

Postal Manual
Volume III

CENTRAL CIVIL SERVICES (CLASSIFICATION,
CONTROL AND APPEAL) RULES, 1965
AND
SCHEDULE OF ADMINISTRATIVE
POWERS OF OFFICERS

(Corrected upto 1 July 1986)

Department of Posts India

NOTICE

This volume of the Postal contains : (i) Chapter on Discipline (ii) Central Civil, Services (Classification, Control and Appeal) Rules 1965, (iii) Rules relating to appointment, penalties and appeals of employees excluded from the operation of the Central Civil Services (Classification, Control and Appeal) Rules 1965, and (iv) Schedules showing the administrative powers of the different classes of officers of the Indian Postal Department, other than those vested in and exercised by them under (1) the Indian Post Office Act and the Indian Post office Rules, (2) Rules for the guidance of Depositors in Post Office Savings Bank, (3) The Cash Certificate Rules, and (4) Compilation of the Fundamental and Supplementary Rules.

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POSTAL MANUAL VOLUME III

CHAPTER 1

DISCIPLINE

The procedure to be followed in disciplinary cases against Government servants is laid down in detail in the Central Civil Services (Classification, Control and Appeal) Rules, 1965, which have been reproduced in Schedule 1-A of this Manual. These rules alongwith Article 311 of the Constitution have necessarily to be studied thoroughly by all the authorities which have been vested with disciplinary powers. Various instructions and classifications in regard to these rules have been issued from time to time. These instructions are to the extent necessary incorporated in the chapter for the guidance of all officers having disciplinary powers.

Stages of Disciplinary proceedings

2. The procedure as laid down in the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is required to be followed rigidly. Any failure in its due observance is liable to vitiate disciplinary proceedings including the final punishment order passed. The various stages in a disciplinary case are given below :

- (a) **First Stage** : Decision to proceed against an employee after making preliminary enquiries, if necessary, at the appropriate level in regard to offences alleged to have been committed by him.
- (b) **Second Stage** : Framing of charges and issue of a charge sheet either for a major or a minor penalty in the prescribed proforma.
- (c) **Third Stage** : Submission of defence by the delinquent officer, appointment of Enquiry Officer and presenting officer holding of enquiry into the charges where necessary and findings of the Enquiry Officer.

NOTE:-Even though withholding of increment is a minor penalty, Government have decided that an enquiry should be held in the manner laid down in Sub Rules (3) to (23) of Rule 14 of CCS (CCA) Rules, 1965, if it is proposed :-

- (i) to withhold increment of pay for a period exceeding three years; or
- (ii) to withhold increment of pay with cumulative effect of any period, or
- (iii) to impose the penalty of withholding of increment at a time when it is likely to effect adversely the amount of pension admissible to the government servant.

- (d) **Forth Stage** : Examination of Enquiry Report and evidences and taking of a decision whether the charges have been established. Passing of final orders.

3. **First Stage** : When a report is received about the commission of an offence by an employee the appropriate authority should decide whether or not there is justification for having the matter investigated into. At the stage of preliminary enquiries, all available evidences and relevant documents should be collected and in important cases, evidences of witnesses be reduced to writing and got signed by them, if possible, in the presence of the accused employees. No prior sanction of the punishing authority is necessary for holding such a preliminary enquiry. The investigation report alongwith the preliminary evidences collected should then be examined by the appropriate authority to come to a decision whether a prima-facie case exists for initiation of formal disciplinary proceedings. The office responsible for the decision should take care not to express, as far as possible, any definite opinion on the merits of the final outcome of the case. If

this decision is taken at a level lower than the competent disciplinary authority, all the papers should then be forwarded to that authority for taking a final decision and initiation of disciplinary proceedings. Even if it is felt that there is no justification for initiation of disciplinary proceedings, it is desirable that the papers are shown to the competent disciplinary authority for his information. At this stage itself the competent authority should examine whether pending disciplinary proceeding, the official should be placed under suspension, and issue order in the form prescribed.

4. **Second Stage** : On receipt of all the relevant papers, the authority receiving them should take a decision whether the proceedings should be initiated for a major or a minor penalty. In a case of minor penalty, the authority may, even at this stage, decide whether an enquiry should be held in regard to the allegations to be leveled against the official concerned. Thereafter it should satisfy itself by a reference to the schedule to the CCS (CCA) Rules, 1965, and rule 12 of those rules that it is competent to issue the necessary charge sheet and impose a major or minor penalty as the case may be. The charge sheet should be drafted in the prescribed form giving all the details as required under Rule 14 or Rule 16 of the above rules as the case may be, while framing the charge sheet, the following points should be kept in mind :-

- (i) The grounds on which it is proposed to take action against an employee should be reduced to the form of a definite charge or charges. The charges should be clear, specific and precise. A separate charge should be framed in respect of each separate offence. It is desirable that the charges should not be of a petty nature or unnecessarily numerous. They should not, except where the charge is one of inefficiency or incompetence, relate to matters which have already been the subject of previous official enquiry and decision. Care should be taken that no expression of opinion as to the guilt of the accused official is contained in the wording of the charge.
- (ii) A statement of allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing the orders on the case should invariably be attached with the chargesheet. In the statement of allegation also, care should be taken that no opinion or anything that can be construed as an opinion as to the guilt of the official should appear therein.
- (iii) A complete list of documents by which, and a complete list of witnesses by whom, the articles of charge are proposed to be sustained should be attached with the chargesheet.
- (iv) The employee should be required, within a reasonable time to be specified in the Memorandum, to state whether he desires to be heard in person, and thereafter, to put in a written statement of his defence.

NOTE: When the Memorandum of charges is sent by post, it should be enclosed in a Registered Cover with acknowledgement due.

5. **Third state** : (i) On receipt of the statement of defence of the accused officer, a preliminary examination should be made by the disciplinary authority with a view to finding out whether the official has admitted any or all the charges leveled against him. In the cases of proceedings for a major penalty, enquiry into such of the charges as are not categorically admitted by the accused official is obligatory. If an enquiry is required to be held, the disciplinary authority should decide whether it would like to hold the enquiry itself or to appoint a separate Enquiry Officer. The status of the Enquiry Officer should not in any case be lower than that of the accused officer. In

making a selection, the disciplinary authority should pay due regard to the seriousness of the alleged offence and also to the status of the accused officer. In fairness to the accused, as well as to the Enquiry Officer, the enquiry should not be entrusted :-

- (a) to an officer who held the preliminary enquiry and expressed a definite opinion on the allegations, especially, where such opinion is adverse to the accused, or;
 - (b) to an officer directly subordinate to an officer, who has already expressed an opinion on the allegations, especially where such opinion is adverse to the accused.
- (ii) The disciplinary authority may also at this stage nominate a Presenting Officer who would present on its behalf the case in support of the articles of charge. The Accused Officer has also the right to take assistance of another Government servant to present the case on his behalf, for this purpose, he is not required to take prior permission of the disciplinary authority. He need send only an intimation to this effect to the disciplinary authority. The disciplinary authority is not, however, responsible to ensure the release of that Government servant to enable him to attend the enquiry. The accused officer is not also entitle to engage a legal practitioner to present his case without the specific permission of the disciplinary authority. If, however, the Presenting Officer appointed by the disciplinary authority is a legal practitioner, the accused official will have a right to appoint a legal practitioner to assist him.
- (iii) To enable the Enquiry Officer to hold the enquiry, the disciplinary authority is required to send copies of the documents as indicated in sub rule 6 of Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 to him. The original documents should be available with the Presenting Officer. In case there is no Presenting Officer, the enquiry officer should have the original documents.
- (iv) Before the start of the enquiry, the accused officer will be required to state categorically whether he pleads guilty to any of the articles of charges. If the accused officer does not plead guilty to any or all the articles of the charges the enquiry officer will start formal enquiries. Before the start of the enquiry, the accused officer will have the option to apply for the production and inspection of certain documents to be specified by him which are expected to be in the possession of Government but not already mentioned in the list of documents attached with the chargesheet, and are relevant. During the enquiry, the Presenting Officer will produce all documentary evidence and also have all his witnesses examined and cross-examined to prove the allegations and charges. At the discretion of the Enquiry Officer and before the close of the case on behalf of the disciplinary authority, the Presenting Office may produce new evidences not included in the original list supplied to the accused officer. Similarly, the Enquiry Officer may himself call for new evidence or recall and re-examine any witness vide sub-rule 15 of Rule 14 of CCS (CCA) Rules, 1965. After the witnesses on behalf of the disciplinary authority have been examined, the accused officer shall be required to state his defence orally or in writing. He shall also produce evidence in support of his defence. The Enquiry Officer has the right to examine the accused officer himself. Thereafter the Presenting Officer as well as the accused officer will have an opportunity to file written statements of their respective case, if they so desire. On the basis of the evidences recorded during the enquiry, the Enquiry Officer will submit his report discussing all the evidences and giving his finding on each charge separately taking into account the evidence of both the sides. The enquiring authority should, after the completion of the production of evidences, hear the presenting officer, if any appointed, and the delinquent official or permit them to file written briefs of their respective cases, if they so desire. In case they decide to be

heard orally, the presenting officer will be required to present his case in the first instance. In case written briefs are obtained from them, the presenting officer should be required to submit his brief in the first instance and a copy of that brief should be supplied to the delinquent official before he is required to submit his brief.

6. Fourth Stage : On receipt of the Enquiry Officer's report, the competent disciplinary authority should examine the report carefully with a view to taking a decision whether the charges have been established and whether the recommendations of the Enquiry Officer in this regard should be accepted. In case, the disciplinary authority does not accept any of the recommendations of the Enquiry Officer, it shall give its own findings, discussing the relevant evidences in support thereof. At this stage, it will be open to the disciplinary authority either to direct the Enquiry Officer to hold supplementary enquiry for further examination of any of the witnesses or may itself hold a supplementary enquiry subject to the restrictions imposed by the note below sub-rule 15 of Rule 14 of CCS (CCA) Rules. However, the disciplinary authority at this stage is debarred from taking into account any evidence, either documentary or oral, which had not been adduced during the formal enquiry. Accordingly, it will not be proper to bring in extraneous matters, such as bad records to service, not connected with the enquiry for either establishing the charge or for deciding the quantum of penalty. If however, the accused officer makes a request for a lenient view being taken on the ground of his previous records of service or good conduct in his brief submitted to the Enquiry Office, no injustice is likely to accrue to the accused officer if his previous bad service records weigh with the disciplinary authority is not agreeing to show leniency.

After the disciplinary authority has arrived at a decision about the charges, it should take a decision about the quantum of penalty which is considered to be justified on the basis of the charges held to have been established against the officer. The disciplinary authority should thereafter issue the final punishment orders. A copy of the enquiry report alongwith the findings of the disciplinary authority should be attached with the punishment orders. In case, the disciplinary authority is itself the enquiring authority, a copy of its own report should be furnished to the delinquent officer alongwith the punishment orders. In some cases, a delinquent may not offer any defence to the chargesheet served on him. Even in such cases, the usual procedure of holding an enquiry has to be followed. If the accused officer does not attend the enquiry, an ex-parte enquiry should be held. During this enquiry, the Enquiry officer should follow the prescribed procedure of inspection of the original records produced in support of the charges and of examination and cross-examination of the witnesses produced on behalf of the disciplinary authority. In case the proceedings are for a minor penalty, the disciplinary authority should pass the final punishment orders after giving due consideration to the defence unless an enquiry is required to be held in accordance with the provisions of Sub Rule 1-A of Rule 16 of CCS (CCA) Rules, 1965.

NOTE:- The procedure which is required to be followed for holding a joint enquiry in which two or more Govt. servants are involved is laid down in Rule 18 of the CCS (CCA) Rules, 1965.

