

Forms & Downloads Of Disciplinary and Appeal Cases Branch

All Disciplinary cases are required to be submitted under the Single Window System of Disciplinary and Appeal Cases Branch along with duly filled in Proforma/Check list in accordance with DOPT's OM No.39011/08/2016- Estt.(B) dated 28.12.2018 (Copy attached).

No.39011/08/2016-Estt(B)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Date: 28th December, 2018

OFFICE MEMORANDUM

Subject:- Departmental proceedings against Government Servants – Procedure for consultation with the Union Public Service Commission - reg.

The undersigned is directed to refer to this Department's OM No. 39011/12/2009-Estt(B) dated 10.05.2010 on the subject mentioned above vide which a Proforma/Checklist was forwarded to all Ministries/Departments for referring disciplinary cases to Union Public Service Commission (UPSC) in terms of Article 320(3) (c) of the Constitution of India read with Regulation 5 of the UPSC (Exemption from Consultation) Regulations, 1958 (as amended from time to time).

2. The Proforma/ Checklist has been revised in consultation with UPSC so as to ensure that there are no shortcomings while sending the requisite information/ documents to the Commission. It is also expected that the complete reference is received in the Commission at least three months prior to the retirement of the charged officer in case of minor penalty proceedings and at least six months prior to retirement in case of major penalty proceedings in order to get advice of the Commission and the implementation thereof. Wherever the time is less than three months/ six months from the retirement of the Government servant, cogent reasons justifying late submission of case to UPSC are also required to be indicated.

3. The modified Proforma/Checklist for forwarding disciplinary cases to the UPSC is enclosed for guidance/ compliance by all concerned.

Encl: As above


(Pramod Kumar Jaiswal)

Under Secretary to the Government of India

Tel. No.: 23093175

To

All Ministries/Departments, Government of India.
(As per Standard list)

Copy to:

The Secretary, Union Public Service Commission (UPSC), Dholpur House,
Shahjahan Road, New Delhi.

**PROFORMA/ CHECK LIST FOR FORWARDING DISCIPLINARY CASES TO
THE UNION PUBLIC SERVICE COMMISSION**

PART I : SERVICE AND RELATED PARTICULARS

1.Name of charged officer and the service on which borne

2. (i) Whether temporary/permanent/contract service
(ii) If confirmed, date of confirmation

*3. Post held substantively, if in permanent service

- a) Designation
- b) Pay Level in the pay matrix (indicating pay index, etc.)
- c) Pay drawn
- d) Date from which pay shown against (c) drawn
- e) Date of increment

4. Post held at present

- a) Designation
- b) Pay Level in the pay matrix (indicating pay index, etc.)
- c) Pay drawn
- d) Date from which pay shown against (c) drawn
- e) Date of next increment

5. The next lower post (along with pay level in the pay matrix), the officer would have held but for his appointment to the present post he is holding

6. Date of Birth

7. Date of joining Govt. Service

8. Due date of retirement or actual date of retirement, if already retired

9. (a) Amount of monthly pension admissible/sanctioned
(b) (i) Amount of gratuity admissible (in respect of disciplinary proceedings initiated during service)
(ii) Amount of gratuity withheld (for disciplinary proceedings after retirement)

*Not to be filled in the case of All India Service officers

10. (a) Appointing authority in respect of the post held at present, or the authority which actually appointed the person, if that authority is higher.
 (b) Authority competent to impose the penalty in respect of the post held at present
 (c) Appellate authority in respect of the post held at present

11. Whether an oral inquiry, if required under the rules, has been held

12. Name and designation of Inquiry officer appointed, if any.

PART II : DETAILS OF CASE RECORDS

(All the records are required to be arranged and cross-referenced, as indexed below and page numbers of the file/ folders to be indicated against each item.)

Item	*Reference/comments
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(A) ORIGINAL CASES

(Where the Central Government or the State Government is the Disciplinary Authority and an order of penalty is to be passed for the first time)

(a) Complaint, if any, received by the Authorities	
(b) (i) Report of the preliminary enquiry, if any, held in the matter leading to the institution of formal disciplinary proceedings against the C.O. (together with Depositions recorded)	
(ii) Order, of suspension/ revocation of suspension, if any,	
(c) Order, if any of the competent authority for joint/common proceedings where two or more Govt. servants are involved.	
(d) i) Charge sheet together with the statement of imputations along with enclosures. ii) Records of delivery of charge sheet to the charged officer iii) Whether the Charge sheet issued as per the Rules	

*Please indicate references in terms of page numbers, file numbers, folders, etc. Do not leave any column blank. If a document is not enclosed, indicate reasons.

