

No. 106/17/2007-AVD.I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

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North Block, New Delhi
Dated 11th September, 2007

To

The Chief Secretaries of
all State Governments and
Union Territory Administrations.

Sub: Permission under Rule 6(1)(b)(i) of All India Services (Death-cum-Retirement Benefit) Rules, 1958- Procedural requirements

Sir,

I am directed to draw attention to the provisions of Rule 6(1)(b)(i) of All India Services (Death-cum-Retirement Benefit) Rules, 1958, in terms of which a departmental proceeding, if not instituted while the pensioner was in service, whether before his retirement or during re employment

- (i) shall not be instituted save with the sanction of the Central Government;
- (ii) shall be in respect of an event which took place not more than four years before the institution of such proceedings; and
- (iii) shall be conducted by such authority and in such place or places as the Central Government may direct and in accordance with the procedure applicable to proceeding on which an order of dismissal from service may be made.

2. In terms of the above provisions, the State Governments make reference to the Central Government for accord of sanction for


instituting disciplinary proceedings against a retired member of an All India Service. However, it is noted that in many cases, the reference is not accompanied with the required documents and consequently, the Central Government is not able to formulate a view whether or not, a prima facie case of a grave misconduct on the part of the retired member of the Service has been made out. Further, the reference is often made very close to the date of expiry of the 4 year limitation period and the Central Government is not left with sufficient time to process the case on merits.

3. Therefore, it is emphasized upon the State Governments that any proposal for accord of sanction u/r 6(1)(b)(i) of All India Services (Death-cum-Retirement Benefit) Rules, 1958 should be made by way of a self contained note and it should be accompanied with all relevant documents viz. authenticated copies of (i) documents relied upon to prove the charge(s) against the member of the Service (ii) preliminary inquiry report, if such an inquiry has been conducted (iii) statement of witnesses recorded during the preliminary inquiry (iv) preliminary explanation of the retired member of Service and (v) draft article of charge(s) and statement of imputation of misconduct. Such documents should be duly indexed and referenced and relevance of each document in support of the charges should be clearly brought out in the self contained note. The State Governments are also advised to ensure that preliminary explanation of the retired member of service is invariably obtained before the State Government firms up its view for initiation of disciplinary proceedings against the officer.

4. The State Governments are also advised to ensure that all such references, complete in all respect, should reach the Central Government at least two months before the date on which the 4 year limitation period expires, which is the minimum time required for processing of the case in the Central Government.

5. Above procedural requirements may kindly be ensured while referring cases of retired members of the All India Services for accord of sanction u/r 6(1)(b)(i) of All India Services (Death-cum-Retirement Benefit) Rules, 1958 to the cadre controlling Ministries namely, Department of Personnel and Training, Ministry of Home Affairs and

Ministry of Environment and Forests respectively . It will not be possible to process incomplete or belated references and these shall be returned to the State Governments.


(Vijay Kumar)

Under Secretary to the Government of India

Copy to

- i) Ministry of Home Affairs, IPS Division
- ii) Ministry of Environment and Forests IFS Desk
- iii) MHA, Delhi Desk
- iv) Secretary, CVC
- v) Guard File


(Vijay Kumar)

Under Secretary to the Government of India