listed/defence documents has been completed, the stage is now ripe for stating the regular hearing in the case.
4. There are five State witnesses mentioned in the charge sheet. P.O. has decided the order in which he wishes to examine them. In the first instance, he desires to summon two witnesses namely S/Shri \_\_\_\_\_ and \_\_\_\_\_. I have, accordingly issued notices to them; who are both serving officials,

5. The testimony of the remaining three State witnesses will be recorded in the subsequent hearings of the case to be fixed.

The enquiry is, accordingly, adjourned to \_\_\_\_\_ at \_\_\_\_\_ for recording the evidence of the aforesaid two witnesses.

(D.A.)	C.O.	P.O.	I.O.
(Signature with date)	(Signature with date)	(Signature with date)	(Signature with date)

(Suitable changes may be made in the specimen order sheet wherever considered necessary)

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**Specimen of Daily Order Sheet No.   6   (Date)**

**(Recording of evidence of State Witness (SW))**

[Departmental Inquiry against Shri \_\_\_\_\_  
File No. \_\_\_\_\_]

Present :

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.
3. Shri \_\_\_\_\_ D.A.
4. Shri \_\_\_\_\_

The hearing was resumed today at \_\_\_\_\_.  
The regular proceedings in the case has commenced. P.O.  
examined two State witnesses namely S/Shri \_\_\_\_\_ and

\_\_\_\_\_  
Their testimony was recorded as SW-1 and SW-2.  
Photocopies of their depositions were given to P.O./C.O.  
The notices to the remaining three State witnesses were  
issued today for tendering their evidence on

\_\_\_\_\_  
The inquiry is, accordingly, adjourned to \_\_\_\_\_ at  
\_\_\_\_\_ for recording the evidence of the aforesaid  
two witnesses.

(D.A.)	C.O.	P.O.	I.O.
(Signature with date)	(Signature with date)	(Signature with date)	(Signature with date)

(Suitable changes may be made in the specimen order sheet wherever considered necessary)

**CONFIDENTIAL**

**Specimen of Daily Order Sheet No. 7 (Date)**  
**(Recording of defence evidence)**

[Departmental Inquiry against Shri \_\_\_\_\_  
File No. \_\_\_\_\_]

Present:

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.
3. Shri \_\_\_\_\_ D.A.
4. Shri \_\_\_\_\_

In the resumed hearing today, the evidence of the remaining three witnesses namely S/Shri \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, was recorded as SW-3, SW-4 and SW-5. With this, the evidence of all the five witnesses mentioned in the charge sheet has been completed. P.O. has closed the case on behalf of the disciplinary authority.

In accordance with provisions contained in Rule 14(16) of CCA Rules, the evidence on behalf of the defence is now to be taken up. C.O. stated that he will submit his defence in writing. He should do so by \_\_\_\_\_ and a copy of which may be endorsed by him to P.O. also. C.O. has opted to examine himself on his own behalf under Rule 14(17) of CCA Rules. There are only two defence witnesses. The inquiry is adjourned to \_\_\_\_\_ at \_\_\_\_\_ for recording the defence evidence as mentioned above.

(D.A.)	C.O.	P.O.	I.O.
(Signature with date)	(Signature with date)	(Signature with date)	(Signature with date)

(Suitable changes may be made in the specimen order sheet wherever considered necessary)

**CONFIDENTIAL**

**Specimen of Daily Order Sheet No. 8 (Date)**  
**(Examination of C.O. on his own behalf)**

[Departmental Inquiry against Shri \_\_\_\_\_  
File No. \_\_\_\_\_]

Present:

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.
3. Shri \_\_\_\_\_ D.A.
4. Shri \_\_\_\_\_

The proceedings were taken up today at \_\_\_\_\_ as scheduled. C.O. affirmed that he had endorsed a copy of his defence statement to P.O. The copy meant for I.O. has been kept on record.

C.O. examined himself in his own behalf. He was examined by D.A. and cross examined by P.O. A copy of his deposition was given to P.O./C.O. Thereafter S/ Shri \_\_\_\_\_ and \_\_\_\_\_ were examined as defence witnesses as DW-1 and DW-2. Copies of their depositions were given to P.O./C.O. for record and reference.

