

**MOST IMMEDIATE**

**No.39011/12/2009-Estt.(B)**  
**Government of India**  
**Ministry of Personnel, Public Grievances and Pensions**  
**(Department of Personnel & Training)**

New Delhi, dated the 16<sup>th</sup> November, 2010

**OFFICE MEMORANDUM**

**Subject: Departmental proceedings against Government servants - consultation with the Union Public Service Commission for advice.**

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The undersigned is directed to say that the existing instructions issued by this Department provide that the disciplinary proceedings taken against Government servants should be processed and completed expeditiously. Occasionally, the charged officers approach the Courts to quash the disciplinary proceedings and in many such cases the Courts give direction to the Government to complete the proceedings within a time limit prescribed by the Court. In certain instances the Government seeks further time from the Court and in certain other instances, the petitioners file contempt petitions for not having completed the proceedings as per the Court orders. In many of such cases, the UPSC has to be consulted as per the existing regulations, before final orders are issued.

2. The UPSC has brought to the notice of this Department that in the above cases, some Ministries/Departments have stated in the affidavit filed before the Court that the matter has been pending with the UPSC and the delay in completing the proceedings was due to the delay in receipt of advice from the UPSC although such cases had been returned by the Commission to the Administrative Ministry to rectify the deficiencies noted by it. In this connection, attention of Ministries/Departments is drawn to this Department's OM of even number dated 10.5.2010 and 14.9.2010 in which it has been reiterated that the Commission generally takes 3-4 months to render its advice after the complete case records have been received by the Commission and that the Ministries/Departments should ensure that the prescribed proforma for sending the case records to the UPSC is filled with due care and attention to avoid any back reference by the Commission to rectify the deficiencies. A case may not be taken as delayed on the part of UPSC if the Commission has returned the same to the Administrative Ministry to remove deficiencies.

3. All Ministries/Departments are requested that in cases where the Courts are being apprised the time taken in finalizing a disciplinary proceeding through affidavit, information in regard to the pendency of the matter before the Union Public Service Commission may be correctly projected.

  
**(C.A. Subramanian)**  
 Director

To

**All Ministries/Departments of Government of India.**

Copy to:-

1. President Secretariat/Vice-President's Secretariat/Prime Minister's Office/  
Rajya Sabha and Lok-Sabha Secretariat/CVC/CIC/C&AQ/CAT(Principal Bench).
2. All officers/Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of the Ministry.
3. UPSC, New Delhi.
4. NIC, DOPT, North Block for up-dating of the OM in DOPT website.