7. In a case in which it is necessary to consult the Union Public Service Commission, the disciplinary authority should forward the enquiry report alongwith the relevant records in original to the Commission and pass the final orders only on receipt of the Commission's advice. A copy of the Commission's advice should also in that case be forwarded to the accused officer. On the issue of the punishment orders, the officers if already under suspension and if not dismissed, removed, or compulsorily retired from service should be released from suspension and the period of suspension regulated under FR 54. In appropriate cases, the desirability of releasing the officer from suspension should be examined even at an earlier stage to ensure that

no officer is kept under suspension beyond the minimum period essentially required. An order should be issued in the form as prescribed.

8. The order of punishment should be framed in a proper judicial form. It should contain a sufficient record of the evidence (including oral evidence, if any) and a statement of the findings and ground thereof. In other words, the punishment order should contain :-

- (i) the facts and the history of the case leading to the charges;
- (ii) the charges in detail;
- (iii) a record of the examination of the defence and the evidence (including oral evidence, if any) in respect of each charge; and
- (iv) a statement of the findings in respect of each charge.

A copy of the order must be furnished to the employee punished under receipt which must be kept on record attached to the original order or punishment in the personal file of the official concerned or in the file from which the order is issued as the case may be. Particulars of the punishment awarded to the official should be recorded in this confidential record. The adverse remark to be recorded should be prepared in duplicate, one copy to be signed and returned by the official to be kept in his confidential record. In case where an official prefers an appeal and his appeal is upheld either wholly or partially, particulars of the appellate order should be recorded in the confidential record.

9. The special circumstances under which the procedure laid down in Rule 14 or 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is not required to be followed, are given in Rule 19 *ibid*. The form of order issued in such cases is shown in Appendix.

NOTE : In judicial trials, it sometimes happens that some censure is passed on the public servant in a side remark from the Bench, which he has no opportunity of answering, or which the Presiding Officer may not have thought of sufficient importance to require verification. Such a remark should not be taken as a deliberate judgement and unless convicted at a judicial trial, an employee should always be given the opportunity of defending himself against any imputation that he may have therein incurred.

10. It may be that the circumstances of a case are such that an accused employee should be allowed the option of resigning his appointment in the Department. If so, and if he then voluntarily tenders an unconditional resignation, this should be accepted without comment, subject to the provision of Rule 158.

11. Copies of all punishment orders effecting the pay of the employee punished should be sent to the head of the office from which his pay is drawn and to the Director of A/cs (Postal) alongwith the pay bill.

Consultation with Central Vigilance Commission

12. In all Vigilance cases relating to Gazetted Officers, the Central Vigilance Commission should be consulted during the progress of the case at the following stages :

- (i) If in any case the administrative authority does not think that a preliminary enquiry is necessary, the complaint (other than an anonymous or pseudonymous

- complaint) together with the views of the administrative authority shall be forwarded to the Central Vigilance Commission for advice.
- (ii) Similarly, when an administrative authority has, after preliminary enquiry, come to the conclusion that no further action is necessary, the case shall be reported to the Central Vigilance Commission for advice.
 - (iii) Where an administrative authority proposes after a preliminary enquiry, to institute disciplinary proceedings, the report of the preliminary enquiry, together with other relevant records, shall be forwarded to the Central Vigilance Commission for advice as to the course of further action to be taken.
 - (iv) In cases in which the Central Vigilance Commission advises that formal disciplinary proceeding should be instituted, it will also advise whether proceedings should be instituted for imposing a major penalty or a minor penalty. It will then be the responsibility of the Ministry/Department to draw up a charge sheet, statement of allegations etc., and take all further steps according to the prescribed procedure and practice. It will be open to the administrative authority concerned to seek such further advice and guidance as may be considered necessary from the Central Vigilance Commission.
 - (v) The report of the Enquiry Officer conducting oral enquiry into any departmental proceedings together with the full record of the case should be forwarded to the Central Vigilance Commission who will advise the disciplinary authority concerned as to the course of further action to be taken.
 - (vi) The administrative authority may, in its discretion, decide to make an enquiry into an anonymous or pseudonymous complaint or to drop it or may seek the advice of the Central Vigilance Commission. However, once an administrative authority has decided to make an enquiry into a complaint, the result of such enquiry should be intimated to the Central Vigilance Commission.
 - (vii) In respect of proceedings for imposition of major penalty a reference has to be made to the Central Vigilance Commission after the enquiry has been concluded. In respect of a case of minor penalty, it should be referred to the Central Vigilance Commission after the receipt of the written statement of defence of the delinquent officer and before the case is referred to the Union Public Service Commission, where this step is necessary. The disciplinary authority should indicate his provisional conclusions while making such a reference. Further, where statement has been made in the reply of the officer to controvert the allegations, the Commission's attention should specifically be drawn to the correct facts.

NOTE I : In consonance with the spirit of the Scheme of the Central vigilance Commission only those cases in which there is an allegation of corruption or improper motive, or if the alleged facts indicate an element of corruption or improper motive, need be referred to the Commission. Cases involving purely administrative or technical lapses e.g. late attendance, disobedience, insubordination, negligence, lack of supervision or operational or technical lapses and irregularities etc., need not, therefore, be referred to the Commission. However, difficulty sometime arises in distinguishing vigilance cases from no-vigilance cases. In all such cases discretion has to be exercised by the administrative authority. Broadly speaking it may be stated that any case which prima facie has a vigilance angle or which has the potentiality of having a vigilance angle should be referred to the Commission for advice.

NOTE II : Heads of Circles and Administrative Officers who are competent to impose minor penalty on class II officers may consult the Commission direct.

Suspension

13. The appointing authority or any authority to which it is subordinate or any other authority competent to impose on a Government servant any of the penalties specified in rule 11 of the

Central Civil Services (Classification, Control and Appeal) Rules, 1965, may place that Government servant under suspension under the circumstances laid down in rule 10 of the said rules. A Government servant who is undergoing a sentence of imprisonment shall also be dealt within the manner laid down in sub rule (2) of rule 10 of the said rules pending decision of the appropriate disciplinary authority about the final action to be taken against him in accordance with the provision of rule 19 *ibid*.

14. If an order of suspension is passed by an authority lower than the appointing authority, that authority will report to the appointing authority the circumstances in which the order was passed.

15. Where the services of a Government servant are borrowed from or lent to by one department to another department or from or to a State Government or an authority subordinate thereto or from or to a local authority or other authority, the borrowing authority can suspend such Government servant under rule 20 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The lending authority should, however, be informed forthwith of the circumstances leading to the order of suspension.

16. Before passing an order of suspension, the authority proposing to make the order, should verify whether it is competent to do so. Otherwise, the suspension order is liable to be declared to the grant of full pay and allowances for the period of suspension. A Government servant should not be placed under suspension by or oral order.

17. A suspended Government servant continues to be in the grade held by him immediately before suspension and does not suffer a reduction in rank. Suspension may, however, cause a lasting damage to Government servant's reputation even if he is ultimately exonerated or is awarded only a minor penalty. The competent authority is, therefore, expected to exercise his power with proper care and caution. As an alternative, it may be considered whether the purpose cannot be served by transferring the Government servant elsewhere or by granting leave due and admissible in case the suspect officer prefers to proceed on leave. If the suspect officer is already on leave or absent without permission, the orders of suspension, if any, should normally be given effect to only from the date the said officer returns from leave or desires to resume duty. The following instructions should guide an officer in suspending an employee :-

- (a) there must be a strong *prima facie* case against delinquent;
- (b) if the offence is of such a serious nature that dismissal will be the probable punishment or such that it is inadvisable that the offender should be allowed to perform the duties of his office pending decision on the case, suspension is justifiable;
- (c) unless there is some very strong reason why the offender should not be allowed to continue to work until the case has been decided, suspension should not be resorted to;
- (d) no one should be suspended for petty breaches of discipline and for minor departmental offences;
- (e) no one should be suspended unless
 - (i) he wilfully and obstinately refuses to carry out an order;
 - (ii) during the course of enquiry, his retention in his appointment would hamper or frustrate such enquiry;
 - (iii) he is charged with an offence of a nature which, if proved against him would ordinarily result in his dismissal.

- (f) where the continuance in office of the Government servant is likely to seriously subvert discipline in office in which he is working or where his continuance in office will be against the wider public interest, as for example, in the case of public scandal, it is necessary to place the concerned official under suspension;
- (g) suspension is also desirable in the following cases :-
 - (i) if the alleged offence or conduct on the part of the employee involves moral turpitude;
 - (ii) where the charge relates to corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, mis-use of official powers for personal gains, or serious negligence and dereliction of duty resulting in considerable loss to Government.

NOTE 1 : While suspension of an official may be justified at the initial stage, it should always be ensured by the suspending authority be undertaking periodical reviews that the period of suspension of an official is reduced to the barest minimum. For this purpose, every effort should be made to file the chargesheet in court or serve the chargesheet on the Government servant, as the case may be, within three months of the date of suspension. In cases where it may not be possible to do so, the disciplinary authority should report the matter to next higher authority explaining the reasons for the delay. That authority should consider whether it is still necessary to continue the official under suspension or the suspension order should be revoked. The intention is that in cases other than those pending in courts, the total period of suspension viz. both in respect of investigation and disciplinary proceedings should not ordinarily exceed six months. However, in exceptional cases where it is not possible to adhere to this time-limit the suspension may be continued only under the specific order of the authority immediately superior to the disciplinary authority. In case the order of suspension is revoked, the authority ordering the revocation shall pass an order immediately regulating the period of suspension as required under Sub-Rule 1 of F.R. 54-B. For this purpose, it is not necessary for that authority to await the finalisation of the disciplinary or court proceedings. Where the order regulating the period of suspension is issued pending finalisation of the disciplinary or court proceedings, it should be reviewed by the concerned authority on its own motion after the conclusion of the proceedings as required under Sub- Rule 6 of F.R. 54-B.

NOTE 2 : “Where documentary and oral evidence has already been collected and the risk of tempering with evidence (documentary or oral) by the official no longer exists. The cancellation of the suspension order should be considered by the component authority. when, however, there is still such a risk the question of his transfer should be considered keeping in view the nature and gravity of offence committed by the official.”

NOTE 3 : A Government servant against whom a criminal charge or a proceeding of arrest for debt is pending should also be placed under suspension by the issue of specific orders to this effect during the periods when he is not actually detained in custody or imprisoned e.g. while released on bail, if the charge made or proceeding taken against his is connected with his position as a Government servant or is likely to embarrass him in the discharge of his duties as such or involves moral turpitude.

18. It is the duty of a Government servant who may be convicted by a Court of law or arrested, to inform his official superior of the fact of his conviction and the circumstances connected therewith as soon as it is possible for him to do so. Failure in this regard will be regarded as suppression of material information and will render him liable to disciplinary action on his ground. Alone, apart from the penalty called for on the basis of the offence on which his conviction was based.

19. Except in cases which an employee is deemed to have been placed under suspension under rule 10(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, an order of suspension will normally take effect to from a back date. In a case in which the officer to be suspended (a) is stationed at a place other than the headquarters of the competent authority or his is on tour (b) he is holding charge of stores and/or cash the order of suspension will not take effect from the date of issue of the orders. In a case of the type (a) above, the orders of suspension will take effect from the date of receipt of the orders by the employee or the date of his relief to be specified by the Competent authority. In a case of type (b) above, the competent authority should, taking into account the circumstances of the case, lay down that the checking and verification of stores and or cash should commence on receipt of the orders of suspension and be completed by a specified date from which suspension should take effect.

20. The station of posting immediately before his suspension will be the headquarters of the suspended officer. The disciplinary authority may, however, for reasons to be recorded in writing, fix any other place as his headquarters in the interest of public service (vide Govt. of India's decision No. 3 below S.R. 153-A). A change of headquarters can be also be ordered at the request of the suspended officer if the competent authority is satisfied that it will not put Government to any extra expenditure in the shape of T.A. etc or create difficulty in investigation or in processing of departmental proceedings.

21. A suspended officer is subject to all conditions of services applicable to Government servants. He should not accordingly leave his headquarters without the permission of the disciplinary authority.

