

11

No.11012/15/85-Estt(A)  
Government of India/Bharat Sarkar  
Ministry of Personnel & Training, Admn. Reforms  
And Public Grievances & Pension  
Department of Personnel & Training

.....

New Delhi, the 3<sup>rd</sup> December 1985

OFFICE MEMORANDUM

Subject:-period of suspension to be treated as duty if only a minor penalty is imposed after conclusion of the disciplinary proceedings - Recommendations of the Committee of the National Council (JCM) -

.....

The undersigned is directed to invite attention to this Department O.M.No.48/56/64-AVD dated 22.10.64 containing the guidelines for placing Government servants under suspension and to say that these instructions lay down, inter-alia, that Government servant could be placed under suspension if a prima-facie case is made out justifying his prosecution or disciplinary proceedings which are likely to end in his dismissal, removal or compulsory retirement. These instructions thus make it clear that suspension should be resorted to only in those cases where a major penalty is likely to be imposed on conclusion of the proceedings and not a minor penalty. The Staff Side of the Committee of the National Council set up to review the CCS(CC&A) Rules, 1965 had suggested that in cases where a government servant, against whom an inquiry has been held for the imposition of a major penalty, is finally awarded only a minor penalty, the suspension should be considered unjustified and full pay and allowances paid for suspension period. Government have accepted this suggestion of the staff side. Accordingly, where departmental proceedings against a suspended employee for the imposition of a major penalty finally end with the imposition of a minor penalty, the suspension can be said to be wholly unjustified in terms of FR(54-B) and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order under FR 54-B.

2. Ministry of Agriculture etc. are requested to bring the contents of para 1 above to the notice of all authorities concerned under their control.
3. These orders will become effective from the date of issue. Past cases already decided need not be reopened.
4. Hindi version will follow.

*A. Jayaraman*  
(A. JAYARAMAN)  
Director

To

All Ministries/Departments (with usual number of spare copies

.....2/-

Copy with usual number of spare copies.

1. Union Public Service Commission, New Delhi.
2. Central Vigilance Commission, New Delhi.
3. Office of the CGAG, New Delhi.
4. All Union Territory Administration,
5. JCA Section, Deptt. of Personnel and Training.
6. All member of Staff Side, National Council(JCM)
7. Secretary, Staff Side National Council(JCM) 13-C  
Feroz Shah Road, New Delhi.
8. All attached/subordinate offices of the Ministry of Home  
Affairs and the Ministry of Personnel and Training,  
Administrative Reforms and Public Grievances & Pension.

*A. Jayaraman*

(A. JAYARAMAN)  
Director