The next stage in the inquiry is for I.O. to question C.O. on the circumstances appearing against him vide Rule 14(18) of CCA Rules. The inquiry is adjourned to \_\_\_\_\_ at \_\_\_\_\_ for recording the defence evidence as mentioned above.

(D.A.)	C.O.	P.O.	I.O.
(Signature with date)	(Signature with date)	(Signature with date)	(Signature with date)

(Suitable changes may be made in the specimen order sheet wherever considered necessary)

**CONFIDENTIAL**

**Specimen of Daily Order Sheet No.   9   (Date)**  
**(General Examination of C.O. by I.O.)**

[Departmental Inquiry against Shri \_\_\_\_\_  
File No. \_\_\_\_\_]

Present:

1. Shri \_\_\_\_\_ P.O.
2. Shri \_\_\_\_\_ C.O.
3. Shri \_\_\_\_\_ D.A.
4. Shri \_\_\_\_\_

The proceedings were taken up today at \_\_\_\_\_ as scheduled. C.O. was examined by I.O. on the circumstances appearing against him in the evidence. The replies given by him were recorded and a photocopy of the same was supplied to P.O./C.O.

P.O. is now requested to file his Written Brief in the case addressed to I.O. with a copy to C.O. by \_\_\_\_\_.  
The C.O. will, in turn, submit his Defence Brief addressed to I.O. by \_\_\_\_\_. The dates fixed, above should be strictly adhered to by both the parties.

The enquiry is over.

(D.A.)	C.O.	P.O.	I.O.
<i>(Signature with date)</i>	<i>(Signature with date)</i>	<i>(Signature with date)</i>	<i>(Signature with date)</i>

(Suitable changes may be made in the specimen order sheet wherever considered necessary)

**C. PRESENTING OFFICER**

## ***Chapter-I***

### **Appointment**

#### **Is Appointment of Presenting Officer obligatory?**

The appointment of the Presenting Officer is not obligatory. The various disciplinary rules simply provide that the Disciplinary Authority "*may appoint a presenting officer*". Hence, the inquiry proceedings shall not be vitiated on the only ground that no Presenting Officer was appointed.

The charged employee has no right to insist that a Presenting Officer must be appointed. The reason is that the appointment or otherwise of a Presenting Officer does not affect his defence in any manner.

#### **Situations in which Presenting Officer should be Appointed :**

The Madras High Court has observed that if the Inquiry Officer is to consider only the documentary evidence, it may not be necessary to appoint a Presenting Officer. But, if he is to consider the evidence led on behalf of prosecution, it is necessary that the Disciplinary Authority appoints a Presenting Officer. To sum up, where a number of witnesses are to be examined on both the sides, it is always advantageous to appoint a Presenting Officer.

#### **Papers to be supplied to the Presenting Officer :**

The Disciplinary Authority shall supply to the Presenting Officer:



- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehavior;
- (ii) a copy of written statement of defence, if any, submitted by Charged Officer;
- (iii) where no written statement has been received, some evidence proving the delivery of the charge sheet to Charged Officer.
- (iv) copies of earlier statements of witnesses mentioned in the list of witnesses; and
- (v) a copy of the order appointing the Inquiry Authority.

In addition, the presenting officer should be equipped with (i) the relevant Disciplinary Rules containing the prescribed procedure for inquiry; and (ii) some manual or guidebook containing law, procedure and guidelines relating to the holding of inquiry so that he can function in an effective manner.

**Original listed documents and certified copies to be made available to the Presenting officer in the first instance :**

The CVC *vide* their Instructions No. 006/VGL/5 dt. 18.1.2006 re-iterated their earlier instructions that the Presenting officer should be given custody of all the listed documents in original and certified copies thereof. In CBI cases, they will ensure that legible certified copies of the documents seized by them are made available to the organization to pursue the departmental case.