22. Suspension should not be continued beyond the minimum period for which it is essentially required. If the finalisation of the court case or departmental proceedings is likely to be delayed, the feasibility of revoking the orders of suspension and transferring the official to any other post or office, if necessary, should be considered.

23. An order of suspension made or deemed to have been made can be revoked at any time for good and sufficient reasons by the authority who made the orders or is deemed to have made or by any other higher authority.

24. A copy of the order placing an employee under suspension (other than those whose names are not shown in the Establishment pay bills) and also a copy of the subsequent order either releasing the employee from suspension of compulsory retirement, should be forwarded by the officer issuing the order to the Director of A/c's 'Postal' to enable him to audit grants payable to the official concerned, and to know whether the period of suspension may count for pension or not.

In the case of an employee whose name is not required to be shown in the Establishment pay bill or in the annual Establishment return a copy of the order should accompany bill of the employee concerned.

Copies of orders must also be sent to the officer in whose custody the Service book or Service Roll is kept to enable him to make necessary entries in the Service Book or Service Roll as the case may be.

25. A Government servant under suspension is entitled to subsistence allowance from the date of his suspension at the rate prescribed in F.R. 53. If the period of suspension exceeds 3 months, the suspending authority may vary the rate of subsistence allowance for the subsequent period of suspension in accordance with the provisions of the rule referred to above. Normally it is not advisable that any orders revising the rate of subsistence allowance, are given retrospective effect. Suspending authorities should, therefore, maintain a register for noting all the suspension cases to enable them to undertake reviews as soon as a suspended officer has completed three months under suspension,. In each case, specific orders should be passed by the competent authority placing on record the reasons for the decision decreasing/increasing or allowing the rate of subsistence allowance to remain unaltered.

NOTE 1 : In a case where the period of unemployment is subsequently treated as period of suspension on the reinstatement of the official, the rate of subsistence allowance for that period cannot, however, be increased or decreased under the provisions of F.R. 53.

NOTE 2 : Where departmental proceedings against a suspension employee for the imposition of a major penalty finally end with the imposition of major penalty, the suspension can be said to be wholly unjustified in terms of FR (54-B) and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order under F.R. 54-B.

26. After the first review, it will be open to the competent authority to make a further review or reviews at any time at its discretion. However, the increase or decrease at any stage should not exceed the limit of 50 percent of the subsistence allowance granted initially.

27. The maximum and minimum limits in respect of leave on half average pay prescribed in F.R. 89 and 90 and on leave on half pay in rule 15(2) of the Revised Rules will be applicable, to the initial rate of subsistence allowance under F.R. 53, but will not apply when it is increased or decreased after the first 3 months of suspension.

Recoveries from subsistence Allowance

28. The following recoveries from the subsistence allowance are compulsory :-

- (i) income tax and super tax.
- (ii) house rent, electricity, water and other charges.
- (iii) repayment of loans and advances taken from the Government at such rates as the Head of the Department deems it just to fix.

29. The following recoveries are optional and should be made only with the consent of the suspended officer :-

- (i) P.L.I. premia.
- (ii) Dues of the Co-operative stores and Co-operative Societies.
- (iii) Refund of advance taken from the G.P.F

30. The following recoveries are not to be made from the subsistence allowance :-

- (i) Subscription to G.P.F.
- (ii) Amount due on court attachments.
- (iii) Recoveries of loss to Government for which the suspended officer has been held responsible.

Admissibility of D.A. & C.A. during suspension

31. Recovery of over-payment can be made from the subsistence allowance at the discretion of the competent authority but the rate of recovery should not in any case exceeds $1/3^{\text{rd}}$ of the subsistence allowance excluding D.A. and other allowances.

32. Rates of D.A. admissible to a suspended officer will be equal to the amount admissible had he been on leave on leave salary equivalent to the subsistence allowance payable from time to time. Compensatory allowances admissible to him will however be at the rate admissible with reference to the emoluments which he was in receipt immediately prior to his suspension.

House Rent Allowance during suspension

33. A Government servant who has been in occupation of rent-free accommodation will cease to enjoy the concession from the date of suspension but he will not be required to vacate the quarter unless it is attached to any particular post. However, rent at the usual rate will be recovered from him. If ultimately the employee is allowed full pay and allowances for the period of suspension, the concession of rent-free accommodation will stand restored and rent, if recovered, for the period of suspension will be refunded. If however, the employee had been made to vacate the quarter, he will be entitled to house rent allowance in lieu of rent-free accommodation only if house rent allowance is otherwise admissible at the headquarters of his suspension. The house-rent allowance will be calculated with reference to the pay that he was drawing for the period of suspension.

Subsistence Allowance in the case when paid prior & reinstatement is regulated as suspension

34. In the case of Government servant dismissed, removed or compulsorily retired from service who is subsequently deemed to have been placed under suspension or to continue to be under suspension from the date of such dismissal, removal or compulsory retirement under Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, he shall be entitled to subsistence allowance and other allowance for such period of suspension but the amount of earnings, if any, for the period will be deducted from the subsistence allowance. In such a case, the rate of subsistence allowance will not be liable to be decreased or increased retrospectively for the period of suspension beyond the first 3 months.

Option for revised scale of pay

35. When the scale of pay of a post held by the Govt. servant under suspension is revised and the revision takes effect from a date prior to the date of suspension, the Government servant should be allowed to exercise the option under G.R. 23 even if the date by which he is to exercise the option falls within the period of suspension. He will be entitled to the benefit of increase in pay, if any, in respect of the period before suspension and also in the subsistence allowance for the period of suspension.

Procedure in respect of temporary Government servants the term of whose post expires or he is likely to be retrenched before proceedings are completed

36. In the case of a temporary Government servant if the term of the temporary post held by him at the time of suspension is likely to expire or if he otherwise becomes liable to be retrenched from service before the disciplinary proceedings are likely to be completed, it may be considered on merits whether;

- (a) he should be discharged from service on the expiry of the term of the post held by him; or
- (b) his services should be terminated under Rule 5 of the Central Civil Services (temporary Service) Rules, 1965; or
- (c) the disciplinary proceedings should be continued to its logical conclusion.

If it is decided to continue the disciplinary proceedings, the temporary post should be extended for an appropriate period under orders of the authority competent to sanction such extension. If delay is anticipated in obtaining the sanction of the competent authority competent to dismiss or remove the Government servant concerned from service may issue orders extending the post without reference to the competent authority. The vacancy caused by such extension should not, however, be filled.

Termination of Service under suspension

37. The services of a temporary Government servant can be terminated under Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, while he is under suspension or/and departmental proceedings are pending against him.

Acceptance of resignation during suspension

38. If a Government servant who is under suspension, submits his resignation the competent authority should examine with reference to the merits of the disciplinary case pending against him whether it would be in the public interest to accept the resignation. Normally, an officer is placed under suspension only in cases of grave delinquency and it would not be correct to accept the resignation of an officer under suspension. Exception, may however, be made only in cases in which :-

- (i) the alleged evidence does not involve moral turpitude; or
- (ii) the quantum of evidence against the accused officer is not strong enough to justify the assumption that if the departmental proceedings are continued, the officer would be removed or dismissed from service; or
- (iii) the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept resignation.

Regulation of the period of suspension

39. On release from suspension, the period of suspension should be regulated in accordance with the provisions of F.R. 54.

40. Unauthorised absence from duty is opposed to discipline and a serious view may be taken of it. Such unauthorised absence would include the following cases :

- (i) Absence from duty without leave previously sanctioned.

(ii) Overstayal of leave already sanctioned without previous sanction of leave for the period in excess of the original period of leave.

(iii) Being away from duty in excess of the limits laid down in Rule 32(2)(a) of the CCS (Leave Rules, 1972).

A Government servant who is unauthorisedly absent from duty will normally be allowed to rejoin duty at the end of the period of unauthorised absence. He may be called upon to explain the circumstances in which he was unauthorisedly absent and the action to be taken in his case will be decided by the competent authority on the basis of his explanation. Imposition of any of the penalties prescribed in the CCS (CCA) Rules, 1965, may be considered if the explanation is not considered satisfactory.

In case a Government Servant is absent unauthorisedly and does not report for duty of his own accord the competent authority may order him to rejoin duty and if even then he fails to rejoin duty, a serious view will be taken, which may result in punitive action against him.

In case disciplinary proceedings are instituted against a Government servant while he is on unauthorised absence and he is later allowed to join duty, the question as to how the period of unauthorised absence should be treated will be decided by the competent authority on conclusion of disciplinary proceedings.

In this connection reference is also invited to the proviso to FR. 17(1) under which a competent authority may deal with periods of absence without leave properly sanctioned. Such consequences as break in service and loss of pay and allowances may result from the application of the proviso to FR 17 (I), which leads as follows :

Provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowance during the period of such absence.

Remittance of subsistence allowance

41. Subsistence allowance of a non-gazetted official can be remitted by service money orders.

Eligibility to appear in Departmental Examinations during suspension.

42. An official under suspension or facing disciplinary proceedings may be admitted to a departmental examination if he satisfies all the other conditions prescribed for admission to such examination. The question of his promotion should, however, be decided taking into account the instructions issued from time to time about the promotion of an official under suspension or against whom disciplinary proceedings are pending.

Disciplinary Authorities

43. The President may impose any of the penalties specified in Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 on any person who is a member of Central Service or holds a post in connection with the affairs of the Union. In addition, the authorities competent to impose penalties on members of Group 'B', 'C' and 'D' Services are those mentioned in the schedules to the Central Civil Services (Classification, Control and Appeal) Rules, 1965, which have reproduced in Schedule 1-A of this Manual. This is subject to the general condition that no major penalty, namely, those specified in items (v) to (ix) of Rule

11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 shall be imposed by any authority lower than the appointing authority as defined by Rule 2(a) of the said Rules.

NOTE : Under the provision of sub-rule (2) of Rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 the prescribed appointing authorities are competent to impose all the statutory penalties. In the schedule to these rules while powers of appointment in respect of certain Group 'C' and 'D' cadres have been delegated to non-gazetted officers like Inspectors of Post Offices, Head Record Officer etc., they have not, however, been delegated with the powers to impose any of the major penalties. By virtue of this limitation of their powers in the schedule in this respect these appointing authorities are precluded from exercising the powers of imposing a major penalty.

44. Central Civil Service (Classification, Control and Appeal) Rules are not applicable inter alia to persons who are subject to discharge from service on less than one month's notice and also to such of the industrial workers as are governed by the certified standing orders. The following cadres have also been specifically excluded from the operation of these rules vide S.R.O.-609 dated 28 February, 1957 :-

- (i) Extra-departmental Agents.
- (ii) Monthly rated staff paid from contingencies other than those brought or regular establishment;
- (iii) Monthly rated work-charged and other employees not on regular establishment;
- (iv) Daily rated staff paid from contingencies;
- (v) Daily rated workmen paid by the day, week; months etc.;
- (vi) All hot whether and monsoon establishment.

45. A penalty can be imposed only by the prescribed punishing authority, an appellate authority or any other authority higher than the appropriate punishing authority cannot exercise any concurrent original disciplinary jurisdiction. In no circumstances should an authority higher than the punishment authority issue any direction in regard to the penalty to be imposed. Neither should a punishing authority obtain the guidance or consent of any superior authority in this respect. Nothing in this rule shall affect the authority of the President to impose any of the penalties on any Government servant.

46. An ex-state employee ceased to have all connection with the former state immediately on his absorption in this Postal Department. The rank of the appointing authority in respect of such an employee will, therefore, be that of the authority which was competent to appoint him or actually appointed him in the grade at the time he was absorbed in the Postal Department.

47. A Group 'A' Sr. Superintendent of Post Offices and R.M.S. should be deemed to be competent to impose major penalties on an official who was initially appointed by a Senior Time Scale Officer of the I.P.S Group 'A', the Jr. & Sr. Time scale of the service having been merged.

48. An officer appointed to perform the current duties of an appointment can exercise administrative or financial powers vested in the full-fledge incumbent of the post but he cannot exercise statutory powers, whether those powers are derived direct from an Act of Parliament or Rules, Regulations and By-Laws made under various articles of the Constitution.

