

No. 35014/1/81-Ests
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 9th 11-1982

OFFICE MEMORANDUM

Subject:-CCS(CCA) Rules, 1965 - Opportunity to the suspended Government servant to appeal against suspension.

The undersigned is directed to say that under Rule 10(1) of the CCS(CCA) Rules, 1965, the competent authority may place a Government servant under suspension -

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- (b) Where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interests of security of the State; or
- (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

The Government servant is also deemed to have been placed under suspension by an order of the competent authority in the circumstances mentioned in rule 10(2) of the aforesaid rules.

2. Where a Government servant is placed under suspension, he has a right of appeal against the order of suspension vide Rule 23(i) of the CCS(CCA) Rules, 1965.

This would imply that a Government servant who is placed under suspension should generally know the reasons leading to his suspension so that he may be able to make an appeal against it. Where a Government servant is placed under suspension on the ground that a disciplinary proceeding against him is pending or a case against him in respect of any criminal offence is under investigation, inquiry or trial, the order placing him under suspension would itself contain a mention in this regard and he would, therefore, be aware of the reasons leading to his suspension.

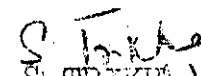
2. Where a Government servant is placed under suspension on the ground of "contemplated" disciplinary proceeding, the existing instructions provide that every effort would be made to finalise the charges, against the Government servant within three months of the date of suspension. If these instructions are strictly adhered,

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to, a Government servant who is placed under suspension on the ground of contemplated disciplinary proceedings will become aware of the reasons for his suspension without much loss of time. However, there may be some cases in which it may not be possible for some reason or the other to issue a chargesheet within three months from the date of suspension. In such cases, the reasons for suspension should be communicated to the Government servant concerned immediately on the expiry of the aforesaid time-limit prescribed for the issue of a chargesheet, so that he may be in a position to effectively exercise the right of appeal available to him under Rule 23(i) of the CCS (CCA) Rules, 1965, if he so desires. Where the reasons for suspension are communicated on the expiry of a time-limit prescribed for the issue of chargesheet, the time-limit of forty five days for submission of appeal should be counted from the date on which the reasons for suspension are communicated.

4. The decision contained in the preceding paragraph will not, however, apply to cases where a Government servant is placed under suspension on the ground that he has engaged himself in activities prejudicial to the interests of the security of the State.

5. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all administrative authorities under their control for their guidance and strict compliance.


(KUM. S. TRIKHA)

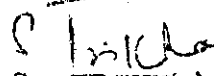
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(KUM. S. TRIKHA)

Deputy Secretary to the Govt. of India.