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Copy of Ministry of Home Affairs O.M. No. 25/70/49-Ests., dated the 26th December, 1949 to all ministries etc. etc.

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Subjects:- Conviction of Government servants in courts of law - Requirement regarding intimation to departmental superiors.

Attention is invited to rules 55 and 55A of the Civil Services (Classification, Control and Appeal) Rules and section 240(3) of the Government of India Act 1935 (of also Article 311 of the new Constitution) which provide that the procedure thereunder need not be followed in cases where a departmental penalty is to be imposed on a Government servant on the basis of facts which have led to his conviction in a criminal court. Dismissal etc. in such cases is not to be automatic each case should be examined on its merits and orders imposing the appropriate penalty passed only where the charges against the Government servant on which his conviction is based show that he was guilty of moral turpitude or of grave misconduct which is likely to render his further retention in service undesirable or contrary to public interest.

2. In order that the departmental authorities of a Government servant who has been convicted by a court of law may be in a position to consider his case and pass suitable orders thereon, every Government servant is ordinarily expected to inform his departmental superiors of such conviction, whether the offence is of a serious nature or is purely technical. Since, however, there is no specific requirement at present to do so, cases frequently occur in which Government servants concerned omit to inform their official superiors of the fact of their conviction which comes to light later from other sources. In these circumstances it has been decided, and it is hereby made clear, that it shall thereafter be the duty of a Government servant who may be convicted in a criminal court to inform his official superiors of the fact of his conviction and the circumstances connected therewith as soon as it is possible for.....2/-

for him to do so. Failure on the part of any Government servant so to inform his official superiors will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the penalty called for on the basis of the offence on which his conviction was based.

3. It is requested that the position as in para 2 above may kindly be caused to be explained to all Government servants with whom the Ministry of Finance etc. may be concerned.

Sd/- C.B. Gulati  
Under Secretary to the Government of India.

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9.12.63