49. Disciplinary authority in respect of an official is to be determined with reference to his posting at the relevant stages of the disciplinary case and not with reference to his posting and status at the time of commission of the offence. The appellate authority in respect of an official is, however, to be determined with reference to the authority which imposed the penalty appealed

against and subsequent transfer of the official to separate office will not be a material consideration for the purpose.

50. The authority who conducts the preliminary enquiry into a case of misconduct etc. of a Government servant will not be debarred from functioning as a disciplinary authority in the same case provided it has not openly given out its findings about the guilt of the accused official.

Ad-hoc Disciplinary authority

51. Where the prescribed appointing or disciplinary authority is unable to function as the disciplinary authority in respect of an official on account of his being personally concerned with the charges or being a material witness in support of the charges, the matter should be reported to the Postal Dte. with full details for appointment of an ad-hoc disciplinary authority by the President.

Disciplinary Proceedings

52. The time at which an act was committed or the capacity in which it was committed is not material for deciding whether or not the Central Civil Service (Classification, Control & Appeal) Rules are applicable to an employee. It would, therefore, be quite in order to initiate disciplinary proceedings against a Government servant for some misconduct which is alleged to have been committed at a time when he was not a Government servant, e.g. when he was an Extra-Departmental Agent.

Common Proceedings

53. In case where two or more Govt. servants are involved in the case, the departmental proceedings should, as far as possible, be conducted by the same authority (who will be the higher among them) so that the evidence and the defence statements submitted by the different officials may be examined together. This is possible under Rule 18 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. Even though the official may be in different grades and are working under the jurisdiction of different disciplinary authorities, as soon as a case occurs in which two or more Govt. servants are concerned and the disciplinary authorities in respect of them are different, and the President's Sanction is necessary under rule 18 of CCS (CCA) Rules 1965. The following particulars should be furnished to the Directorate for obtaining President's sanction for a joint proceedings :-

- (i) Names of Government servants;
- (ii) Substantive and officiating appointments held by them;
- (iii) Allegations against each Govt. servants;
- (iv) Normal disciplinary authority in respect of each Govt. servant (separately for major and minor penalties);
- (v) The authority which should be nominated as the disciplinary authority for the purpose of common proceedings;
- (vi) Whether the procedure prescribed in Rules 14 or 16 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 is to be followed.

54. In other cases the higher competent authority will make the necessary orders. A joint proceeding against Government servants working in the same office who have made complaint against each other should be avoided.

55. When disciplinary proceedings are initiated on the complaint of a private party, there should not normally be any necessity to indicate the name of the Complainant unless he is a material witness in the case. When, however, proceedings are initiated on the basis of the evidence collected after making investigation into the complaint, there should not be any necessity to indicate the name of the complainant or the fact that the investigation were started as a result of the particular complaint.

56. Departmental proceedings should be instituted at the earliest possible stage and it is necessary that while conducting the preliminary departmental investigation into the lapses on the part of the various officials, oral and documentary evidence necessary for departmental action should be collected. So far as the primary offenders are concerned it may not be necessary to wait till the completion of investigation into all the irregularities. As soon as sufficient evidence is collected in respect of a few clear cases of misappropriation, disciplinary proceedings should be initiated.

Disciplinary Proceedings for criminal offences

57. There is no bar to include all charges of violation of departmental rules as well as criminal offences which can be taken up departmentally e.g. misappropriation of Government money, defalcation, and theft of departmental materials etc. But there are criminal offences such as bribery and corruption, murder offences under the Excise Act, etc. which cannot be taken up departmentally. In the case of departmental proceedings, reference to the various clauses of the Indian Penal Code should be avoided. The proceedings should be based on the failure to observe departmental rules and regulations. For instance, in the case of theft of a registered or insured articles, the charge against an employee may not be theft of that articles but failure to account for the articles entrusted to him.

58. In cases of burglary, theft, highway robbery, fire etc. the primary offender is usually an outsider but in some cases collusion of a departmental official may also be suspected. In such cases, sufficient evidence to make the conduct of the official doubtful is available, disciplinary proceedings against him should be drawn up and exemplary punishment imposed. While dealing with such cases, subtle niceties need not be allowed to overshadow the broad facts. While it should be sent that natural justice is done and that no innocent person is punished, the moral convictions of the disciplinary authorities should not be eclipsed at least by pettifogging arguments.

59. When an employee is reported to, or considered by his immediate superior to be incompetent, or disqualified from any cause of his duties, the latter must take measures to satisfy himself of the case, and take necessary action if he is competent to deal with him or bring the matter to the notice of the competent authority for such action as the latter may deem fit. The report should contain a specific statement of the facts on which the opinion is based.

60. While dealing with the case of an employee deemed incompetent, his immediate superior must afford to him an opportunity to offer an explanation, and his explanation, or a statement to the effect that having been called upon, he has failed to give one, must be submitted to the competent authority with the report where he himself is not competent to deal with the case.

NOTE : An employee charged with incompetence may, if necessary, be made to undergo a written examination in the subjects with which he should be acquainted for the proper discharge of his duties. In the case of a Postal Sorting Assistant or a Sorting Assistant he may further be subjected to a practical test in sorting by means of dummy cards, being required to sort a given number of cards, in a given time in the presence of the

officer making the enquiry. The rules regarding examination to test the ability of a telegraphist in signalling will be found in the Postal Volume IV.

61. Under order of the Government of India no employee is, under any circumstances whatever, to be retained in active employment when he is physically or mentally unfit for the proper discharge of his duty. When a Government servant is in bad health and unable to perform his duties in a satisfactory manner, it is his business to apply for and obtain leave. If he does not go on leave, and neglects his duty, the excuse, if put forward, that he was in bad health, will not be accepted. In appropriate cases, the employee may be sent for medical examination for adjusting his fitness to continue in service in accordance with the provisions of the Central Civil Services (Medical examination) Rules, 1957 reproduced in F.Rs. & S.Rs. Vol. II.

Absence without permission

62. Absence of officials from duty without proper permission or when on duty in office, they have left the office without proper permission or while in the office, they refused to perform the duties assigned to them is subversive of discipline. In cases of such absence from work, the leave sanctioning authority may order that the days on which work is not performed be treated as dies non, i.e. they will neither count as service nor be construed as break in service. This will be without prejudice to any other action that the competent authorities might take against the persons resorting to such practices.

63. Whenever an official continues to remain absent from duty, overstays leave without permission and his movements are not known or he fails to reply to official communications, the disciplinary authority may initiate action under Rule 14 of the CCS (CCA) Rules, 1965. In all such cases, the competent authority should, by a registered A.D. letter addressed to the official at his last known address, issue a chargesheet in the form prescribed for the purpose and call upon the official to submit a written statement of defence within a reasonable period to be specified by that authority. If the letter is received undelivered or if the letter having been delivered, the official does not submit a written statement of defence on or before the specified date or at a subsequent stage does not appear in person before the Enquiry Officer, or otherwise fails or refuses to comply with the provisions of CCS (CCA) Rules, the enquiring authority may hold an ex parte enquiry. The notices of all hearings should be served on the accused or communicated to him unless the first notice says that the enquiry will continue from day to day. In ex parte proceedings, the entire gamut of the enquiry has to be gone through. The notices to witnesses should be sent, the documentary evidences should be produced and marked, the Presenting Officer should examine the prosecution witnesses and the enquiring authority may put such questions to the witnesses as it think to be fit. The enquiring authority should record the reasons why he is proceeding ex parte and what steps he had taken to ask the accused official to take part in the enquiry and avail of all the opportunities available under the provisions of Rule 14 of the CCS (CCA) Rules. In such a case, the details of what has transpired in his absence, including depositions, should be furnished to the accused officer. During the course of enquiry, the accused is free to put in appearance and participate in the enquiry. If the accused appears in the enquiry when some business has already been transacted, it is not necessary to transact the same business again unless the accused official is able to give justification to the satisfaction of the Enquiry Officer for not participating in the enquiry earlier. The competent authority may, thereafter, proceed to pass the final orders dismissing or removing the official from service after following the prescribed procedure.

64. The procedure outlined above can be observed in the case of a Government servant whether permanent or temporary remaining absent without authority etc. Such a government servant should not be placed under suspension but when an official who is under suspension

disappears and cannot be contacted at his last known address, the suspension orders should be lifted and the proceedings in the manner stated above initiated for his removal in absentia.

65. In the case of a temporary govt. servant remaining absent in excess of the limits laid down in the Rule 32 (2) (a) of the CCS (Leave) Rules, 1972, disciplinary proceedings under Rule 14 of CCS (CCA) Rules should be initiated and the case processed in the usual manner.

Avoiding of transfers

66. As far as possible, after the irregularities on the part of an official have been detected and disciplinary proceedings against him are contemplated he should not be transferred out of the jurisdiction of the disciplinary authority who is to conduct the departmental proceedings even though it may sometimes be found desirable to transfer the official to an outstation within the jurisdiction of the same disciplinary authority. If an official in the selection grade in a different division is also considered to be responsible for lapses etc. which would justify departmental action, the question of his transfer to the division where the fraud or loss has occurred and where all the records etc. would be available for inspection, should be examined and where necessary, the circle office addressed for necessary action.

Action against supervisory officers

67. The laxity on the part of the supervisory officials should be viewed as seriously as the negligence on the part of the operative staff. Sometimes, the laxity on the part of the supervisory officials may have to be viewed more seriously as there may be extenuating circumstances like the pressure of crowd waiting at the counter, insufficiency of light etc. in the case of an operative staff. A supervisory official who works in the comparative seclusion of the inner sanctuary of an office cannot complain of such difficulties. The failure on the part of supervisory official to go round the office and exercise a personal watch over the operative staff should also be given due consideration in cases of frauds etc.

68. In a case of loss caused to the Government, disciplinary proceedings need not be kept pending on the ground that the exact amount of loss caused to Government after taking into account the payments made and recoveries effected as a result of imposition of fines etc. on the principal offender is not generally available until after conclusion of court proceedings. In such cases, the disciplinary authorities should proceed on the basis of the total amount of fraud or loss. If recoveries from other sources become possible subsequently, the orders of punishment already passed should be reviewed.

Verification of facts

69. It is necessary and desirable that disciplinary authorities before initiating action against employee verify facts from the original records.

Issue of chargesheet in Hindi

70. It should as far as possible be ensured that the delinquent official understands fully the charges he is called upon to explain. Since Hindi has become official language of the Union and use of English language continues, the chargesheet may be served in English or Hindi. It is for the delinquent to get the same translated into some other language for his own benefit.

71. Disciplinary proceedings against an official should be kept pending if he is on leave on medical grounds and it has been so recommended by the authorized medical practitioner. In

such case, the accused officer should also be allowed reasonable time for the submission of his defence.

Inspection of documents

72. An accused officer should make a request for inspection of the relevant documents before the stage of the formal enquiries. Any such request made thereafter can be refused. However, if the accused official makes a request before he files a written statement during the enquiries for inspection of statements of witnesses recorded in the course of a preliminary enquiry conducted by the department or investigations made by police, it should be acceded to provided these witnesses have been examined during the enquiries.

73. Rule 14, of the CCS (CCA) Rules, 1965 does not provide for supply of copies of documents. Therefore, it should not ordinarily be necessary to supply copies of documents to the accused officer. It would be sufficient if an accused official is allowed to inspect the relevant documents. It should not also, normally be necessary to grant permission to the accused officer to take photostat copies of certain documents. However, if the documents of which Photostat copies are sought for, are vitally relevant to the case e.g. where the proof of the charge depends upon the proof of the hand-writing of document, the authenticity of which is disputed, the disciplinary authority should itself consider the question of making a Photostat copies thereof to supply the same to the accused official.

