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No.11012/7/83-Estt(A)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Griha Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sadhak Vibhag)

New Delhi, the 23 July, 1984

OFFICE MEMORANDUM

Subject: - CCS(CCA) Rules, 1965 - Rule 14(8)(a) - Request of a delinquent official for permission to engage a Legal Practitioner to defend his case before the Inquiry Officer.

The undersigned is directed to refer to Rule 14(8)(a) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 which provides, inter-alia, that a delinquent Government servant against whom disciplinary proceedings have been instituted as for imposition of a major penalty may not engage a legal practitioner to present the case on his behalf before the Inquiring Authority, unless the Presenting Officer, appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, so permits. It is clarified that, when on behalf of the disciplinary authority, the case is being presented by a Prosecuting Officer of the Central Bureau of Investigation or a Government Law Officer (such as Legal Adviser, Junior Legal Adviser), there are evidently good and sufficient circumstances for the disciplinary authority to exercise his discretion in favour of the delinquent officer and allow him to be represented by a legal practitioner. Any exercise of discretion to the contrary in such cases is likely to be held by the court as arbitrary and prejudicial to the defence of the delinquent Government servant.

2. The Ministry of Finance, etc. are requested to bring the contents of this O.M. to the notice of all disciplinary authorities, etc.

Manjula
(Miss Manjula Subramaniam)
Deputy Secretary to the Government of India

To All Ministries/Departments of the Govt. of India.

No.11012/7/83-Estt.(A)

New Delhi, the 23 July, 1984

- Copy with usual number of spare copies:-
1. Central Vigilance Commission, New Delhi.
 2. Union Public Service Commission, New Delhi.
 3. Comptroller and Auditor General, New Delhi.
 4. Director, Central Bureau of Investigation, New Delhi.
 5. All Union Territory Administrations.
 6. All State Vigilance Officers.
 7. Secretary, Staff Side, National Council, 9-Ashoka Road, New Delhi.

Manjula
(Miss Manjula Subramaniam)
Deputy Secretary to the Government of India