

No. 11012/24/77-Estt(A)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel & Administrative Reforms
(Karnik Aur Prashasanik Sadhar Vibhag)

New Delhi, the 18th March, 1978

OFFICE MEMORANDUM

Subject:-CCS(CCA) Rules, 1965 - Scope of Rule 10(4)
thereof.

As the Ministry of Finance etc. aware, rule 10(4) of the CCS(CCA), Rules, 1965 provides that where the penalty of dismissal, removal or compulsory retirement from service imposed upon a government employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the government employee shall be deemed to have been placed under suspension from the date of the original order of dismissal, removal or compulsory retirement. A question has been raised regarding the scope of the action that can be taken against a government employee whose dismissal, removal or compulsory retirement from service has been set aside or declared or rendered void in consequence of or by a decision of a court of law and the circumstances which a disciplinary authority should take into account while taking recourse to this rule. It is clarified for the information of all authorities concerned that the further inquiry contemplated in rule 10(4) of the CCS(CCA) Rules, 1965 should not be ordered except in a case when the penalty of dismissal, removal or compulsory retirement has been set aside by a Court of Law on technical grounds without going into the merits of the case or when fresh material has come to light which was not before the Court. A further inquiry into the charges which have not been examined by the Court can, however, be ordered by the departmental authorities under Rule 10(4) ibid depending on the facts and circumstances of the each case.

[Signature]
(R.C. GUPTA)

DEPUTY SECY. TO THE GOVT. OF INDIA

To

All Ministries & Departments of the Govt. of India
(with usual number of spare copies).

ARORA


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No. 11012/24/77-Estt(A), the 10th March, 1978

Copy with usual number of spare copies forwarded for information to:-

1. Controller & Auditor General of India, New Delhi.
2. Central Vigilance Commission, New Delhi.
3. Union Public Service Commission, New Delhi.
4. All Union Territories Administration.
5. Lok Sabha Secretariat (Shri D.D.Baghawala, Senior Personnel & Executive Officer).
6. Lok Sabha Secretariat Com.II Branch with reference to their O.M. No. 38(4)/CII/77, dated 23.12.1977.
7. Rajya Sabha Secretariat.
8. All attached and subordinate offices of the Deptt. of Personnel & the Ministry of Home Affairs.
9. All Administration sections and all officers in the Department of Personnel and the Ministry of Home Affairs.

All Officers & Sections in the Estt. Division.


(R.C.GUPTA)

DEPUTY SECY. TO THE GOVT. OF INDIA