

No.11012/18/85-Estt.(A)
Government of India
Ministry of Personnel & Training
Administrative Reforms & Public Grievances & Pension
(Department of Personnel & Training)

....
New Delhi, the 10 Oct., 1985.

OFFICE MEMORANDUM

Subject: Rule 16(1) Holding of inquiry in specific circumstances -
Recommendations of Committee of National Council (JCM)

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The undersigned is directed to say that the Staff Side of the Committee of the National Council (JCM) set up to consider revision of CCS(CCA) Rules, 1965 had suggested that Rule 16(1) should be amended so as to provide for holding an inquiry even for imposition of minor penalty, if the accused employee requested for such an inquiry.

2. The above suggestion has been given a detailed consideration. Rule 16(1-A) of the CCS(CCA) Rules, 1965 provides for the holding of an inquiry even when a minor penalty is to be imposed in the circumstances indicated therein. In other cases, where a minor penalty is to be imposed, Rule 16(1) itself leaves it to the discretion of disciplinary authority to decide whether an inquiry should be held or not. The implication of this rule is that on receipt of representation of Government servant concerned on the imputations of misconduct or mis-behaviour communicated to him, the disciplinary authority should apply its mind to all facts and circumstances and the reasons urged in the representation for holding a detailed inquiry and form an opinion whether an inquiry is necessary or not. In a case where a delinquent Government servant has asked for inspection of certain documents and cross examination of the prosecution witnesses, the disciplinary authority should naturally apply its mind more closely to the request and should not reject the request solely on the ground that an inquiry is not mandatory. If the records indicate that, notwithstanding the points urged by the Government servant, the disciplinary authority could, after due consideration, come to the conclusion that an inquiry is not necessary, it should say so in writing indicating its reasons, instead of rejecting the request for holding inquiry summarily without any indication that it has applied its mind to the request, as such an action could be construed as denial of natural justice.

2. Ministry of Agriculture etc. are requested to bring these instructions to the notice of all disciplinary authorities under their control.

3. Hindi version will follow.

A. Jayaraman
(A. JAYARAMAN)
DIRECTOR(E)

To

All Ministries/Departments of the Govt. of India
(with usual number of spare copies).

No.11012/18/85-Estt.(A)

New Delhi, the 28 Oct., 1985.

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information to:-

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2. Union Public Service Commission, New Delhi.
3. Comptroller & Auditor General New Delhi.
4. Director, Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. All Chief Vigilance Officers.
7. JCA Section, Deptt. of Personnel and Training.
8. All Members of the National Council (JCM)
9. Secretary, Staff Side, National Council (JCA), 13-A
Feroz Shah Road, New Delhi.
10. All attached/subordinate offices of the Ministry of
Personnel & Training and the Ministry of Home Affairs.

A. Jayaraman
(A. JAYARAMAN)
Director (E)