

No. 11012(4)/2008-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block,
New Delhi,
Dated the 28th July, 2008

OFFICE MEMORANDUM

Subject : Disciplinary jurisdiction of Election Commission of India over Government servants deputed for election duties.

The undersigned is directed to refer to the Department of Personnel and Training's O.M. of even number dated 20.03.2008 on the above mentioned subject and to say that attention was drawn therein to the principles and decisions agreed to between the Union Government and the Election Commission of India in respect of disciplinary action against the Government servants deputed for election duties. The relevant **Terms of Settlement** have been cited in para 1 of DOPT's O.M. No. 11012/7/98-Estt. (A) dated 07.11.2000. As per part(c) of these Terms of Settlement,

(a) the disciplinary functions of the Election Commission over the officers, staff and police deputed to perform election duties shall extend, *inter alia*, to making recommendation to the competent authority for taking disciplinary action for any act of insubordination or dereliction of duty while on election duty.; and

(b) such recommendation shall be promptly acted upon by the disciplinary authority and the action taken will be communicated to the Election Commission within a period of six months from the date of the Commission's recommendation.

The instructions issued in this regard were reiterated in the DOPT's O.M. dated 20-3-2008 wherein it was emphasized that the aforementioned Terms of Settlement have to be complied with while adhering to the provisions of the relevant disciplinary rules.

2. The matter concerning departmental proceedings against officials appointed on election duty has recently been further considered by the Government. It has now been decided that it shall be mandatory for the disciplinary authorities to consult the Election Commission if the matter is proposed to be closed only on the basis of a written explanation given by officer concerned to enable the Commission to provide necessary inputs to the disciplinary authorities before the Disciplinary Authorities take a final decision.

3. All Ministries/Departments are requested to bring the contents of this O.M. to the notice of all concerned for information and compliance.



(P.PRABHAKARAN)

Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India.