

# Departmental Processes & Documentation Prior to initiation of Proceedings

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# Disciplinary Rules

- CCS (Classification, Control & Appeal) Rules, 1965- Apply to all civil government servants including civilians in Defence services.
- Exceptions- Members of all India services who are governed by All India Services ( Discipline & Appeal ) Rules, 1969.
- Railway Servants governed by Railways (Discipline & Appeal ) Rules.
- Defence services Personnel governed by respective Army Act, 1950, Navy Act, 1957 and Air Force Act, 1950.
- Employees of PSUs/ Corporation are governed by their own Discipline and Appeal Rules.

# Penalties under Rule 11 CCA, Rules

- *Minor Penalties.*
  1. Censure
  2. Withholding of Promotion
  3. Recovery from Pay of whole or part of any pecuniary loss
  4. Withholding of increments

# Major Penalties

- Reduction to a lower stage in the time scale of pay.
- Reduction to a lower Rank/ Post
- Compulsory Retirement
- Removal from Service
- Dismissal

# Disciplinary Authority

- Authority Competent to impose any penalty specified under rule 11.
- Minor penalty can be imposed by an authority lower than the appointing authority.
- The President can impose any of the penalties mentioned in Rule 11.
- For group C and D employees the authority competent to impose major penalty.

# Difference between Minor/ Major penalties

- *Minor Penalty*

Only statement of imputation is served no article of charge is drawn

No oral hearings are held only show cause notice is given and action taken after examining the explanation of the charged employee.

# Major Penalty

- Statement of imputation of misconduct or misbehavior are drawn
- Article of charges are framed.
- List of documents and witnesses are prepared to support the charges
- Regular oral hearings are held – documents are inspected- witnesses are examined and cross examined by the charged employee or his defence assistant.

# Guidelines for drawing Statement of Imputation

- Statement of imputation should full and precise recitation of the specific and relevant acts of commission/ omission in support of each charge
- No mention of defence or dicussion on merits of the case be made
- Wording should be clear enough to justify the imputation



# Guidelines for preparation of Article of Charge

- Each charge should be expressed in clear terms it should not be ambiguous
- If transaction are more than one type of misconduct then all misconducts should be mentioned.
- A separate charge should be framed in respect of each transaction/ event
- Multiplication or splitting of charges on the basis of same allegation should be avoided
- Wording should not contain an expression of opinion of guilt of the charged employee
- Plain facts should precede nature of misconduct.

# List of witnesses & Documents

- Only witnesses which are necessary to prove the charge are included.
- Formal or ordinary seizure witnesses are not included.
- Only documents relevant to the charges are mentioned

# Delivery of Article of Charge

- Article of charge with statement of imputation with list of documents and witnesses to be delivered under proper acknowledgement personally or by registered AD
- Refusal to accept the article of charge by post or in person tantamounts to proper service of the contents.
- Time limit for submission of written statement should not exceed 10 days from the date of delivery of the article of charge
- Copies of relied upon documents and statements of witnesses can be provided in the interest of expeditious disposal

# Action on receipt of statement of defence

- Examination of the statement of defence by the disciplinary authority
- Appointment of the Inquiry Officer
- Appointment of Presenting Officer
- Opportunity to the charged employee to take defence assistance.
- Copy of article of charge with all enclosures and statement of defence to be forwarded by Disciplinary authority to the Inquiry Officer.
- Oral hearing starts after the above processes are completed

THANK YOU

ANY QUESTIONS ?

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