

No. 11012/18/77- Hstt(A)
Government of India/ Bharat Sarkar
Ministry of Home Affairs/ Griha Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag).

... 2nd Ac Sept, 78
New Delhi, the ...


OFFICE MEMORANDUM

Subject:- CCS(CCA) Rules 1965 -procedure to be followed under rule 14(19) thereof .

...
The undersigned is directed to say that according to rule 14(19) of the CCS(CCA) Rules, 1965 the inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer if any, appointed, and the Government servant, or permit them to file written briefs of their respective cases, if they so desire. With reference to this rule, a question has been raised whether the written brief filed by the Presenting Officer should be made available to the accused Government Servant before he files his own written brief. The matter has been examined in consultation with the Ministry of Law and the position is explained in the succeeding paragraph.

2. It will be seen from the phraseology of rule 14(19) that the inquiring authority has to hear arguments that may be advanced by the parties after their evidence has been closed. But he can, on his own or on the desire of the parties, take written briefs. In case he exercises the discretion of taking written briefs, it will be but fair that he should first take the brief from the Presenting Officer, supply a copy of the same to the Govt. servant, and then take the reply brief from the Govt. servant. In case the copy of the brief of the Presenting Officer is not given to the Govt. servant, it will be like hearing arguments of the Presenting Officer at the back of the Govt. servant. In this connection, attention is also invited to the judgement of the Calcutta High Court in the case of Collector of Customs Vs. Mohd. Habibul (SLR 1973) (1) Calcutta, 321) in which it is laid down that the requirement of rule 14(19) of the CCS(CCA) Rules, 1965 and the principles of natural justice demand that the delinquent officer should be served with a copy of the written brief filed by the Presenting Officer before he is called upon to file his written brief.

3. Ministry of Finance etc. are requested to bring the above clarification to the notice of all concerned authorities under their control.


(P.C. Gupta)

Deputy Secretary to the Govt. of India

To

All Ministries / Departments of the Govt. of India including President's Secretariat, Vice. President's Sectt., P.M.'s Office, and Planning Commission, with usual number of spare copies.

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

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4. All Union Territory Administrations.
5. Lok Sabha Secretariat/ Rajya Sabha Secretariat.
6. All attached and subordinate Offices and Administration Sections of the Ministry of Home Affairs and Department of Personnel and Administrative Reforms.



(R.C. Gupta)
Deputy Secretary to the Govt. of India.