

F. No. 11012/09/2016-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment A-III Desk

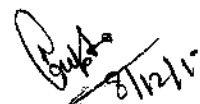
North Block, New Delhi – 110001
Dated 8th December, 2017

OFFICE MEMORANDUM

Subject: Frequently Asked Questions on timeline for completing Disciplinary proceeding in time bound manner under CCS (CCA) Rules, 1965.

Instructions have been issued in the past for expeditious disposal of disciplinary proceeding cases. Further, Central Civil Services (Classification, Control & Appeal) Rules, 1965 have also been notified vide Gazette Notification No. 548(E) dated 2.06.2017 (copy enclosed) for introducing stringent timeline for completing disciplinary proceeding in a time bound manner. **Based on the same, a set of frequently asked questions is attached for necessary information.**

2. Ministries/ Departments are requested to bring the contents of this O.M. to all concerned for compliance.
3. Hindi version will follow.



(Nitin Gupta)

Under Secretary to the Govt. of India
Tel: 23040264

To
The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. ADG (M&C), Press Information Bureau, DoP&T
- ✓ 15. NIC, Department of Personnel & Training, North Block, New Delhi [for uploading the same on the website of this Ministry under the Head Notifications → OMs & Orders → Establishment → CCS (CCA) Rules, What's New and FAQ under Employee Corner]
16. Hindi Section, DoP&T

FAQs on the time limit for disposal of disciplinary cases

Question: What is the time limit for charged officer to submit his written statement of defence on charge sheet?

Answer: It is 15 days, which can be further extended by a period not exceeding 15 days at a time for reasons to be recorded in writing by the Disciplinary Authority or any other authority authorized by the Disciplinary Authority on his behalf. The overall limit for filing of reply should not be extended beyond 45 days from the receipt of the articles of charge by the charged officer. [Sub Rule 4 in Rule 14 of CCS (CCA) Rules, 1965]

Question: What is the time limit for producing requisite documents claimed by charged officer during?

Answer: Sub rule (13) in Rule 14 provides for producing the documents or issue of non-availability certificate within a period of one month of the receipt of such requisition.

Question: What is the time period for the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge if the Government Servant fails to appear within the specified time or refuses or omits to plead?

Answer: It is 30 days. [Sub rule (11) in Rule 14 of CCS (CCA) Rules, 1965]

Question: What is the time period for inspecting the documents produced by Presenting Officer for the purpose of preparing his defence?

Answer: Within five days of the order passed by Inquiring Authority, which can be further extended not exceeding 5 days. [Sub rule (11) (i) in Rule 14 of CCS (CCA) Rules, 1965]

Question: What is the notice period for production of any documents, which are in possession of Government but not mentioned in the list of documents served with the charge sheet but a request in this regard is made by the Charged Officer?

Answer: The Inquiring Authority can allow a time of 10 days for the purpose, which can further be extended by not exceeding 10 days. [Sub rule (11) (iii) in Rule 14 of CCS (CCA) Rules, 1965]

Question: What is the time limit provided for adjournment before close of the case for Presenting Officer to produce evidences not included in the list given to Charged officer or Inquiring Authority himself call for new evidence or recall and reexamine any witness?

Answer: Such adjournment is done for 3 clear days excluding the day of adjournment and the day to which the inquiry is adjourned. [Sub rule 15 in Rule 14 of CCS (CCA) Rules, 1965]

Question: What is the time limit for completing the inquiry and submit report by Inquiring Authority?

Answer: In terms of notification No G.S.R. 548 (E) dated 02.06.2017, the Inquiring Authority should conclude the inquiry and submit his report within 6 months from the date of receipt of order of his appointment. An additional time not exceeding six months for completing the inquiry can be allowed at a time on the basis of sufficient and good reasons, to be recorded in writing by Disciplinary Authority [Sub rule (24) in Rule 14 of CCS (CCA) Rules, 1965]

Question: Whether time limit of 6 months decided vide notification dated 02.06.2017 is also applicable to cases where Inquiring Authority was appointed prior to the 02.06.2017?

Answer: Yes. Ideally such cases should have been completed, as per the time limit prescribed in the said notification, if those cases are still pending, the period of six months for completing the inquiry can be reckoned w.e.f. 02.06.2017 and extension should be sought, if required.

Question: What is the time limit for furnishing written representation by charged officer on the advice of UPSC?

Answer: It is 15 days from the receipt of the copy of advice of UPSC by the charged officer. [Sub rule (3)(b) in Rule 15 of CCS (CCA) Rules, 1965]

Question: What is the time limit for sending proposal to CVC for first stage advice?

Answer: If vigilance angle is involved in any complaint, this case should be referred to CVC for their 1st stage advice within one month of the receipt of investigation report. If vigilance angle is not involved, the case should be put up to disciplinary authority for taking a decision to initiate disciplinary action under CCS (CCA) Rules within one month from the date of receipt of investigation report. [DoP&T's O.M. No. 425/04/2012-AVD-IV(A) dated 29.11.2012]

Question: What is the time limit to put up the case to Disciplinary Authority after receipt of first stage advice of CVC for taking a decision to initiate disciplinary proceeding?

Answer: Within one month of the receipt of first stage advice of CVC. [DoP&T's O.M. No. 425/04/2012-AVD-IV(A) dated 29.11.2012]

Question: What is the time limit to issue a charge sheet to Charged Officer once a decision is taken by Disciplinary Authority to initiate disciplinary proceeding?

Answer: The charge sheet should be issued to Charged Officer within a week from the date of receipt of the decision of Disciplinary Authority. [DoP&T's O.M. No. 425/04/2012-AVD-IV(A) dated 29.11.2012]

Question: What is the time limit for seeking representation of Charged Officer on inquiry report and disagreement of Disciplinary Authority, if any on it?

Answer: The Charged Officer may be allowed 15 days to submit, if he so desires, his written representation or submission to the Disciplinary authority. [DoP&T's O.M. No. 11012/13/85-Estt.(A) dated 29.06.1989]

Question: What is the time limit for seeking second stage advice of CVC, if required or to UPSC for their advice?

Answer: It should be sent to CVC or UPSC within one month from the date of receipt of representation of Charged Officer on Inquiry Report. (CVC's circular No. 000/VGL/18 datd 23.05.2000)

Question: What is the time limit for concluding major penalty proceeding?

Answer: It should be completed within 18 months from the date of issue of the charge sheet to Charged Officer. [DoP&T's O.M. No. 372/3/2007-AVD-III (Vol.10) dated 14.10.2013]
