

No. 11012/4/2007-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated the 12th July, 2007

OFFICE MEMORANDUM

Subject : Amendment to the provisions of rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 regarding review of suspension.

The undersigned is directed to refer to the provisions of rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and to say that the provisions regarding deemed suspension have since been reviewed by this Department.

2. The provisions in Rule 10 of CCS (CCA) Rules have been modified and amendment to the same have been notified in Notification No. GSR 105 dated 6.06.2007 published in the Gazette of India dated 16.06.2007.

3. As per the original provisions of rule 10 of the CCS (CCA) Rules, 1965, the provision for review within ninety days was applicable to all types of suspensions. However, in cases of continued detention, the review becomes a mere formality with no consequences as a Government servant in such a situation has to continue to be under deemed suspension. It has, therefore, been decided that a review of suspension shall not be necessary in such cases. Accordingly, a proviso has now been added to sub-rule(7) of the said rule 10 as follows:

“provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule(2), if the Government servant continues to be under detention at the time of completion of ninety days of suspension and the ninety days period for review in such cases will count from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later.”

4. In deemed suspensions under sub-rule (2), the date of order of suspension may be much later than the deemed date of suspension. With a view to making these provisions explicit, sub-rule (6) of the aforesaid rule 10 has now been amended to substitute the words “ninety days from the date of order of suspension” occurring therein with **“ninety days from the effective date of suspension”**. Consequent upon this amendment, it would henceforth

be necessary to specifically indicate in the orders of suspension the effective date of suspension.

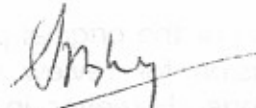
5. Sub-rule (7) of the aforesaid rule 10 stipulates says that "Notwithstanding anything contained in sub-rule (5)(a), an order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days." Sub-rule (5)(a) of the aforesaid rule 10 has, therefore, now been amended to read as follows :-

"subject to the provisions contained in sub-rule (7), an order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so."

Consequently, the words **"Notwithstanding anything contained in sub-rule (5)(a)"** stated in **sub-rule(7) of Rule 10** have become redundant and have, therefore, been **deleted**.

6. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these amendments have been made in consultation with the Comptroller and Auditor General of India.

7. All Ministries/Departments are requested to please bring the aforementioned amendments of rule 10 of the CCS (CCA) Rules, 1965 to the notice of all disciplinary authorities under their control and ensure that review of the orders of suspension is conducted strictly in conformity with the amended provisions thereof.



(P. Prabhakaran)

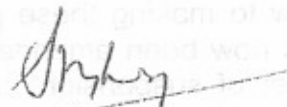
Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India.

Copy to :

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
8. All officers and sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.



(P. Prabhakaran)

Deputy Secretary to the Government of India

Dated 16-6-2007

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 6 जून, 2007

सा.का.नि. 105 .—राष्ट्रपति, संविधान के अनुच्छेद 309 के परंतुक और अनुच्छेद 148 के खण्ड 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारतीय लेखा परीक्षा तथा लेखा विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक तथा महालेखा परीक्षक से परामर्श करने के पश्चात् केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) नियमावली, 1965 में आगे और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं अर्थात्:—

1. (1) इन नियमों का नाम केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) संशोधन नियमावली, 2007 है।
(2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से लागू होंगे।
2. केन्द्रीय सिविल सेवाएं (वर्गीकरण, नियंत्रण तथा अपील) नियमावली, 1965 में नियम 10 में :—
 - (i) उप-नियम 5 में खण्ड (क) के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात्:—

“ 5 (क) उप-नियम (7) में दिए गए प्रावधानों के अधधीन इस नियम के तहत किया गया अथवा किया गया समझा जाने वाला कोई निलंबन आदेश तब तक लागू रहेगा जब कि इसे संशोधित करने अथवा रद्द करने के लिए सक्षम प्राधिकारी द्वारा ऐसा कर नहीं दिया जाए। ”
 - (ii) उप-नियम (6) में “निलम्बन के आदेश की तारीख से 90 दिनों की अवधि समाप्त होने से पूर्व” शब्दों के स्थान पर “निलम्बन की प्रभावी तारीख से 90 दिन की अवधि समाप्त होने से पूर्व” शब्द प्रतिस्थापित किए जाएंगे।
 - (iii) उप-नियम 7 के स्थान पर निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