74. The right of access to official records by an accused official for submission of his defence is not unlimited and it is open to the disciplinary authority to deny such access if, in its opinion, such records are not relevant to the case or it is not desirable in the public interest to allow such access. The power to refuse access to official records should, however, be sparingly exercised. In a case where it is decided to refuse access to a particular document, reasons for refusal should be cogent and substantial and should invariably be recorded in writing.

75. Reports submitted to Government or other competent authority including disciplinary authority by an officer appointed to hold a preliminary enquiry, to ascertain facts or by the police after investigations are usually confidential and intended only to satisfy the competent authority whether regular departmental enquiry or any other action is called for. Ordinarily, a reference to what is contained in this report should not be made in the statement of allegations. It is not accordingly necessary to give access to the accused official to these reports.

76. The statements recorded during the preliminary enquiries of such witnesses as are proposed to be examined during the formal enquiries, should be allowed to be inspected by the accused officer. It is not obligatory to allow inspection of statement of other witnesses.

77. Rule 16 of the CCS (CCA) Rules, 1965 does not make it incumbent on the part of the disciplinary authority that it should give the accused official an opportunity to inspect the relevant records provided no formal enquiry is considered necessary by the disciplinary authority. If, however, an accused officer in such a case makes a request for permitting him to inspect the relevant records to enable him to submit his defence, the disciplinary authority may grant the necessary permission.

Entitlement of T.A. and D.A. for attending Departmental enquiry

78. An official on duty or leave or under suspension is entitled to T.A. as for journey on tour, without any allowance for halt on journeys or at the outstation, for the journeys undertaken by him to the station where the official records are made available. The T.A. will be allowed from the headquarters of the Government servant or from any other place where the suspended officer

has been permitted on his own request to reside but not exceeding what would be admissible had the journey been undertaken from the headquarters of the Government servant. The grant of T.A. will be subject to the following conditions:-

- (i) the enquiry officer certifies that the official records to be consulted are relevant and essential for the preparation of the defence statement;
- (ii) The competent authority certifies that the original records could not be sent to the headquarters station of the Government servant or the bulk of the documents ruled out the possibility of copies being made out, and sent; and
- (iii) the Head of office under whose administrative control the Government servant is, certifies that the journey was performed with his approval.

If the officer is on duty or on leave, the periods spent in transit to and fro and the minimum period of stay required at the place where official records are made available for inspection, should be treated as duty or leave, as the case may be. If he is under suspension, the transit period will be regulated in accordance with the orders passed by the competent authority under F.R.54(1).

Cessation of proceedings on death

79. Disciplinary proceedings come to an end immediately on the death of the alleged offender. No disciplinary proceedings either under the Central Civil Service (Classification, Control & Appeal) Rules, 1965 or under Article 351-A of the C.S.R. can, therefore be continued under the death of the concerned officer.

Prosecution

80. Prosecution should be the general rule in all those cases which are found fit to be sent to the court after investigation and in which the offences are of bribery, corruption or other criminal misconduct involving loss of substantial public funds. In such cases, departmental action should not precede prosecution. In other cases, involving less serious offences or involving malpractices of a departmental nature, only departmental action should be taken and the question of prosecution should generally not arise.

NOTE I : A case involving of substantial funds would be a case in which the loss exceeds:

(1) Rs.2000 in respect of a departmental employee and

(2) The amount of security deposit in the case of an extra-departmental employee. In respect of extra-departmental employee, even in cases involving loss not exceeding the amount of security deposit, the discretion to waive prosecution shall be exercised only if the loss has been made good and there are extenuating circumstances like length of service to justify the exercise of the discretion.

NOTE II : As extra-departmental employees are not full-time Central Govt. employees, their cases, when a prosecution seems possible and desirable, should be reported to the local Police. If the loss is more than Rs.2000 and the case is of some importance, the matter may be reported to the Central Bureau of Investigation immediately if the offence is detected to facilitate successful investigation.

NOTE III : In all cases where prosecution has to be launched a report should be lodged with the Police as soon as the case comes to notice and departmental enquiries should not be held simultaneously with the Police enquiry except to the extent permitted by the Police. The question of taking departmental action in such cases would arise either on completion of police enquiries and other referring the case for departmental action, or after completion of the court case. If however, it is desired to conduct departmentally enquiries 27

simultaneously with police enquiries or to take departmental action wherever feasible before the case is taken up for prosecution by the police, the matter should be decided after consultation with the police authorities.

NOTE IV : In a case where prosecution is not to be launched, departmental action may be taken. The question of advisability of reporting the case to the police for purposes of prosecution if still considered necessary may be examined on the completion of departmental enquiry. There will, however, be no objection to a report being lodged immediately with the police as soon as departmental enquiries are complete, if the nature of the case or other circumstances, viz. case of theft, highway robbery, attacks on employees of the department, the advantages of an immediate house search, the likelihood of the accused absconding etc. require the case to be reported immediately to the police.

NOTE V : (i) In cases where there is difference of opinion between the police authorities and the Divisional Officers as to the course of action to be taken the matter may be referred to the Circle Officer which will settle it in consultation with the Inspector General of Police.

(ii) Where the case is reported to the Special Police Establishment and in case of difference of opinion, it is not possible to reach a settlement on the points of difference after a local discussion either at the Divisional Officers level or at the Circle level, the question could be referred to the Directorate for discussion with the C.B.I.

81. Once a charge-sheet has been filed in the court against an employee, the disciplinary proceedings, if any, initiated against him on the same facts of the case should be kept in abeyance till the finalization of the criminal proceedings. Similarly, an appeal filed against the penalty imposed in the departmental case should not be disposed of, if in the meantime criminal proceedings on the same facts of the case have been initiated.

ADVANCE CORRECTION SLIP No. 1 dated 16.01.1989 to P& T Manual Vol. III

(Communicated in DG Posts letter No. 15/70/87-Vig-III dated 16.01.1989)

(4th Edition – Report)

I. Substitute the following for Rule 80 and notes there under:

'80' Prosecution should be the general rule in all those cases which are found fit to be sent to the court after investigation and in which the offences are bribery, corruption or other criminal misconduct involving loss of substantial public funds. However, while police enquiries are pending or criminal prosecution has been launched, there will be no bar to initiating departmental disciplinary proceedings on the same and or similar charges if the facts and circumstances of each case, the competent authority thinks it necessary to do so.

2. In other cases, involving loss serious offences or involving malpractices of a departmental nature, only departmental action should be taken and the question of prosecution should generally not arise.

However if prosecution is still felt necessary, the case may be reported to the police as soon as a decision is arrived at to this effect.

3. Cases involving loss of substantial public funds are where the loss is (i) Rs.5000 or more in case of departmental employees; (ii) the amount of security deposit or more in the case of Extra Departmental Agents.

4. Where the nature of the cases so warrant viz. cases of theft, dacoity, highway robbery, attacks on employees of the Department, a report should be lodged with the police immediately for taking effective action such as apprehending the culprit, searching the premises etc.

II. Delete Rule 81.

(15-70/87-Vig-III)

82. It is not permissible to hold departmental enquiry in respect of a charge based on the same facts or allegations which have already been examined by a Court of competent jurisdiction and the Court has given a finding that they are not true. If, however, that Court has merely expressed a doubt as to the correctness of the allegation, there may be no object to hold departmental enquiry on the same allegation, if better proof than that was produced before the Court or was then available, is forthcoming. If the Court has held that the allegations are proved but they do not constitute the criminal offence with which the Government servant was charged, then also it would be permissible to hold a departmental enquiry on the basis of the same allegations.

83. In a departmental enquiry, it would be just and equipable to hold an officer charged with corruption guilty of that charge in case he is unable to satisfactorily account for possession by himself or by any other persons on his behalf (e.g. dependents) of pecuniary resources or property disproportionate to his known sources of income on the analogy of the provision of Section 5(3) of the Prevention of Corruption Act, 1947.

84. When a case for initiating disciplinary action on the allegation of amassing wealth disproportionate to the income of a Government servant is referred to the Directorate, a statement showing the details of income of the officer year by year should also be forwarded.

Appointment of Enquiry Officer

85. In the interest of justice and equity, it is desirable that only disinterested officers are appointed as enquiry officers in disciplinary proceedings. There is, however, no bar to the immediate superior officer holding an enquiry. But the disciplinary authority should satisfy itself that the person appointed to hold the enquiries is not suspected of any bias.

86. It is obligatory that an officer of the Department to which an accused official belongs at the time of initiation of the disciplinary proceedings should be appointed as the Enquiry Officer. In the interest of proper enquiry an officer of another Department or even a State Government can be appointed as an Enquiry Officer especially in a case of disciplinary proceedings for lapses committed while employed in that Department or State Govt.

87. An official who may have to appear as a witness in a disciplinary case should not be appointed as the Presenting Officer or Enquiry Officer in that case.

Nomination of Assisting Government servant to the delinquent

88. (1) Under Rule 14 (8) of the CCS(CCA) Rules, 1965, a Government servant may take the assistance of any other Government servant to present the case on his behalf. No discretion in this regard vests on the disciplinary authority. However, if for any compelling reasons it is not practicable for the controlling authority of the Assisting Government servant to relieve him without undue delay without serious detriment to the public interest to present the case of the delinquent official he should inform the Enquiry Officer about it with reasons for being communicated to the accused official and the Government servant nominated to assist the accused well in time. In that case the accused official could choose any other Govt. servant to assist him in the presentation of his case before the Enquiry Officer.

NOTE : Even though it is not necessary for the accused official to obtain the permission of any authority for seeking the assistance of any other Government servant, it is necessary for the latter to obtain the permission of his controlling authority to absent himself from office in order to assist the former during the enquiry. To avoid delay in the grant of such permission, the Enquiry Officer should take the initiative in the matter of informing the controlling authority the name and other particulars of the Govt. servant who has been chosen by the accused official to present his case. The Presenting Officer if any should also intimate to the controlling authority of the assisting Govt. servant about the date, time and venue of the enquiry. The Enquiry Officer should in any case ensure that an intimation in this regard has been sent.

(2) Government have decided that Government servants involved in disciplinary proceedings may also take the assistance of retired Government servants subject to the following conditions :

- (i) The retired Government servant concerned should have retired from service under the Central Government.
- (ii) If the retired Government servant is also a legal practitioner, the restriction on engaging a legal practitioner by a delinquent Government servant to present the case on his behalf, contained in Rule 14(8) of the CCS (CCA) Rules, 1965 would apply.
- (iii) For the purpose of T.A. and other expenses, the retired Government servant concerned will be deemed to belong to the grade of Government servant to which he belonged immediately before his retirement. The expenditure on account of traveling and other expenses will be borne by the Department or office to which the delinquent Government servant belongs.

Production of documents

89. In a disciplinary case, the following documents are required to be forwarded on the Enquiry Officer by the disciplinary authority:-

- (a) a copy of the articles of charge and the statement of the imputation of misconduct or misbehaviour together with a list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained;
- (b) a copy of the written statement of defence, if any, submitted by the Government servant. If any such defence has not been submitted, this fact should be communicated to the Enquiry Officer;
- (c) a copy of the statement of witnesses, if any, referred to in sub-rule (3) of Rule 14 of the CCS (CCA) Rules, 1965;
- (d) evidence proving the delivery of the documents referred to in sub-rule 3 ibid to the Government servant;
- (e) a copy of the order appointing the Presenting Officer and also a copy of the Memo, intimating that the Government servant will take the assistance of a particular Government servant for presenting his case.

90. With a view to avoiding the possibility of tampering with a document required for inspection by an accused officer, the following precautions should be taken :-

- (i) the accused officer should be allowed inspection of records/ documents etc. only in the presence of a responsible officer; and
- (ii) the Enquiry Officer should take sufficient precautions to ensure that the records/documents and other papers are not tampered with while the documents are under his custody or during the course of actual enquiry. For this purpose, he should not leave the enquiry room during the course of the enquiry and if at all he has to leave for sometime, he should make appropriate arrangements for the safe custody of the documents/ records.