(e) Reply of the Charged Officer
(f) A note from the Disciplinary Authority explaining the factual or procedural points, if any, raised in the Charged Officer's reply in minor penalty cases where no enquiry has been held
(g) Order of the Disciplinary Authority appointing the Inquiry Officer
(h) Order of the Disciplinary Authority appointing the Presenting Officer
(i) Daily Order Sheets maintained by the Inquiry Officer, indicating the progress of oral inquiry
(j) Correspondence of the Inquiry Officer, if any, with the Disciplinary Authority or the Charged Officer
(k) i) Depositions – oral statements, recorded from prosecution witnesses and defence witnesses ii) Statement of defence of the Charged Officer iii) General examination of the charged officer iv) Whether copies of relevant documents have been supplied to the Charged Officer v) Exhibits (in original/ legible copies duly authenticated) a) Prosecution b) Defence
(l) i) Written brief, if any, submitted by the Presenting Officer ii) Whether a copy of brief of Presenting Officer supplied to the Charged Officer
(m) Written brief, if any, submitted by the Charged Officer.
(n) Inquiry Officer's report
(o) i) Whether Inquiry Officer's report provided to the charged officer. ii) Whether disagreement of the Disciplinary Authority, if any, on the report of the Inquiry Officer, communicated to the Charged Officer iii) Representation of the Charged Officer on the findings of the Inquiry Officer.

iv) Para-wise comments of the Disciplinary Authority on the representation of the Charged Officer, if any.

(p) Whether the Disciplinary Authority has considered the merits of the case and come to the conclusion that a formal penalty is called for

(q) In cases of minor penalty, following information may also be provided:

- i) Whether the case is being submitted at least 90 days prior to the date of retirement.
 - ii) If not, the reasons for late submission of the case may be indicated.
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(r) In cases of major penalty, following information may also be provided:

- i) Whether the case is being submitted at least 180 days prior to the date of retirement.
 - ii) If not, the reasons for late submission of the case may be indicated.
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(B) CONVICTION CASES

(where any penalty is to be imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge)

a) Complaint/ F.I.R.

b) Investigation Report

c) Judgement of the Court

d) Show Cause Notice issued to the Government servant
(The Show Cause Notice should tentatively propose imposition of the penalty of highest grade, i.e., dismissal from service which shall ordinarily be a disqualification for future employment under the Government / withholding of hundred percent of pension and gratuity in full on permanent basis, as the case may be)

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- e) Record of the delivery of the Show Cause Notice

 - f) Representation of the Government servant on the Show Cause Notice

 - g) Comments of DA on the representation of Government servant

 - h) Whether the disciplinary authority has considered the merits of the case and come to the conclusion that a formal penalty is called for on the ground of conduct which has led to the conviction of the Government servant on a criminal charge
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(C) APPEAL CASES

(Where the order of penalty has been passed by a subordinate authority and an appeal lies to the President)

(In these cases all the documents listed in (A) should also be sent)

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- a) Order passed by the Disciplinary Authority together with a note, if any, containing the conclusion arrived at by him in respect of each charge

 - b) Appeal of the officer concerned

 - c) Whether appeal has been addressed to the competent authority

 - d) Comments of the Disciplinary Authority on the Appeal including clarification on procedural points, if any, raised by the Appellant
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(D) REVISION/REVIEW CASES

- i) Whether Appeal addressed to the President of India or to some Subordinate authority.

(Where the Appellate Authority is subordinate to the President and a modification of the appellate order is sought by way of Revision/Review or where the President has passed the original order)

(In these cases, all the documents listed in (A) and (C) should also be sent)

- ii) Whether the approval of the Competent Authority obtained before referring the Case for Commission's advice.

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- a) Appellate Authority's order/
President's order

 - b) Petition/Memorial submitted by the
officer

 - c) Note indicating the Reviewing
Authority's findings on the
charges, detailing the reasons
warranting modification of the
penalty already imposed and the
extent of such modification

 - d) Additional comments on the
procedural or factual points, if any,
raised in petition.
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(E) PENSION CASES

(Where the President proposes to withhold or withdraw pension otherwise admissible to the officer as a result of disciplinary proceedings instituted/ deemed to continue in respect of an officer who has retired from service)

(In these cases all the documents listed in (A) should also be sent)

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- a) Order of the President*, if any, that
the disciplinary proceedings should
be instituted under the relevant
pension rules.

 - b) Show cause notice issued to the
officer indicating precisely the
quantum of cut proposed to be made
in his pension and the period for
which it shall be operative

 - c) Reply of the officer to the aforesaid
notice

 - d) Comments on factual or procedural
points raised by the officer in his
reply.

 - e) Approval of the President to the
effect that the pensioner is found
guilty of grave misconduct or
negligence warranting withholding/
withdrawing of pension and/or
gratuity or recovery from a pension
or gratuity
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(F) GENERAL

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- a) Miscellaneous documents regarding
evidence such as the exhibits,
statements, etc. referred to in (A) to
(E) and extracts of relevant Rules,
Codes, Manuals, Acts, Judgements
etc.
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*Central Govt. in the case of All India Service Officers.

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- b) Information/position of disciplinary proceedings instituted against other co-accused officers.
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- c) Information/ position of action instituted against persons/ officials (other than Government servants) involved in the case, if any
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- d) Whether complete and up-to-date Confidential Roll of the officer has been enclosed.
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- e) Details of other disciplinary case(s) instituted against the Government servant and the penalty imposed, if any.
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- f) Present status of pending court cases, if any, along with the next date of hearing.
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*Signature.....
Name (in Block letters) of the Officer
signing this statement.....
Designation.....
Telephone No.....
Date:.....

*To be signed by an officer not below the rank of CVO/Joint Secretary to the Government of India