

## (ANNEX)

**CHECK-LIST OF REQUIREMENTS TO BE NOTED WHILE TAKING ACTION  
UNDER GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1973**

## ➤ Authority.— To ensure that:-

The President has been pleased to designate the officer or authority to exercise his powers as Authority under rule 2(2).

## ➤ Authorized Officer.— To ensure that:-

1. The officer exercising the powers of Authorized Officer has been authorized by the Authority to act as such in terms of rule 2(3).
2. The Authorized Officer while exercising his discretionary powers of suspension under rule 5(1) (i) has obtained prior approval of the Authority in writing before issuing orders suspending the accused officer. The summaries for authority seeking its approval for suspension or extension of suspension period are signed by the authorized officer and not by any other officer. Further, an officer can be suspended only if he is accused of subversion, corruption or misconduct rule 5 (1) (i).
3. Formal approval of the Authority is available for continuation of the suspension period after every three months rule 5 (1) (i).
4. Formal approval of the authority is available for extending the period of forced leave after every three months rule 5 (1) (i).
5. No officer other than the Authorized Officer has decided that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry office or Inquiry Committee, rule 5(1)(ii).
6. Considering the nature of charges and other facts, the decision not to hold an inquiry has been taken judiciously and not arbitrarily. Before taking such a decision, the authorised officer has taken into consideration the nature of charges and other facts and has satisfied himself that the allegations against the accused could be decided without holding an enquiry. [Rule 5(1)(iii)]. (Though it is not a requirement of the rule that the reasons for not holding an inquiry be recorded, yet the check-point is necessary to ensure that the decision is in the interest of justice as required by rule and that there is no violation of the law of natural justice).
7. The procedure prescribed in rule 6 is followed in case the Authorized Officer in exercise of his discretionary power under rule 5 (1) (ii) has decided to hold an inquiry through an Inquiry Officer or Inquiry Committee.

8. Formal order regarding appointment of Inquiry Officer or Inquiry Committee, as the case may be, has been issued by the Authorized Officer and not by any other officer. [Rule 6 read with rule 5 (1) (ii)].
9. A formal charge-sheet together with a statement of allegations has been framed and communicated to the accused officer by the Authorized Officer under his signature. (The statement of allegations should also be authenticated by the authorized officer). [Rule 6 (1)].
10. The charge sheet requires the accused:
  - (i) to put in written defence within a reasonable time which is not less than 7 days or more than 14 days from the day the charge has been communicated;
  - (ii) to state whether he desires to be heard in person, [Rule 6 (2)].
11. The procedure laid down in Rule 5 (1) (iii) is followed in case the Authorized Officer in exercise of his discretion has decided to dispense with holding an inquiry through an Inquiry Officer or Inquiry Committee.
12. In the show cause notice issued under Rule 5 (1) (iii), the proposed action and the grounds of the action including particular or particulars of charges and substance of evidence in support of the charges has been specified; the grounds for penalty in terms of rule 3 have been specifically mentioned; the penalty or penalties which would be called for if the charges are established have been specified and no general mention has been made by reference to all minor or major penalties. The description of penalties should conform to the description given in the rules. The show cause notice must be signed by the authorized officer.
13. On receipt of the report of the Inquiry Officer or Inquiry Committee or on receipt of explanation of the accused officer under rule 5 (1) (iii), the Authorized Officer has determined whether the charge or charges against the accused officer has been proved or not [rule 5 (1) (iv)].
14. After the authorised officer has considered the inquiry report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of the inquiry report and asked to show cause, within a specified time, which should not be less than 7 days and more than 14 days from the date of receipt of inquiry report, against the particular penalty to be imposed and any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.

15. In case the Authorized Officer has proposed imposition of a major penalty on the accused officer, he has referred the case to the Authority with his recommendation and with all the documents mentioned in the rule [rule 5 (1) (iv)].
  16. When the accused has desired to be heard in person, the authorized officer has duly heard him in person before deciding to impose a minor penalty or make recommendations to the authority for a major penalty. [rule 6 (2)].
  17. In case the authorized officer in respect of civil servants holding posts in basic pay scales 17 and above decides to forward a disciplinary case to the President\*, where he is the authority, he should invariably submit his proposal to the Establishment Division in the form of a "summary for the President\*\*" marked to the "COS to the President" through Establishment Secretary" alongwith complete CR dossier. The summary should also contain the following information:-
    - (i) date of the birth of the accused;
    - (ii) date of his entry into service; and
    - (iii) the length of qualifying service for pension as on the date on which summary is forwarded.
- Inquiry Officer/Committee.- To ensure that:-
1. The procedure laid down in rule 6(3) to (6) is strictly adhered to during the inquiry proceedings.
  2. The inquiry proceedings being of judicial nature in terms of rule 7, the Inquiry Officer has recorded the statement of witnesses on oath [Rule 7 (a)].
  3. The accused officer is allowed to cross-examine the witnesses produced against him during the proceedings. [Rule 6 (3)].
  4. The accused officer is afforded a reasonable opportunity to produce his defence. [Rule 6 (3)].
  5. The case is heard from day to day and no adjournment is given except for reasons to be recorded in writing which should be reported to the authorized officer. No adjournment should exceed a week. [Rule 6 (4)].
  6. The findings are recorded after due analysis and appreciation of evidence on record.

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\* Prime Minister.

\*\* Principal Secretary to Prime Minister.