Appearing of Govt. servants as witnesses

91. (a) A Government servant cannot refuse to appear as a witness in any enquiry against another Government servant or against an employee of a Municipal Committee or other local bodies. In case he fails to do so, it can be construed as a sufficient reason for initiating disciplinary proceedings against him.

91. (b) The Govt. of India enacted the Department Enquiries (Enforcement of Attendance of Witness and Production of Documents) Act, 1972 (reproduced as annexure XV) to enable the enquiry authority to:-

- (i) summon and enforce the attendance of any witness and examine him on oath;
- (ii) required the discovery and production of any document or other material which is producible as evidence;
- (iii) requisition any public record from any court of office.

This power can be exercised by the enquiring authority only when an allegation of lack of integrity is being enquired into against a Government servant provided the enquiring authority is authorized to exercise this power by the Central Govt. or by any other authority to whom this power has been delegated. The competent authority will be required to issue a notification in the Gazette of India in the form prescribed for this purpose. Every process issued by an authorized enquiring authority for the attendance of any witness or for the production of any document shall be served and executed through the District Judge within the local limits of whose jurisdiction the witness or other person, on whom the process is to be served or executed, voluntarily resides or carries on business or personally works for gain, and for the purpose of taking any action for the disobedience of any such process, every such process shall be deemed to be a process issued by the District Judge. The form prescribed for the issue of a notification authorizing the enquiring authority in this regard is reproduced in Appendix XVI and the form prescribed for the

summons to witness is reproduced as Appendix XVII. The form for making a request to the District Judge for serving of the summons on a witness is reproduced as Appendix XVIII.

91. (c) The authorities named below have been authorized to exercise the powers conferred on the Central Government by Sub-Section (1) of Section (4) of the Departmental Enquiries (Enforcement of Attendance of Witness and Production of Documents) Act, 1972 in relating to the Government servant in General Central Service Grade “C” or Grade “D” against whom a departmental enquiry may be held, and working under the concerned authority.

1. Secretary, Postal Board.
2. Postmaster General
3. Director, Postal Life Insurance.

91. (d) The enquiring authority should note that as provided in the Code of Civil Procedure, every summon issued by it shall

- (a) be in duplicate
- (b) be signed by the officer constituting such authority
- (c) be sealed with the seal of such officer or bear a stamp bearing his name and designation
- (d) specify the date on, and the time and place at which the specified person summoned is required to attend and also whether his attendance is required for the purpose of giving evidence or to discover and produce a document or material, or for both the purposes, and
- (e) be endorsed and signed by such authority by post to the District Judge within the local limit of whose jurisdiction the specified person, on whom such summons are to be serviced, actually and voluntarily resides or carries on business or personally works for gain for service. To enable the District Judge to take cognizance of the summons, a copy of notification issued under Section 4 of the act authorizing the inquiring authority to exercise the powers specified in Section 5 of the Act may also be enclosed.

91.(e) The attendance of witness, and production of documents before a departmental enquiry will continue to be secured in the usual manner. Where, in the case of a departmental enquiry, the inquiring authority is satisfied that it is necessary to summon a person as a witness or to call for a document from him and that the attendance of such a person as a witness or production of such document may not otherwise be secured, it may, after recording the reasons for doing so, make a reference to the competent authority, to, where there is no competent authority, to the Postal Board seeking authorization under Section 4 of the Departmental Enquiries (Enforcement of Attendance of Witness & Production of Documents) Act, 1972 to exercise the power specified in Section 5 in relation to such person. The power to authorize an enquiring authority to exercise the power specified in Section 5 of the Act *ibid* may be exercised by the Central Government/the competent authority *suo moto* also if it is of the “opinion that for the purposes of any departmental enquiry it is necessary so to do”.

92. Statement of witnesses recorded during the departmental enquiries, should normally be got signed by the witnesses concerned, the accused officer and the Enquiry Officer so that the validity of the documents is not questioned by any one at a later date.

Supply of Copies of statement of witnesses to accused

93. Copies of oral statement of witness recorded by the Enquiry Officer should normally be supplied to the delinquent officer before calling him to make his own statement if a specific request to this effect is made by the delinquent officer before recording of oral statement starts.

94. In an accused officer fails to turn up at the enquiry or refused to participate in the enquiry, a copy of the various pieces of oral or documentary evidence let in during the enquiry should be supplied to the accused officer along with the show cause notice.

Entitlement of TA to witnesses

95. (a) Every person whether he is a Central or State Govt. servant or not, who is called to give evidence in departmental enquiry by either the Government or the Government servant against whom the enquiry is being held, shall be entitled to payment of traveling and other expenses as in Appendix XII.

95.(b) The Government servant who is chosen by an accused official to present his case during the enquiry is entitled to T.A. in accordance with the Govt. of India's instructions below SR 190 for journeys in connection with the enquiry for the purpose of inspection of documents also.

Procedure for consultation of Govt. Examiner of questioned documents

96. The procedure to be followed for obtaining the opinion of the Government Examiner of Questioned Documents is laid in the rules reproduced in Appendix XIII.

97. Deleted

98. Deleted

Communication of punishment order

99. Ordinary, the officer who has recorded his findings in a disciplinary case should, as far as possible, communicate the orders under his own signature. In exceptional cases in which this has not been possible, the successor has to communicate the decision as taken by his predecessor without modification or alteration in any manner.

Imposition of minor penalties after enquiry

100. Proceedings initiated under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, cannot be closed by imposing one of the minor penalties after the consideration of the defence submitted by the accused officer. It is obligatory to hold a formal enquiry before coming to a decision about the quantum of penalty.

101. For considering the gravity of the lapses on the part of an officer, it is desirable that punishing authorities take into account extenuating circumstances such as shortage of forms, bags, staff, accommodation etc.

Date of effect of penalty

102. The penalty of withholding of increment takes effect from the date of increment accruing to the officer after the issue of the punishment orders. It cannot affect the increment which was due prior to the issue of the punishment orders even though it may not have actually been drawn due to the officer being on leave or other administrative reasons.

Reduction to the lower post or grade

103. Under the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, there is no objection to an officer being reduced as a measure of penalty to a post lower than that in which he was initially recruited. However, in doing so, the disciplinary authority should examine whether the reduction will have such an adverse effect as might make it impossible for the punished officer to perform his duties with any degree of efficiency.

104. An order imposing the penalty of reduction to a lower service, grade or post or to a lower time scale should invariably specify :-

- (i) The period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period. In such a case, the order should be passed in the following manner :-

“A is reduced to the lower post/grade/ service of X until until he is found fit by the competent authority to be restored to the higher post/grade/ service of Y”.

OR

“A is reduced to the lower post/grade/ service of X until he is found fit, after a period of ____ years from the date of this orders, to be restored to the higher post of Y”.

- (ii) whether the period of reduction is specified, whether, on expiry of the period the Government servant is to be promoted automatically to the post from which he was reduced; and
- (iii) whether on such promotion, a Government servant will regain his original seniority in the higher service, grade or post or higher time scale which had been assigned to him prior to the imposition of the penalty.

In cases where the reduction is for a specified period and is not to operate to postpone future increment, the seniority of the Government servant on re-promotion may, unless terms of the orders of punishment provide otherwise, be fixed at what it would have been but for his reduction. Where, however, the reduction is for specified period and is to operate to postpone future increment, the seniority of the Government servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service, rendered by him in the higher service, grade or post or higher time scale. In cases where the order of punishment does not specifically mention the points referred to in the previous paragraph, the Government servant on whom the penalty of reduction for a specified period is imposed, will on completion of such period, be promoted automatically and his seniority determined in the following manner:-

- (a) if the period of reduction is to operate to postpone future increment, the seniority of the Government servant should be determined, on re-promotion, by giving credit for the period of service rendered by him in the higher grade etc. prior to his reduction;
- (b) if the period of reduction does not operate to postpone future increments, the Government servant, on re-promotion, will regain his seniority as it existed before his reduction.

105. While imposing the penalty of reduction to a lower stage in a time scale, the disciplinary authority should invariably specify that stage in terms of rupees to which the Government servant is reduced so that there may not be any controversy about his entitlement to increment during the period recution.

The penalty of reduction to the lower stage in the time scale cannot be ordered as a permanent measure. It is obligatory to indicate the specified period for which the penalty should remain operative and also whether on restoration, the penalty will have cumulative effect on future increments as required under F.R.29.

Imposition of the penalty of recovery

106. In the case of proceedings relating to recovery of pecuniary losses caused to the Government by negligence, or breach of orders of a Government servant, the penalty of recovery can be imposed only when it is established that the Government servant was responsible for a

particular act or acts of negligence or breach of orders or rules and that negligence or breach caused the loss.

107. In a case of loss caused to the Government, the competent disciplinary authority should correctly assess in a realistic manner the contributory negligence on the part of an officer and while determining any omission or lapses on the part of an officer, the bearing of such lapses on the loss considered and the extenuating circumstances in which the duties were performed by the officer shall be given due weight.

108. The maximum amount which may be recovered from a delinquent officer on account of the loss caused to the Department through his negligence should be 1/3rd of his pay should be taken into account. In addition to the penalty of recovery, technically there is no bar to impose any other statutory penalty if the circumstances of the case justify it. The punishing authority should, however, bear in mind that when more than one penalty is imposed, one of which is recovery of pay of the whole or a part of the loss caused to Government, the net cumulative effect on the Government servant should not be of such severity so as to make impossible for him to bear the strain.

109. In the case of recovery of loss imposed on a Government servant as a measure of penalty, the recovery from pay should be effected in the normal course. If during the course of recovery, the official retires from service and a balance is still outstanding for recovery, the amount so outstanding cannot be adjusted against the gratuity without following the procedure laid down in Art. 351-A C.S.Rs. In case where a Government servant is due to retire shortly and the amount of loss caused by a Government servant cannot be recovered in full because of his impending retirement, the final punishment order should not be passed and the case referred to the Dte. for initiation of action under Article 351-A of C.S.Rs. along with the recorded disciplinary proceedings.

110. Recovery of part or the whole of a loss caused to the Government ordered from the pension of a Government servant should not ordinarily be made at a rate exceeding 1/3rd of the gross pension ordinarily sanctioned including any amount which may have been commuted.

111. The amount of recovery of loss ordered as measure of penalty can be reduced by the punishing authority at any later stage if it is found that the amount of loss sustained by the Government is less than that originally calculated. If, however, the loss is subsequently found to be nil, the case has to be reviewed by the competent authority for imposing an appropriate penalty. That authority will not, however, be competent to impose a penalty higher than that of recovery.

Punishment on conviction

112. Punishment orders can be straight away passed by the competent disciplinary authority on the basis of conviction of an official on a criminal charge while in service. In case the official had been convicted before he joined Government service, it would be necessary to afford him adequate opportunity of defence.

113. A conviction under section 39(e) of the Army Act, 1950 should be treated as a conviction on a criminal charge for the purpose of action under Rule 19 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965.

114. Binding down of Government servant for good behaviour under Section 110 or taking security under Section 107 of the Criminal Procedure Code does not amount to conviction on a

criminal charge for the purpose of Rule 19(i) of the Central Civil Service (Classification, Control and Appeal) Rules, 1965.

115. An official convicted on a criminal charge but released under the Probation of Offender's Act, 1958 can be punished under Rules 19(i) of the CCS (CCA) Rules, 1965.

116. On a case where a Government servant has been convicted in a court of law for an offence which is such as to render his further retention in public service prima-facie undesirable, action to dismiss, remove or compulsorily retire him from service shall not pend before the period for filing an appeal has elapsed, or, if an appeal has been filed, before the appeal has been decided in the first Court of law. In other cases also, i.e. where these extreme penalties are not warranted, the disciplinary authority shall issue the punishment order immediately on receipt of a copy of the judgement. Accordingly, if the UPSC is required to be consulted in regard to the quantum of penalty to be imposed on a government servant in such a case, the advice should be sought for immediately.

