

O.M.No.11012/2/88-Estt(A)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi, the

2-2-
Jan, 89

OFFICE MEMORANDUM

Subject:- CCS(CCA) Rules, 1965-scope of penalty of reduction in rank-Supreme Court judgment in cases of Shri Nayadar Singh & Shri M.J. Ninama Vs Union of India (Civil Appeal No. 3003 of 1988 and 389 of 1988).

The undersigned is directed to say that clause (vi) of Rule 11, which enumerates the penalties that may be imposed on a Government servant after following the prescribed procedure, provides as under:-

"(vi) reduction to a lower time-scale of pay grade, post or service which shall originally be a bar to the promotion of the Government servant, to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions of the restoration to that grade, or post or service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or service."

2. The judgment cited above related to two cases in one of which a Government servant who was initially recruited as a Postal Assistant and was later promoted as UDC, while working as UDC, was reduced in rank, as a measure of penalty, to a post of LDC, which was lower in rank than the post of Postal Assistant to which he had been recruited initially. In the second case, the disciplinary authority had imposed a penalty of reduction in rank reducing an officer from the post of Assistant Locust Warning Officer to which he was recruited directly to that of Junior Technical Assistant. The Supreme Court, while setting aside the penalty imposed in both cases have held that a person appointed directly to a higher post, service, grade or time-scale of pay cannot be reduced by way of punishment to a post in a lower time scale, grade, service or to a post which he never held before.

3. The rulings given by the Supreme Court in the above cases may be kept in view by all disciplinary authorities while deciding cases in future. However, past cases need not be reopened in the light of the aforesaid judgement.

4. Ministry of Agriculture etc. are requested to bring the above position to the notice of all administrative authorities under their control for information and compliance.

K. SARKAR

(K. SARKAR)
DEPUTY SECRETARY TO THE GOVT. OF
INDIA.

To All Ministries/Departments of the Government of India.

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5. Lok Sabha Secretariat.
6. Rajya Sabha Secretariat.
7. All attached and Subordinate Offices of the Ministry of Personnel, P.G. & Pensions, M.H.A.
8. All Sections of the Department of Personnel & Training and Ministry of Personnel, P.G. & Pensions.

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DEPUTY SECRETARY TO THE GOVT. OF INDIA