“ (7) इस नियम के उप-नियम (1) अथवा (2) के तहत किया गया अथवा किया हुआ माना गया निलम्बन का कोई आदेश 90 दिन की अवधि के पश्चात् वैध नहीं रहेगा जब तक कि इसे समीक्षा के बाद, 90 दिन की अवधि समाप्त होने के पूर्व, आगे की अवधि के लिए और बढ़ा नहीं दिया जाए।

परंतु यह कि उप-नियम (2) के तहत माने गए निलंबन के मामले में निलंबन की ऐसी समीक्षा किया जाना आवश्यक नहीं होगा, यदि सरकारी कर्मचारी, निलम्बन की 90 दिन की अवधि पूरी होने के समय पर निलंबित बना रहता है और ऐसे मामले में 90 दिन की अवधि उस तारीख से गिनी जाएगी, जिस तारीख से अभिरक्षा (कस्टडी) में रखा गया सरकारी कर्मचारी जेल से रिहा कर दिया जाता है अथवा वह तारीख जो उसके जेल से रिहा होने के संबंध में उसके नियुक्ति प्राधिकारी को सम्प्रेषित की जाती है, इनमें से जो भी बाद में हो।”

[फा. सं. 11012/4/2003-स्था. (क)]

पी. प्रभाकरन, उप सचिव

पाद टिप्पण : मुख्य नियम, दिनांक 20-11-65 की अधिसूचना संख्या 7/2/63-स्था. (क) द्वारा भारत के राजपत्र में प्रकाशित किए गए और बाद में निम्नलिखित संख्याओं और तारीखों के अंतर्गत भारत के राजपत्र भाग-II, खण्ड 3, उप खण्ड (ii) में प्रकाशित अधिसूचनाओं द्वारा संशोधित किए गए:—