117. If on appeal, the conviction is set aside and the Government servant is acquitted, the punishment orders based on the conviction which no longer stands become liable to be set aside. As copy of the judgement of the higher Court should be immediately obtained and examined with a view to deciding whether :-

- (i) the acquittal should be challenged in a still higher court; or
- (ii) despite the acquittal, the facts and circumstances of the case are such as to call for a departmental enquiry against the government servant on the basis of the allegations on which he was previously convicted.

If it is decided to take the matter still to a higher court, action to institute proper proceedings should be taken with the least possible delay and the punishment order should not be set aside during the pendency of such proceedings. If on the other hand, it is decided that a departmental enquiry should be held, a formal order should be made :-

- (a) setting aside the punishment order; and
- (b) ordering such departmental enquiry.

Such an order should also state that under rule 10(4) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Government servant is deemed to be under suspension with effect from the date of dismissal, removal or compulsory retirement.

In a case where neither of the courses mentioned above is followed, a formal order should be made setting aside the previous order of dismissal or removal or compulsory retirement. The period between the date of dismissal and the date on which he resumed duty should be dealt with under F.R. 54. But in doing so, he should be deemed to be entitled to full pay and allowances from the date of acquittal, and the period counted as duty for all purposes and from the date of dismissal to the date of acquittal, he should not be allowed pay and allowance less than what would have been admissible to him had he been under suspension.

Action on dismissal from Military Service

118. Dismissal from military service of a person holding a lien on a permanent civil post will not automatically constitute dismissal from the civil appointment. On his dismissal from the military service, the officer will stand reverted to his civil department from the date of dismissal and the competent authority should then consider the question of initiating disciplinary

proceedings against him. The question whether the officer should not be placed under suspension simultaneously should be considered by that authority.

Dismissal

119. The following general principles should be observed with regard to dismissal of public servants:

- (1) It should be remembered that a distinction exists between the removal or discharge, and the dismissal of a public servant. Removal from office for such a cause as unfitness for the duties of the office need not be usually entail any further consequences. It ought not to bar re-appointment to another office for the duties of which the removed employee may be suited, and it should not be accompanied by any subsidiary orders which would operate as such a bar or otherwise prejudice the employee in question. Removal should be the penalty in all cases where it is not thought necessary to bar future re-employment under Government.
- (2) In cases of dismissal, on the other hand, the effect of the order should ordinarily be to preclude the dismissed employee from being re-employed. As a precaution against the inadvertent re-employment of employees who may have been dismissed, it should be ascertained whether an applicant for a post had been in Government service before, and his previous employer referred to if the circumstances connected with his discharge are not clear. The applicant should be required to produce a copy of his character book or other record of service, and any one who succeeds in obtaining employment by the concealment of his antecedents would obviously merit dismissal on the true facts being discovered.
- (3) The dismissal of public servants should be notified in the Gazette only in the following cases:-
 - (i) when it is necessary to notify the public of the removal from service of an officer, whether because his appointment was previously gazetted or from any other cause, and
 - (ii) when it is specially desired to exclude from reemployment in the service of Government a public servant who has been dismissed for a heinous offence (such as fraud or falsification of accounts). Ordinary cases of dismissal of non-gazetted employees need not be notified in the Government gazette but should be notified in departmental circulars.
- (4) The reason for the dismissal of a public servant should not be stated in the notification regarding his dismissal even in cases in which a conviction has been obtained in a criminal Court. It will be sufficient to announce in the case of any employee, whose removal has to be notified in accordance with the principal laid down in clause (3), that the Government has dispensed with his services, except in those cases in which the cause of dismissal constitutes a disqualification under the terms of the Law regulating the tenure of a particular appointment, and it is for this reason necessary to couple with the announcement of the dismissal a statement of the grounds upon which it has been ordered.

List of conviction & dismissals

120. In the beginning of each quarter, as soon as copies of all punishment registers have been received from the officers concerned, the Head of a Circle should issue a circular furnishing a list of employees who were dismissed or convicted during the preceding quarter. The list should furnish information on the following points in respect of each employee entered in it :-

- (1) Name, Caste and residence.
- (2) Father's name.
- (3) Appointment last held.

- (4) Nature of offence committed and, in case of conviction, the Section of the Law under which the conviction was obtained.
- (5) Punishment inflicted.

Other authorities directly subordinate to the Director General should also issue quarterly a similar list in a general letter. The quarterly circular should also be got printed in regional languages for circulation among the branch offices and the Extra Departmental staff.

NOTE: Particulars as mentioned in the above Rules in respect of persons dismissed/removed should be furnished at the earliest opportunity by the competent authority to the Director of Intelligence Bureau, New Delhi., the Deputy Inspector-General C.I.D of the State and the Supdt. of Police of the District of which the person concerned is a permanent resident. In the case of persons who are permanent residents of West Bengal, the Information should be furnished to the Deputy Commissioner of Police, Special Branch, Calcutta if they happen to be permanent residents of Calcutta and to the Deputy Inspector-General of Police, C.I.D., West Bengal, Calcutta and the Supdt. of Police of the district concerned in all other cases. The information is to be furnished to the Director, Intelligence Bureau, New Delhi, also in case of such persons belonging to West Bengal.

Removal on Reduction of Establishment

121. Great care should be exercised with regard to removing an employee from the service of Government on the ground that his appointment is abolished on reduction of establishment. No Government servant should be discharged for such a reason until the reduction of establishment entailing the abolition of his post has been finally determined and has been actually ordered by a competent Authority. The fact that prospective changes are under consideration, and likely to be adopted, which will involve a reduction of establishment, should not be used to justify the removal of an employee from his appointment.

Appeal and Review

122. An appeal is one which is preferred to the appropriate appellate authority against any order of the type specified in Rule 23 of the CCS (CCA) Rules, 1965, reproduced as Schedule 1-A of this Manual. No appeal shall be entertained unless it is submitted with a period of 45 days from the date on which a copy of the orders appealed against is delivered to the appellant :

Provided that the appellate authority may entertain an appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

Note : An authority which made the order appealed against can withhold an appeal not submitted within the prescribed limit if no cause is shown for the delay. If, however, some cause is shown for the delay, it cannot withhold the appeal only on the ground of delay and has to forward it to the appellate authority, as the discretion of being satisfied with the grounds for non-submission of appeal in time and entertaining the belated appeal vests in the appellate authority only.

122-A. An appeal of an official should as far as possible be self-contained but it is not obligatory nor is it necessary that copies of all the relevant documents should be supplied by the appellant. Under the provisions of Rule 26 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the appellant shall present the appeal to the appellate authority, a copy being provided to the punishing authority who will send all the relevant documents in original along with the appeal to the appellate authority. Along with these original documents the following documents should also be forwarded to the appellate authority :

- (a) Confidential records and service book of the appellant;

- (b) If the appeal or any of the documents accompanying it is in any regional language, an English translation of the document should be appended.

122-B. (1) Any appeal or a copy thereof which is sent direct to the Director-General or to any subordinate authority, instead of through the proper channel will be filed, no notice of any kind being taken of it.

(2) In one class of case only can be exception be made to this rule. It occasionally happens that an aggrieved official complains that he can get no reply at all to an appeal submitted in the proper manner. In such a case a remainder should be sent to the proper authority. If no reply is still forthcoming, after a reasonable time has been allowed for it, this fact may be reported direct to a higher authority, a copy being sent invariably through the official channel. If such a case as this comes to the notice of the Director-General or the Head of a Circle, or any other authority directly subordinate to the Director-General, his attention will be directed to the alleged failure of the proper authority to deal with the case and to ensuring that regular system is worked properly rather than to the merits of the case itself.

123. An appeal preferred by an official can be withdrawn by him before it is actually disposed of by the appellate authority. In the event of withdrawal of the appeal, the appellate authority will not be debarred from reviewing the disciplinary case under its review powers.

124. Under its review powers, the appellate authority is competent to review a disciplinary case only after the specified period for submission of an appeal is over but within the prescribed time limit.

125. The appellate authority either on review or in consideration of an appeal can enhance the penalty imposed on an officer but a fresh show-cause-notice should be served on the accused officer before passing such an order.

De-novo proceedings

126. When on appeal, the appellate authority sets aside the punishment orders and remits the case for de-novo trial, the original proceedings containing the chargesheet are to be deemed to be quashed unless the stage from which the re-trial should be conducted is specified in the order. It would be opened to the disciplinary authority to frame any other charge in addition to or in substitution of the original chargesheet subject to the condition that it is based on facts of the case as initially disclosed for taking departmental action against the Government servant.

127. The President or the Postal Board is competent to remit a case to the disciplinary authority under Rule 29 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965, for revising the penalty imposed on an employee, if such a revision is necessitated under some peculiar circumstances as for example, in a case where the penalty of recovery is ordered but subsequently it is found that no loss has been sustained by the Department.

128. Consultation with the U.P.S.C. is not necessary when the President sets aside disciplinary proceedings for non-compliance of Article 311 of the Constitution and remands the case back to the appropriate authority for proper disposal in accordance with the rules.

129. An appellate order replaces the punishment order, accordingly, if an appellate order is set aside for procedural defects, the punishment order will also simultaneously stand quashed. In such a case, it should therefore, be necessary to initiate de-novo proceedings against the concerned officer.

Review by disciplinary authority not permissible

130. It is not open to the punishing authority to cancel or revise its own orders. In case the orders require any revision or cancellation, the matter should be reported to the appellate or to the competent reviewing authority. If however, the order is inoperative, e.g. with-holding of increment of an official who was reached the maximum of his scale of pay, it can be revised by the same punishing authority. It would also be within the competence of the punishing authority to cancel punishment orders passed on an official as a result of his conviction in a court of law when the conviction is set aside on appeal by the appellate authority. It cannot, however, itself set aside its own orders even when it discovers any procedural irregularities.

131. The direction of a higher authority to the competent disciplinary authority for placing an official under suspension pending investigation into alleged mis-conduct does not amount to any direction in the matter of initiation or finalization of disciplinary proceedings against that official. Accordingly, such higher authority will not be debarred from acting as an appellate authority if it is the prescribed appellate authority.

Miscellaneous

132.Deleted.

133.Once disciplinary proceedings are initiated against an official, the proceedings cannot be closed without sending an intimation to the effect to the accused official. Disciplinary proceedings against an employee who has been dismissed or removed from service in another disciplinary case will stand suspended. These proceedings can be revived, if and when the official is reinstated in service on appeal.

134.Disciplinary powers have been delegated by designation to the officers of the circle and administrative offices. It is desirable that in each grade, only one specified officer in one office exercises these powers.

135.An official on whom the penalty of withholding of increment or reduction to a lower service, grade or post, or to a lower time-scale or to a lower stage in a time-scale has been imposed for a specified period, should not be transferred or posted to another service, grade or post, on or after the date of orders imposing the penalty but before the date from which the orders finally cease to be operative, if such a transfer or posting results in payment of basic pay higher than that admissible to him in the existing service, grade or post consequent on the punishment orders.

Proceedings after retirement

136. Disciplinary proceedings initiated while an officer was in service should be deemed to be proceedings under Art.351-A of C.S.R. after his retirement should be continued and concluded under the provision of that rule. In such a case, the function of the disciplinary authority is only to reach a finding on the charges and to submit a report recording its findings to the Govt. It is then for the Govt. to consider the findings and take a final decision under Article 351-A of C.S.R. In case Govt. decide to take action under the said rule in the light of the finds of the disciplinary authority, the Govt. will serve the person concerned with a show-cause notice specifying the action proposed to be taken under Article 351-A of C.S.Rs. and the person concerned will be required to submit his reply to the show-cause notice within such time as may be specified by the Govt. The Govt. will consider the reply and consult the Union Public Service Commission. If as a result of such consideration in consultation with the Commission, it is decided to pass an order under Article 351-A of CSRs., necessary orders will be issued in the

name of the President. This procedure will also apply to a case where the President functions as the Disciplinary Authority.