**Payment of Honorarium to Presenting Officer :**

The Government of India have decided *vide* their O.M. No. 134/5/85-AVD.1, dated the 11th July 1988 that the competent authority, within its financial powers, may consider sanction of suitable honorarium, within the

prescribed limits, to presenting officers where inquiries are not part of their sphere of duty. The amount payable on each occasion may be decided on merits depending on quality/volume of work and its quick and expeditious completion. In their O.M.No. DOP&T O.M. No. 134/4/99-AVD.1 dt.29.6.2001 the Government of India have decided that the payment of honorarium may range from Rs. 500 to Rs. 1000.

The grant of honorarium as above is further subject to following conditions:—

- (i) The competent authority should exercise its utmost case in the matter of grant of honorarium and may do so only in absolutely deserving cases. The honorarium in such cases may normally be regulated under the financial powers delegated to the Ministries/Departments and taking into account the quantum of work involved in individual disciplinary cases.
- (ii) The number of disciplinary cases may be restricted to 10 cases in a year, with not more than 2 cases at a time for serving Government servants and 20 cases with not more than 4 cases at a time for retired Government servants.
- (iii) The full amount of honorarium should be paid only when the inquiry is completed within a period of six months. If there is a delay in completion of the inquiry which is not due to non – co- operation of the charged officer or due to stay orders, etc., the honorarium should be reduced by 50%.
- (iv) Before the honorarium payment is made to Inquiry Officer/Presenting Officer, all case records and inquiry report may be handed over to the Disciplinary Authority by the Inquiry officer/ Presenting officer.

## *Chapter-II*

### **Guidelines For The Presenting Officer :**

The aim of the Inquiry Authority, Presenting Officer and the Defence Assistant is to bring out truth so that justice is done in the matter. In order to achieve this aim, the presenting officer must act fairly and present the case in its true colour. In order to discharge his duties efficiently, the presenting officer:

1. Should examine properly his order of appointment and that of the Inquiry Authority to satisfy himself that there is no legal flaw and that the orders have been attested by an authority competent to authenticate them. A useful hint in this regard is that in case these orders are signed by the authority who had issued the charge sheet, they are normally, in order;
2. Should verify that the charge sheet has been actually delivered to the charged officer so that no problem arises as the inquiry begins. He should also verify that the reply to the charge sheet, if any, given by the charged employee is on record and duly considered by the disciplinary authority.
3. Should have discussion with the investigating officer and also have a look on the report of preliminary inquiry alongwith connected records to get first hand knowledge of the case (it may again be pointed out that this exercise is to enable him to get first hand knowledge of the case only. The report of preliminary inquiry cannot be used during the course of inquiry);
4. Should acquaint himself fully with the departmental rules and technical aspects of the issues in dispute;

5. Should attend the preliminary hearing alongwith the original records. In this hearing, he should assist the Inquiry Authority in framing of issues, where necessary, and also quickly to arrange for the inspection of listed documents by the charged employee and supply to him of the earlier statements recorded during investigation of the witnesses proposed to be examined in regular inquiry;
6. Should examine all documents to be produced in support of articles of charge and to arrange for proof of the documents which the charged employee does not admit to be correct and, hence, would need to be proved;
7. Should examine carefully the defence documents permitted by the Inquiry Officer for defence of the charged officer.
8. Should remember that on the first day of regular hearing, the various documents will be marked as exhibits and taken over by the Inquiry Officer. For the purpose, he must be ready with such documents duly detached and separated from the main files, and arranged in proper sequence. It will save, not only time but also himself from a lot of embarrassment.
9. Should be polite towards the charged employee and the defence witnesses and should not lose their sympathy;
10. Should refrain from attacking character of the charged employee unless it becomes absolutely unavoidable due to exigencies of the case;
11. Should beforehand decide what aspects of the case he wishes to prove by a particular evidence so that in examination-in-chief, he can restrict evidence of each prosecution witness to the facts best known to him. He should not examine him on other points, which though exist in his knowledge, do not depend upon his testimony;
12. Decide the proper sequence in which he wishes to examine his witnesses. It is not essential for him either

to examine all the witnesses listed in the charge sheet or to examine them in the order in which they are mentioned therein. The presenting officer may examine them in the order he thinks best in the interest of presentation of the case. He may dispense with needless witnesses.

