

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 20th March, 2008

OFFICE MEMORANDUM

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

Sir,

The undersigned is directed to refer to the Department of Personnel and Training's O.M. No. 11012/7/98-Estt. (A) dated 07.11.2000 (copy enclosed) on the above mentioned subject and to say that the Election Commission have observed that the Governments in many cases do not initiate proceedings promptly against Government servants on the Commission's recommendations.

2. As per the aforementioned O.M. dated 07.11.2000, disciplinary action against officers, staff and police personnel deputed on election duties shall be governed by the principles and decisions agreed to between the Union Government and the Election Commission and as recorded by the Hon'ble Supreme Court of India in its Order dated 21.09.2000 in Writ Petition (C) No. 606 of 1993 (Election Commission of India vs. Union of India and Ors.). The terms of settlement were as follows :-

"The disciplinary functions of the Election Commission over officers, staff and police deputed to perform election duties shall extend to --

- (a) **Suspending any officer/official/police personnel for insubordination or dereliction of duty;**
- (b) **Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;**
- (c) **making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be**

promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission; within a period of 6 months from the date of the Election Commission's recommendations;

- (d) the Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under their administrative control."**

It has been brought to the notice of this Department by the Election Commission of India that in many cases the Governments concerned do not initiate promptly disciplinary action against the delinquent officials as recommended by the Commission as envisaged in the aforesaid agreement.

3. The instructions issued in terms of the DOPT's O.M. dated 07.11.2000 are, therefore, reiterated and it is emphasized that the terms of settlement have to be complied with while adhering to the provisions of the relevant disciplinary rules. The recommendations of the Election Commission made to the Competent Authority for taking disciplinary action for any act of insubordination or dereliction of duty while on duty shall be promptly acted upon by the disciplinary authority and action taken should be communicated to the Election Commission within a period of six months from the date of the Election Commission's recommendations.

4. All Ministries/Departments are requested to bring the aforementioned Terms of Settlement and the contents of para 3 above to the notice of all concerned for information and compliance.

Yours faithfully,



(P.PRABHAKARAN)

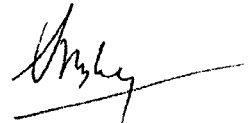
Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India.

Copy forwarded to :

1. Comptroller and Auditor General of India, New Delhi
2. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
3. Union Public Service Commission, New Delhi.
4. President's Secretariat/Vice-President's Secretariat/ Prime Minister's Office.
5. Election Commission of India, New Delhi.
6. Central Vigilance Commission, New Delhi.
7. Staff Selection Commission, New Delhi.
8. Central Bureau of Investigation, New Delhi.
9. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
10. All Officers and Sections in the Ministry of Personnel, PG and Pensions and Ministry of Home Affairs.
(200 spare copies).



(P. PRABHAKARAN)

Deputy Secretary to the Government of India