

3. Procedure for intimation of disciplinary proceedings against the officers of All India Services under the Government of India and organizations under the Government of India

No.11018/3/94-AIS.III
Government of India
Ministry of Personnel, P.G & Pensions
(Department of Personnel & Training)

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New Delhi, the 9 June, 1995

OFFICE MEMORANDUM

Sub:- Procedure for intimation of disciplinary proceedings against the officers of All India Services under the Government of India and organizations under the Government of India.

Rule 7 of the AIS (Discipline & Appeal) Rules, 1969 stipulate the authority competent to institute proceedings and to impose penalty on members of the All India Services. The said rule vests this authority either with the State Government or with the Central Government depending upon the circumstances explained therein. Powers of the Central Government in respect of members of the Indian Administrative Service while they are on deputation with the Central Government are exercised by the Department of Personnel & Training. In respect of Indian Police Service and Indian Forest Service these powers are exercised by the Ministry of Home Affairs and Ministry of Environment & Forests respectively.

2. With a view to avoiding delay in the processing of cases in respect of members of All India Service pertaining to the period of their central deputation the following procedure may be followed while forwarding such cases to the cadre controlling authority, namely Department of Personnel & Training / MHA/ Ministry of Environment & Forests, as the case may be:-

- i) Any proposal to place an officer under suspension should be sent to the cadrecontrolling Department only with the approval of the Minister in charge of the Department/ Ministry administratively concerned.
- ii) Any proposal to initiate disciplinary proceedings should be forwarded only after a decision has been taken at the level of the Minister-in-Charge of the Department/ Ministry after obtaining the preliminary explanation of the officer and after considering the same. In cases having a vigilance angle, the administrative Ministries/ Departments are also required to consult the Central Vigilance Commission and obtain its first stage advice before submitting the papers to the Minister.
- iii) If an officer is transferred to another Ministry/ Department, the Ministry concerned where the alleged misconduct was committed by

the officer will have to take a view on the case in the light of the facts of the case and the explanations of the concerned officer at the level of the Minister before forwarding the case records for further necessary action. They must also give intimation in this regard to the Ministry where the officer may be working for the time being.

- iv) Where it is proposed to initiate disciplinary proceedings the proposal shall always be accompanied by a draft charge sheet along with imputations of misconduct and two sets of certified list of documents.
- v) In cases where it is decided not to formally proceed against an officer but only to convey a caution/ warning/ displeasure of the Government, this will be communicated to the officer by the Ministry/ Department concerned, through the administrative Ministry where he may be working at that time and two copies of the same shall be endorsed to the respective controlling Department for record.
- vi) In a case where there is no full fledged investigation by the CBI and where formal action for major penalty is instituted by the concerned cadre controlling Ministry after due consideration of a proposal received from the administrative Ministry or otherwise, the administrative Ministry shall also nominate an officer who is well versed with the facts of the case for being appointed as the Presenting Officer.
- vii) All communications meant for the officers proceeded against would be served through the Ministry/ Department where the officer is working for the time being.

3. It may be ensured that the above procedure is followed while referring cases of members of the All India Services to the cadre controlling Ministries, namely, Department of Personnel & Training, Ministry of Home Affairs and Ministry of Environment and Forests, for initiation of Disciplinary proceedings under the AIS (D&A) Rules.

Sd/-
(A.K. Thakur)
Director (S)

To

Secretary to the Govt. of India,
All Ministries/ Departments.

Copy to:-

- i) Secretary, CVC
- ii) Estt. Division, Department of Personnel & Training
- iii) Ministry of Home Affairs, IPS Division
- iv) All the Desks / Sections in AVD, and AIS Divisions
- v) Guard File.