13. It would be better for him to examine his witnesses in a logical sequence i.e., a witness whose evidence pertains to earliest part of prosecution's story should be examined first, and so on. It shall help him to unfold the story in a proper sequence. The moment he feels that enough evidence has been brought on record to prove the charge against the delinquent employee, he may drop remaining witnesses and close his case;
14. However, he must take care to lead all evidence at the proper time because to recall a witness or to introduce fresh evidence is a difficult process and can be resorted to only when there is an inherent lacuna in the evidence already recorded and, that too, with permission of the Inquiry Authority. But should it become necessary, he may make a request, giving his reasons, after he has produced all other evidence and the recording of defence evidence is yet to begin;
15. Must follow the cross-examination of his witnesses carefully and to re-examine them to clarify any important point, or to put the records straight, in deserving cases. He should ensure that no witness is harassed and subjected to lengthy and avoidable questions. Any such default should be brought to the notice of the Inquiry Authority straightaway. He should also keep a watch that irrelevant or insulting questions are not asked in cross-examination;
16. Should remember that re-examination has a limited role only as pointed out above. There are many examples in which reckless re-examination resulted in spoiling effectiveness of the witness which had been built earlier. Proper care must, therefore, be taken;

17. Where necessary, to make timely request to the inquiring Authority for production of some new or additional evidence not mentioned in the charge sheet. The right stage for making such a request is after he has examined all the witnesses he had to and before the defence case begins;
18. Must satisfy himself about trustworthiness of the defence witnesses before their examination begins;
19. Must cross examine the defence witnesses ably and tactfully to bring out truth and to expose hollowness of their testimony, where necessary. He may discredit them by impeaching their trustworthiness; But, though whatever information is within the knowledge of a witness, it should be obtained from him politely and tactfully not causing him any harassment;
20. He is not supposed to interfere during general examination of charged officer by inquiring Authority. But, he should follow the exercise carefully watching the demeanour of charged officer so that he can make use of it while writing his written brief;
21. At the close of inquiry, sum up arguments or file a written brief. He must understand that since the burden of proof is on the prosecution, he should be able to show, with reference to the documentary and oral evidence produced during the inquiry, that the articles of charge have been proved substantially; and
22. Take care that his written brief is based only on evidence adduced during the inquiry. He should avoid reference to any extraneous matter. Any reference to a document, or attaching it with written brief, which was not allowed during inquiry must be avoided. The inquiry officer, invariably, gets annoyed by such sharp practice.

**D. CIRCULARS/OFFICE  
MEMORANDA**

**MOST IMMEDIATE**

No. 11012/11/2007 – Estt. (A)

Government of India

Ministry of Personnel & Public Grievances & Pensions  
(Department of Personnel & Training)

New Delhi

Dated the 14<sup>th</sup> December, 2007

**OFFICE MEMORANDUM**

**Subject:— Guidelines regarding grant of vigilance clearance to members of the Central Civil Services/Central Civil posts.**

The undersigned is directed to say that the matter regarding guidelines for giving vigilance clearance to members of the Central Civil Services/Central Civil posts has been reviewed by the Department of Personnel & Training and it has been decided that the following guidelines for the grant of vigilance clearance to the Government servants belonging to the Central Civil Services/Central Civil posts shall be applicable with immediate effect.

1. These orders regarding accordance of vigilance clearance to members of the Central Civil Services/posts shall be applicable with respect to (a) empanelment (b) any deputation for which clearance is necessary (c) appointments to sensitive posts and assignments to training programmes (except mandatory training). In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.
2. The circumstances under which vigilance clearance shall not be withheld shall be as under.

- (a) Vigilance clearance shall not be withheld due to the filing of a complaint unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned Department may already have in its possession that there is prima facie substance to verifiable allegations regarding (i) corruption (ii) possession of assets disproportionate to known sources of income (iii) moral turpitude (iv) violation of the Central Civil Services (Conduct) Rules, 1964.
- (b) Vigilance clearance shall not be withheld if a preliminary inquiry mentioned in 2(a) above takes more than three months to be completed.
- (c) Vigilance clearance shall not be withheld unless (i) the officer is under suspension (ii) a chargesheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending (iii) orders for instituting disciplinary proceeding against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of passing such order (iv) chargesheet has been filed in a Court by the Investigating Agency in a criminal cases and the case is pending (v) orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of initiating proceedings (vi) sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter (vii) an FIR has been filed or a case registered by the concerned Department against the officer provided that the charge sheet is served within three months from the date of filing/registering the FIR/case and (viii) The officer is involved in a trap/raid case on charges of corruption and investigation

is pending.

