

Procedure for initiation of Disciplinary Proceedings under Rule 16 of CCS(CC&A) Rules, 1965.

Sl No.	Action to be taken	By whom	Time limit
1	On receipt of complaint against delinquent official containing allegations not requiring imposition of major penalty, preliminary investigation has to be conducted for ascertaining facts/to establish misconduct.	By Disciplinary Authority	Preliminary investigation needs to be completed as soon as possible but not later than 3 months in any case.
2c	Where after considering the preliminary investigation report, it is proposed to impose any of the minor penalties specified at (i) to (iv) of Rule 11 of CCS(CC&A) Rules, 1965, the employee concerned shall be informed in writing of the imputations or lapses against him and given an opportunity to submit his written statement of defence,	By Disciplinary Authority. Standard form of memorandum of charge sheet for minor penalties is attached at (Annexure-A)	Within a specified period not exceeding 15 days or such extended period as may be granted by the Disciplinary Authority
3	In case after examination of case and considering the defence statement of accused, Disciplinary Authority is of the opinion that the allegations against the Govt. Servant stand substantiated, it may impose upon him any of the minor penalties specified at (i) to (iv) of Rule 11 of the CCS(CC&A) Rules, 1965.	By Disciplinary Authority. A format of Penalty Order is attached at Annexure-B.	As soon as possible.
4	In case after examination of case and considering the defence statement of accused, Disciplinary Authority is satisfied that allegations have not been proved, it may exonerate the Govt. Servant. An intimation of such exoneration will be sent to the Govt. Servant in writing.	By Disciplinary Authority. A format of Penalty Order is attached at Annexure-C.	As soon as possible.

Annexure A

STANDARD FORM OF MEMORANDUM OF CHARGE FOR IMPOSING MINOR PENALTIES

(RULE 11 OF RS(D&A)RULES,1968)

No.....

(Name of the Organisation)

.....

(place of issue).....dated.....

MEMORANDUM

1. Shri(name, designation and office in which working) is hereby informed that the undersigned proposed to take action against him under Rule 11 of the CCS (Discipline and Appeal) Rules,1968. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. Shri is hereby given an opportunity to make such representation as he may wish to make against the proposal. The representation, if any, should be submitted to the undersigned so as to reach within ten days of receipt of this Memorandum.

3. If Shri fails to submit his representation within the period specified in para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri.....
.....
..... ex-parte.

4. The receipt of this Memorandum should be acknowledged by Shri.....

Signature.....

Designation.....

(Designation of the Competent authority)

To

Shri.....

(Name ,designation and office of the Official)

ANNEXURE-B

STANDARD FORM OF CHARGE-SHEET FOR INITIATION OF MINOR PENALTY PROCEEDINGS (In cases where Disciplinary Authority decides to hold the inquiry under rule 11(1)(b)/ 11 (2) of CCS (Discipline and Appeal) Rules,1968.

No.....

(Name of the Organisation)

.....

(place of issue).....dated.....

MEMORANDUM

In continuation of Memorandum No..... dated..... issued to Shri
..... under Rule 11 of the CCS (Discipline and Appeal) Rules,1968.

.....
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After careful consideration of the explanation given by Sri

with reference to Memorandum No.....
dt.....issued to him under Rule 11 of the CCS (Discipline and Appeal) Rules,
1968.....

the President /Railway Board/undersigned is /are of the opinion that it is necessary to hold an inquiry against Sri
..... under Rule 11(1) (b)/Rule 11(2) of the
CCS Rules, 1968. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is
proposed to be held is out in the enclosed statement of article of charge (Annexure-I). A statement of the imputations
of misconduct or misbehavior in support of each article of charge, is enclosed (Annexure-II). A list of documents by
which, and a list of witnesses by whom the articles of charges, are proposed to be sustained, are also enclosed
(Annexure III & IV). *Further copies of documents mentioned in the list of documents, as per Annexure III are
enclosed.

2. Sri..... is hereby informed that if he so desires, he can
inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure-III) at any time
during office hours within seven days of receipt this memorandum. For this purpose he should contact
**..... immediately on receipt of this memorandum.

3. Sri..... is further informed that he may, if he so desires, take the
assistance of any other official of CGWB (who satisfies the requirements of Rule 9 (13) of RS(D&A)Rules, 1968
and Note 1 and or Note 2 thereunder as the case may be), for inspecting the documents and assisting him in
presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he
should nominate one or more persons in order of preference. Before nominating the assisting Servant Official (s)
Shri Should obtain an undertaking from the nominee (s) that he
(they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the
particulars of other case (s), if any in which the nominee (s) had already undertaken to assist and the undertaking
should be furnished to the undersigned/General Manager + Railway along with the nomination.

4. Sri..... is hereby directed of submit to the undersigned (through
Disciplinary Authority) + written statement of defence (which should reach the said

General Manager) + within ten days of receipt of this Memorandum, if he does not require to inspect any documents for the preparation of his defence, and within ten days after completion of inspection of documents if he desires to inspect documents and also,

- to state whether he wishes to be heard in person; and
- to furnish the names and addresses of the witnesses if any, whom he wishes to call in support of his defence.

5. Sri..... is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

6. Sri..... is further informed that if he does not submit his written statement of defence within the period specified in para 4 or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 9 and 11 of the Railway Servants (Discipline & Appeal) Rules, 1968 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry *ex-parte*.

7. The attention of Sri Is invited to Rule 20 of the Railway Services (Conduct) Rules, 1966, under which no official shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri Is aware of such a representation and that if has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules, 1966.

8. The receipt of this memorandum may be acknowledged.

*[By order and in the name of the President]

(Signature)

Name and designation of competent authority

Encl:

To

Sri.....

..... (Designation)

..... (Place etc.)

© Copy to Shri..... (name and designation of the Lending authority) for information.

%. This time limit may be extended up to ten days at the discretion of the competent authority.

+ To be retained wherever President or the CGWB is the competent authority.

* Where the President is the Disciplinary Authority.

* Strike out whichever is not applicable.

© To be used wherever applicable – See Rule 16(1) of the RS(D&A)Rules,1968.- Not to be inserted in the copy sent to the Railway Board.

** Name of authority having custody of documents.

ANNEXURE-C

Speed Post

Confidential

No.,

Govt. of India,

Ministry of Jal Shakti, Deptt of RD & GR,

Central Ground Water Board,

.....

.....

Date:-

ORDER

WHEREAS Sh., Central Ground Water Board, was informed of the proposal to take action against him under Rule 16 of the CCS(CC&A) Rules, 1965 vide this office Memorandum No.dated The statement of imputations of misconduct or misbehavior on which the action was proposed to be taken was also enclosed with the above said Memorandum datedand Sh. was given an opportunity to make such representation as he may wish to make against the proposal. The misconduct on the part of Sh. (brief misconduct)

AND WHEREAS in his representation datedhas stated that being(explanation of accused). The representation of Sh. has been considered carefully by the undersigned in the capacity of disciplinary authority and has found that the points raised by him are just afterthoughts and are untenable.

AND THEREFORE, after taking into account the representation of Sh..... and the facts and circumstances of the case, undersigned is satisfied that the allegation against Sh. is correct. The undersigned has, therefore, decided to impose the penalty of to Sh.

In exercise of the powers conferred under Rule 15 of the CCS(CC&A) Rules, 1965 the above said penalty is accordingly imposed on Sh.

Disciplinary Authority