

No. 11012/20/85-Estt (A)
Government of India/Bharet Sarkar
Ministry of Personnel & Training, Administrative Reforms
and Public Grievances and Pension
(Department of Personnel & Training)

New Delhi, the 8 October, 1985

OFFICE MEMORANDUM

Subject:- Rule 27(2) of CCS(CCA) Rules, 1965 - Personal hearing in case of major penalties - Recommendations of the National Council (JCM)

The undersigned is directed to say that the Committee of the National Council (JCM) set up to review the CCS(CCA) Rules, 1965 has recommended that provision may be made for personal hearing by the Appellate Authority of the employee concerned if the appeal is against a major penalty.

2. The above recommendation has been considered in all its aspects. Rule 27 of the CCS(CCA) Rules, 1965 does not specifically provide for the grant of a personal hearing by the appellate authority to the Government servant before deciding the appeal preferred by him against a penalty imposed on him. The principle of right to personal hearing applicable to a judicial trial or proceeding even at the appellate stage is not applicable to departmental inquiries, in which a decision by the appellate authority can generally be taken on the basis of the records before it. However, a personal hearing of the appellant by the appellate authority at times will afford the former an opportunity to present his case more effectively and thereby facilitate the appellate authority in deciding the appeal quickly and in a just and equitable manner. As Rule 27 of the CCA Rules does not preclude the grant of personal hearing in suitable cases, it has been decided that where the appeal is against an order imposing a major penalty and the appellant makes a specific request for a personal hearing, the appellate authority may, after considering all relevant circumstances of the case, allow the appellant, at its discretion, the personal hearing.

3. Ministry of Agriculture etc. are requested to bring these instructions to the notice of all concerned authorities under their control.

Hindi version will follow.

A. Jayaraman
(A. JAYARAMAN)
DIRECTOR.

To
All Ministries/Departments (with usual number of spare copies)

No. 11012/20/85-Estt (A) New Delhi, the 28th October, 1985

Copy with usual number of sper. copies to:

1. Union Public Service Commission,
2. Central Vigilance Commission
3. Office of the C&AG
4. All Union Territory Administrations.
5. J.C.A. Section, Deptt. of Personnel & Training.
6. All members of the National Council (JCM)
7. Secretary, Staff-Side, National Council (JCM),
13-A, Feroz Shah Road, New Delhi.
8. All attached/Subordinate offices of Ministry of
Home Affairs and Ministry of Personnel & Training,
Administrative Reforms and Public Grievances and Pension.

A. Jayaraman
(A. JAYARAMAN)
DIRECTOR.