- (d) Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a chargesheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent court of law.
  - (e) Vigilance clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete its investigations and file charges within a period of two years. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the parent cadre in case he is on deputation and not for any other dispensation listed in para 1 of this O.M.
3. In cases where complaints have been referred to the administrative authority concerned, and no substantive response has been received from such administrative authority concerned within three months from the date on which the reference was made, the Disciplinary Authority may provide a copy of the complaint to the officer concerned to seek his comments. If the comments are found to be prima facie satisfactory by the Competent Authority vigilance clearances shall be accorded.
  4. Vigilance clearance shall be decided on a case-by-case basis by the Competent Authority keeping in view the sensitivity of the purpose the gravity of the charges and the facts and circumstances in the following situations.
    - (a) where the investigating agency has found no substance in the allegation but the Court refuses to permit closure of the FIR and
    - (b) where the investigating agency/inquiry officer holds the charges as proved but the competent administrative authority differs, or the converse.
  5. While considering cases for grant of vigilance clearance

for the purpose of empanelment of members of the Central Civil Services/Central Civil posts of a particular batch the vigilance clearance/status will continue to be ascertained from the respective Cadre Authority. In all such cases the comments of the Central Vigilance Commission will be obtained. However, if no comments are received within a period of three months, it will be presumed that there is nothing adverse against the officer on the records of the body concerned.

6. Vigilance clearance will be issued in all cases with the approval of the Head of Vigilance Division for officers upto one level below their seniority in service. In the case of officers of the level of Additional Secretary/Secretary, this will be issued with the approval of the Secretary in case of doubt, orders of the Secretary will be obtained keeping in view the purpose for which the vigilance clearance is required by the indenting authority.
7. Vigilance clearance will not normally be granted for a period of three years after the currency of the punishment, if a minor penalty has been imposed on an officer. In case of imposition of a major penalty vigilance clearance will not normally be granted for a period of five years after the currency of punishment. During the period the performance of the officer should be closely watched.
8. Insofar as the personnel serving in the Indian audit and accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.
9. All the Ministries/Departments are requested to bring the above guidelines for the notice of all concerned for information and compliance.

Sd/-

(P. Prabhakaran)

Deputy Secretary to the Government of India

No.000/VGL/18  
Government of India  
Central Vigilance Commission

Satarkta Bhawan,  
Block 'A', GPO Complex,  
INA, New Delhi-110023

Dated the 23<sup>rd</sup> May 2000

To

The CVOs of Ministers/Departments, autonomous organisations and Societies etc.

**Subject: Schedule of time limits in conducting investigations and departmental inquires.**

Sir,

Delays in disposal of disciplinary cases are a matter of serious concern to the Commission. Such delays also affect the morale of the suspected/charged employees and others in the organisation. The Commission has issued instructions, vide its communication No. 8(1)(g)/99(3) dated 03.03.1999, that departmental inquiries should be completed within a period of six months from the date of appointment of Inquiry Officers. Regarding other stages of investigation/inquiry, the time-schedule, as under, has been laid down in the Special Chapters on Vigilance Management in Public Sector Banks/Enterprises, which are applicable to the employees of public sector banks / enterprises. The Commission desires that these time-limits should also be adhered to by the Ministry/Departments of Government. of India, autonomous organisations and other Cooperative Societies, in respect of their employees, so as to ensure that the disciplinary cases are disposed of quickly.

S No.	State of Investigation or inquiry	Time Limit
1.	Decision as to whether the complaint involves a vigilance angle.	One month- from receipt of the complaint.
2.	Decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by departmental agency or to be sent to the concerned administrated authority for necessary action.	-do-
3.	Conducting investigation and submission of report.	Three months.
4.	Department's comments on the CBI reports in cases requiring Commission's advice.	One month from the date of receipt of CBI's report by the CVO/Disciplin ary Authority.
5.	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of Commission's advice.
6.	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice.