का. आ. 1149 दिनांक 13 अप्रैल, 1966

का. आ. 1596 दिनांक 4 जून, 1966

का. आ. 2007 दिनांक 9 जुलाई, 1966

का. आ. 2648 दिनांक 2 सितम्बर, 1966

का. आ. 2854 दिनांक 1 अक्टूबर, 1966

का. आ. 1282 दिनांक 15 अप्रैल, 1967

का. आ. 1457 दिनांक 29 अप्रैल, 1967

का. आ. 3253 दिनांक 16 सितम्बर, 1967

का. आ. 3530 दिनांक 7 अक्टूबर, 1967

का. आ. 4151 दिनांक 25 नवम्बर, 1967

का. आ. 321 दिनांक 9 मार्च, 1968
 का. आ. 1441 दिनांक 27 अप्रैल, 1968
 का. आ. 1870 दिनांक 1 जून, 1968
 का. आ. 3423 दिनांक 28 सितम्बर, 1968
 का. आ. 5008 दिनांक 27 दिसम्बर, 1969
 का. आ. 397 दिनांक 7 फरवरी, 1970
 का. आ. 35217 दिनांक 25 सितम्बर, 1971
 का. आ. 249 दिनांक 1 जनवरी, 1972
 का. आ. 990 दिनांक 22 अप्रैल, 1972
 का. आ. 1600 दिनांक 1 जुलाई, 1972
 का. आ. 2789 दिनांक 14 अक्तूबर, 1972
 का. आ. 929 दिनांक 31 मार्च, 1973
 का. आ. 1648 दिनांक 6 जुलाई, 1974
 का. आ. 2742 दिनांक 31 जुलाई, 1976
 का. आ. 4664 दिनांक 11 दिसम्बर, 1976
 का. आ. 3062 दिनांक 8 अक्तूबर, 1977
 का. आ. 3573 दिनांक 26 नवम्बर, 1977
 का. आ. 3574 दिनांक 26 नवम्बर, 1977
 का. आ. 3671 दिनांक 3 दिसम्बर, 1977
 का. आ. 2464 दिनांक 2 सितम्बर, 1978
 का. आ. 2465 दिनांक 2 सितम्बर, 1978
 का. आ. 920 दिनांक 17 फरवरी, 1979
 का. आ. 1769 दिनांक 5 जुलाई, 1980
 का. आ. 264 दिनांक 24 जनवरी, 1981
 का. आ. 2126 दिनांक 8 अगस्त, 1981
 का. आ. 2203 दिनांक 22 अगस्त, 1981
 का. आ. 2512 दिनांक 3 अक्तूबर, 1981
 का. आ. 168 दिनांक 23 जनवरी, 1982
 अधिसूचना सं. 11012/15/84-स्था. (क) दिनांक 5 जुलाई, 1985
 अधिसूचना सं. 11012/05/85-स्था. (क) दिनांक 29 जुलाई, 1985
 अधिसूचना सं. 11012/06/84-स्था. (क) दिनांक 6 अगस्त, 1985
 का. आ. 5637 दिनांक 21 दिसम्बर, 1985
 का. आ. 5743 दिनांक 28 दिसम्बर, 1985
 अधिसूचना सं. 11012/24/85-स्था. (क) दिनांक 26 नवम्बर, 1986
 का. आ. 830 दिनांक 28 मार्च, 1987
 का. आ. 831 दिनांक 28 मार्च, 1987
 का. आ. 1591 दिनांक 27 जून, 1987
 का. आ. 1825 दिनांक 18 जुलाई, 1987
 का. आ. 3060 दिनांक 15 अक्तूबर, 1988
 का. आ. 3061 दिनांक 16 अक्तूबर, 1988
 का. आ. 2207 दिनांक 16 सितम्बर, 1989
 का. आ. 1084 दिनांक 28 अप्रैल, 1990
 का. आ. 2208 दिनांक 25 अगस्त, 1990
 का. आ. 1481 दिनांक 13 जून, 1992
 सा.का.नि. 289 दिनांक 20 जून, 1992/भाग-II, खण्ड 3, उप-खण्ड (i) में
 सा.का.नि. 589 दिनांक 26 दिसम्बर, 1992
 सा.का.नि. 499 दिनांक 8 अक्तूबर, 1994
 सा.का.नि. 276 दिनांक 10 जून, 1995

सा.का.नि. 17 दिनांक 20 फरवरी, 1996
 सा.का.नि. 125 दिनांक 16 मार्च, 1996
 सा.का.नि. 417 दिनांक 5 अक्तूबर, 1996
 सा.का.नि. 337 दिनांक 2 सितम्बर, 2000
 सा.का.नि. 420 दिनांक 28 अक्तूबर, 2000
 सा.का.नि. 211 दिनांक 14 अप्रैल, 2001
 सा.का.नि. 60 दिनांक 13 फरवरी, 2002
 सा.का.नि. 2 दिनांक 3 जनवरी, 2004
 सा.का.नि. 249(अ.) दिनांक 2 अप्रैल, 2004 (भारत के असाधारण राजपत्र में प्रकाशित)

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 6th June, 2007

G.S.R. 105.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal), Rules, 1965, namely:—

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1965, in rule 10:—

(i) In sub-rule (5), for clause (a), the following clause shall be substituted, namely:—

“(5) (a) Subject to the provisions contained in sub-rule (7), and order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.”

(ii) In sub-rule (6), for the words “before expiry of ninety days from the date of order of suspension”, the words “before expiry of ninety days from the effective date of suspension” shall be substituted.

(iii) For sub-rule (7) the following of sub-rule shall be substituted, namely:—

“(7) An order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days:

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2), if the Government servant continues to be under suspension at the time of completion of ninety days of suspension and the ninety days period in such case will count from the date the Government servant detained in custody is released from detention or the date on which

the fact of his release from detention is intimated to his appointing authority, whichever is later.”