S No.	State of Investigation or inquiry	Time Limit
7.	Issue of charge-sheet, if required.	(i) One month from the date of receipt of Commission's advice. (ii) Two months from the date of receipt of investigation report
8.	Time for submission of defence statement.	Ordinarily ten days or as specified in CDA Rules.
9.	Consideration of defence statement.	15 (Fifteen) days.
10.	Issue of final orders in minor penalty cases.	Two months from the receipt of defence statement.
11.	Appointment of IO/PO in major penalty cases.	Immediately after receipt and consideration of defence statement.
12.	Conducting departmental inquiry and submission of report.	Six months from the date of appointment of IO/PO.



S No.	State of Investigation or inquiry	Time Limit
13.	Sending a copy of the IO's report to the Charged Officer for his representation.	(i) Within 15 days of receipt of IO's report if any of the Articles of charge has been held as proved. (ii) 15 days if all charges held as not proved. Reasons for disagreement with IO's findings to be communicated
14.	Consideration of CO's representation and forwarding IO's report to the Commission for second state advice.	One month from the date of receipt of representation.
15.	Issuance of orders on the Inquiry report.	(i) One month from the date of Commission's advice. (ii) Two months from the date of receipt of IO's report if Commission's advice was not required.

Yours faithfully,

Sd/-

(K.L. Ahuja)  
Officer on Special Duty

No.142/5/2003-ADV. I

Government of India

Ministry of Personnel & Public Grievances & Pensions  
(Department of Personnel & Training)

New Delhi

Dated 6<sup>th</sup> April 2004

**OFFICE MEMORANDUM**

**Subject: Streamlining of Conduct of Disciplinary Proceedings to reduce delay.**

Acknowledging the need for quick disposal of Disciplinary cases, several measures which could be adopted by the Disciplinary Authorities had been outlined in D.O. letter No. 134/2/83-ADV. I dated 2/5/1985 Secretary (P). The said letter also prescribed time limits for actions to be taken for consideration of investigation report, reference to the CBI/CVC, issuance of charge sheet/final order etc. Despite these instructions, it is observed that still there is undue delay in conclusion of Disciplinary Proceedings. Taking into account the various stages where delay still occur, while reiterating the instructions contained in the reference quoted above, the following measures are also prescribed, to ensure that disciplinary cases are not unduly delayed:—

- (i) The Administrative Department/Competent Authority/CVC should study the allegations more carefully and resort to minor penalty proceedings instead of initiating major penalty proceedings, where the circumstances involves minor infringements or cases of procedural irregularities.

(ii) *There is considerable delay in framing the charges after information is received about the alleged irregularities.*

There are a number of instances where the Courts have set aside the order of penalty due to inordinate delay in initiating action. Specific accountability should be fixed on the officer/s responsible for framing the charges, for ensuring issuance of charge sheet within a set time frame. Responsibility shall be fixed for inordinate delay in framing charges, in cases where there are no valid reasons such as a stay of the proceedings by court.

- (iii) There is undue delay because of repeated requests of the Charged Officer (CO) for time to give his written statement in reply to the charge sheet. As per existing instructions, the CO is allowed 10 days to submit his written statement. The normal duties of the CO may not give him adequate time in preparing his written statement. He may be allowed three to four days absence for preparing his written statement by the Controlling Officer and this period may be considered as duty, in which case no extension of time shall be allowed beyond the stipulated period of 10 days.
- (iv) Wherever a Departmental officer is appointed as the Inquiry Officer in Departmental Proceedings, the officers concerned shall be relieved from his normal duties for a period up to 20 days in two spells during which he should complete the inquiry and submit the report. During the period so allowed, he will attend to the inquiry on full time basis.

It is requested that the above Guidelines may be followed in the conduct of disciplinary proceedings.

sd/-

(Dr. W.R. Reddy)  
Director (Vigilance)

- 1. CVOs all Ministries/Departments
- 2. Copy to Secretary to CVC
- 3. CVC