[F. No. 11012/4/2003-Estt. (a)]

P. PRABHAKARAN, Dy. Secy.

Foot note :—The Principal Rules were published in the Gazette of India *vide* notification number 7/2/63-Estt. (A), dated 20-11-65 and subsequently amended by Notifications published in the Gazette of India, Part-II, Section 3, Sub-section (ii) under the following numbers and date :—

S.O. 1149 dated the 13th April, 1966
 S.O. 1596 dated the 4th June, 1966
 S.O. 2007 dated the 9th July, 1966
 S.O. 2648 dated the 2nd September, 1966
 S.O. 2854 dated the 1st October, 1966
 S.O. 1282 dated the 15th April, 1967
 S.O. 1457 dated the 29th April, 1967
 S.O. 3253 dated the 16th September, 1967
 S.O. 3530 dated the 7th October, 1967
 S.O. 4151 dated the 25th November, 1967
 S.O. 321 dated the 9th March, 1968
 S.O. 1441 dated the 27th April, 1968
 S.O. 1870 dated the 1st June, 1968
 S.O. 3423 dated the 28th September, 1968
 S.O. 5008 dated the 27th December, 1969
 S.O. 397 dated the 7th February, 1970
 S.O. 35217 dated the 25th September, 1971
 S.O. 249 dated the 1st January, 1972
 S.O. 990 dated the 22nd April, 1972
 S.O. 1600 dated the 1st July, 1972
 S.O. 2789 dated the 14th October, 1972
 S.O. 929 dated the 31st March, 1973
 S.O. 1648 dated the 6th July, 1974
 S.O. 2742 dated the 31st July, 1976
 S.O. 4664 dated the 11th December, 1976
 S.O. 3062 dated the 8th October, 1977
 S.O. 3573 dated the 26th November, 1977
 S.O. 3574 dated the 26th November, 1977
 S.O. 3671 dated the 3rd December, 1977
 S.O. 2464 dated the 2nd September, 1978

S.O. 2465 dated the 2nd September, 1978
 S.O. 920 dated the 17th February, 1979
 S.O. 1769 dated the 5th July, 1980
 S.O. 264 dated the 24th January, 1981
 S.O. 2126 dated the 8th August, 1981
 S.O. 2203 dated the 22nd August, 1981
 S.O. 2512 dated the 3rd October, 1981
 S.O. 168 dated the 23rd January, 1982
 Notification No.11012/15/84-Estt. (A) dated the 5th July, 1985
 Notification No.11012/05/85-Estt. (A) dated the 29th July, 1985
 Notification No.11012/06/85-Estt. (A) dated the 6th August, 1985
 S.O. 5637 dated the 21st December, 1985
 S.O. 5743 dated the 28th December, 1985
 Notification No.11012/24/85-Estt. (A) dated the 26th November, 1986
 S.O. 830 dated the 28th March, 1987
 S.O. 831 dated the 28th March, 1987
 S.O. 1591 dated the 27th June, 1987
 S.O. 1825 dated the 18th July, 1987
 S.O. 3060 dated the 15th October, 1988
 S.O. 3061 dated the 16th October, 1988
 S.O. 2207 dated the 16th September, 1989
 S.O. 1084 dated the 28th April, 1990
 S.O. 2208 dated the 25th August, 1990
 S.O. 1481 dated the 13th June, 1992
 G.S.R. 289 dated the 20th June, 1992/In Part-II, Sec.3, Sub-Sec. (i)
 G.S.R. 589 dated the 26th December, 1992
 G.S.R. 499 dated the 8th October, 1994
 G.S.R. 276 dated the 10th June, 1995
 G.S.R. 17 dated the 20th February, 1996
 G.S.R. 125 dated the 16th March, 1996
 G.S.R. 417 dated the 5th October, 1996
 G.S.R. 337 dated the 2nd September, 2000
 G.S.R. 420 dated the 28th October, 2000
 G.S.R. 211 dated the 14th April, 2001
 G.S.R. 60 dated the 13th February, 2002
 G.S.R. 2 dated the 3rd January, 2004
 G.S.R. 249(E) dated the 2nd April, 2004 published in the Gazette of India