137. Disciplinary proceedings can be initiated against a retired officer in the manner provided in Art.351-A of C.S.R. for the purpose of withholding or withdrawing a pension or any part of it either permanently or for a specified period and also for ordering recovery from pension and or D.C.R. gratuity of the whole or a part of any pecuniary loss sustained by the Government on account of the negligence of the retired officer. Such orders can also be passed under that rule and in the manner provided therein, if the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon re-employment after retirement. The standard forms prescribed are reproduced as Appendix XI-A & XI-B.

138. Whether any departmental or judicial proceedings is initiated under Art.351-A C.S.R. or where a departmental proceeding is continued under that rule, the retired officer should be granted a provisional pension in accordance with the provision of Art.351-B, C.S.R.

Filling up of post rendered vacant by punishment of the incumbent.

139. Under the provisions of the administrative instructions below FR.29-A, a permanent post vacated by a Government servant reduced to a lower service grade or post or to a lower time scale, should not be filled substantively, until the expiry of a period of one year from the date of such reduction. Where on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged. If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

140. Whenever necessary, a supernumerary post can be created in the lower service/grade/time-scale etc. to provide a lien to a Government servant who has been reduced by the competent authority, in case of non-availability of a permanent post in that service/grade/time-scale etc. The higher post vacated by him should not, however, be filled substantively or otherwise, so long as it is necessary to provide the reduced officer with a lien on a supernumerary post in the lower service/grade/time-scale etc.

141. Absence of an employee from duty for more than 5 years at a stretch having been restrained from performing his duties under Government orders, as for example, in a case of removal or dismissal should not be treated as absence for the purpose of F.R. 68.

142. An appropriation of undisbursed pay or leave salary in respect of an official dismissed, removed or compulsorily retired from service for adjustment against departmental losses without observing the usual formalities for imposing the penalty of recovery is not admissible.

143. Extra-ordinary leave without medical certificate availed of by an employee results in postponement of his increment by the period of such leave. If, however, extra-ordinary leave is availed of during the currency of the period of withholding of increment with cumulative effect, it will not result in further postponement of the date of increment by the period of such leave.

144. When the substantive pay of an official whose increment in the higher grade has been withheld as a measure of penalty, is more than the officiating pay, he may be allowed, during the currency of the penalty, his substantive pay as permissible by the note under F.R. 31.

Punishment Register

145. All officers including non-gazetted supervisory officers having disciplinary powers must keep punishment registers in form App. 32 containing particulars of punishments imposed by them and also by other authorities on employees under their respective control. The register should show the names, designations and pay of the employees punished, the nature of their offences, and the penalties imposed, as for example, dismissal, reduction to a lower post etc. the punishment against each employee should be entered together, one after another when more than one punishment is imposed on each employee.

146.(1) Particulars of all suspension should be entered in the punishment register separately from the entries of punishments under a manuscript heading "Suspension", the date of suspension being shown in the column headed "Punishment awarded". All pending cases of suspension should be re-entered in red ink and the new cases occurring in any month entered next in black ink. As soon as a case is disposed of, the manner of disposal should be shown against the entry for that month and in the succeeding month it should be omitted.

(2) Warning is not a statutory penalty but since a warning issued as a result of disciplinary proceedings can be reviewed by the appellate authority, it should also be included in the punishment register.

(3) A copy of the register in form App. 32(a) showing particulars of the punishments inflicted in the previous month and all pending cases of suspension should be forwarded on the 10th of each month to the immediate superior authority or to the appropriate appellate authority, if it is not the immediate superior authority or to the appropriate appellate authority, if it is not the immediate superior authority. In the latter case, a copy of the punishment register should also be sent to the immediate superior authority for information.

(4) The appellate authority to whom the punishment register is sent should, on receipt, review it without delay and if it considers that the original order of the appropriate punishing authority requires revision either on the score of severity of the reverse or for any other reason, it should immediately initiate action under Rule 29 of the CCS (CCA) Rules, 1965. In case, however, more than six months have elapsed from the date of the order to be reviewed, the question of recommending a review by the P&T Board should be taken up through the respective Heads of Circles and Administrative Offices.

147. Postmasters or other officers who are responsible for ensuring the implementation of punishment orders relating to withholding of increment, reduction of pay etc. issued by the Divisional Officer/Circle Office should be required to send an acknowledgement on receipt of the punishment orders to the Divisional Officer/Circle Office. They should also be required to confirm that appropriate entries have been made regarding the punishment in the relevant records and registers.

148. A government servant who undertakes journeys during suspension for appearing in the Court of Law as accused person and is later acquitted by the court and re-instated in service or would have been re-instated in service but for death or he having attained the age of compulsory retirement or being allowed to retire voluntarily, the traveling expenses incurred by him in connection with such journeys may be reimbursed provided the legal expenses incurred by him in defending such proceedings are reimbursed to him in full or in part under Art. 32 (3) (d) of the Constitution.

Forwarding of Petitions to Directorate

149. All connected records of disciplinary and appellate proceedings in original along with CR file, service book and copies of judgement etc. should be sent to the Directorate while forwarding petitions against major penalties to the Directorate. The following information should also be furnished in such cases :

- (i) Designation of the authority which actually appointed the official concerned;
- (ii) status of that authority along with scale of pay of the post which he held.

150. Petitions in respect of disciplinary matters addressed to the Government viz. to Secretary, Deputy Minister, Minister of Prime Minister as distinct from those addressed to the President need not be entertained and may be withheld by the lower authorities. Petitions addressed to the President should be forwarded to the Directorate and cannot be withheld by any lower authority.

151. Rule 35 of the Central Civil Service (Classification, Control & Appeal) Rules, 1965 lays down that if any doubt arises regarding the interpretation of any provision of these rules, the matter should be referred to the Directorate for a ruling. This rule is not, however, permit an employee to seek clarification and interpretation of these rules from the President.

152. No employee of the Department is authorized to leave his station of posting without the specific permission of his immediate superior.

153. During his term of duty, no employee may leave his duty or office without permission of his immediate superior.

Note : Heads of offices may where possible grant permission to the Muslim employees who observe a fast during the month of Ramzan to leave office at 4 P.M. by altering as far as can conveniently be done, their hours of duty in administrative offices as well as in post, telegraph and R.M.S. Offices.

154. The records of disciplinary and appellate proceedings should be retained for a period of 25 years.

155. The forms provided for use at different stages of disciplinary cases are reproduced as Appendix at the end of this Chapter.

Promotion or confirmation during suspension or during pendency of enquiries

156. (1) An officer under suspension or whose conduct is under investigation should not be considered for promotion in short term vacancies till the termination of suspension or conclusion of the disciplinary proceedings.

(2) If an officer within the zone of selection for promotion to the higher grade or of confirmation is under suspension or if his conduct is under investigation, his suitability for promotion or confirmation should be assessed at the relevant time by the Departmental Promotion Committee or other authority as the case may be, and the findings reached whether, if the officer had not been under suspension or his conduct had not been under investigation, he would have been recommended/selected for promotion or confirmation. Where a select list is prepared, his position in the select list should also be recorded. The findings in this connection should be kept in a sealed envelope superscribed “findings regarding merit and suitability for promotion/confirmation in service/grade/post in respect of Shri _____”, and “not to be opened till after the termination of the suspension of/disciplinary proceedings against Shri _____”. The proceedings of the Committee etc. need only contain the note “the

findings are contained in the attached envelope". The authority competent to fill the vacancy should be separately advised (i) to fill the vacancy only in an officiating capacity, where the findings as to the suitability of the officer are for his promotion; and (ii) to reserve a permanent vacancy, where such findings are for his confirmation.

(3)The vacancy that could have gone to the officer but for his suspension or the departmental proceedings against him should be filled only on an officiating basis by the next person in the approved list. If the officer concerned is completely exonerated and it is held that the suspension was wholly unjustified, he should be promoted thereafter to the post filled on an officiating basis, the arrangement made previously being reversed. Where, however, the post which could have gone to the officer but for his suspension or the departmental proceedings against him ceased to exist before conclusion of the departmental proceedings, he can be promoted only to the first vacancy that may arise in future and if the officer concerned is found fit for promotion at that time.

(4)On such promotion, the seniority of the officer should be fixed in accordance with his position in the select list.

(5)On promotion the pay of such a government servant should be fixed by allowing the intervening period during which the suspended officer could not be promoted due to his suspension or due to the pendency of disciplinary proceedings to be counted for increments in the higher grade but no arrears should be admissible.

(6)Where a minimum limit is prescribed for promotion to the next higher grade, the period during which any officer junior to the suspended officer concerned was promoted to the higher grade should be reckoned towards the minimum period of service referred to above for the purpose of determining his eligibility for promotion to the higher grade.

If the officer concerned is not completely exonerated in the disciplinary proceedings, or if the suspension is not found to be wholly unjustified, his case should be reviewed by the Departmental Promotion Committee etc. for deciding his suitability for promotion or confirmation taking into consideration the orders passed in the disciplinary case.

Promotion of an officer whose increments have been withheld or who has been reduced to a lower stage in time scale.

157. An officer whose increments have been withheld or who has been reduced to a lower stage in the time scale, cannot, on that account, be considered to be ineligible for promotion to a higher grade, as the specific penalty of withholding of promotion has not been imposed on him. The suitability of such an officer for promotion should, therefore, be assessed by the competent authority as and when occasions arise for such assessment. On assessing his suitability, the competent authority will take into account the circumstances leading to the imposition of the penalty and decide whether, in the light of the general service record of the officer and the fact of imposition of the penalty, he should be considered as suitable for promotion. Even where the competent authority may consider, that, in spite of the penalty, the officer is suitable for promotion, effect should not be given to such a finding and the officer should not be promoted during the currency of the penalty.

A person who has been punished with stoppage of increment should not be considered for local promotion during the currency of the punishment which will include the period from the date of passing the order to the date on which his next increment which is to be postponed falls due.

A person whose pay has been reduced to a lower stage should not be considered for promotion till the expiry of the period of punishment.

Resignation

158 (1). When a Government servant tenders resignation, the appointing authority in respect of the service or post in question is the authority competent to accept the resignation. The general rule is that resignation from service should be accepted, except in the circumstances indicated below:-

- (a) Where the officer concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted straightaway but only when alternative arrangements for filling the post have been made.
- (b) When a Government servant who is under suspension, or whose conduct is under investigation, or against whom there are departmental claims, submits his resignation, the competent authority should examine, with reference to the merits of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally resignations from such officers should not be accepted. Exceptions to this rule would be where there are no departmental claims and the alleged offence does not involve moral turpitude or the quantum of evidence against the accused officer is not strong enough to justify the assumption that if the departmental proceedings were continued, the officer would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

(2) The competent authority should decide the date with effect from which the resignation should become effective. In cases covered by (1)(a) above, the date should be that with effect from which alternative arrangements can be made for filling the post. Where an officer is on leave, the competent authority should accept the resignation with effect from the earliest possible date, after taking necessary action under rules, and cancel the unexpired portion of leave, if any.

159. An authority receiving an application from an employee asking for permission to resign should at once adjust all departmental claims outstanding against the applicant, and his resignation should not be accepted until his accounts fully adjusted. Pending acceptance of his resignation the applicant should be employed on such duty as he can perform without any charge of public property, payments to him from a treasury or a post office, if any, being stopped at the same time. On the accounts being fully adjusted, the competent authority will intimate the acceptance of the resignation and the date from which the resignation should become effective.

160. Any official, who having sent in his resignation, quits his post before receiving intimation of acceptance will be dealt with in accordance with the provisions contained in Rule 65 and legal proceedings will be taken against him by the Head of the Office or the Circle, as the case may be, in which he was last serving, if the Department has legal claims exceeding his undisbursed pay or allowances. Resignation from an employee, who is on leave and who fails to completely adjust his accounts should not be accepted and in case he quit his post on the expiry of his leave originally granted, action should be taken against him in accordance with the provisions of Rule 65.

161. A resignation becomes effective when it is accepted and the officer is relieved of his duties. Where a resignation has not become effective and the officer wishes to withdraw it, it is open to the authority which accepted the resignation whether to permit the officer to withdraw

the resignation or to refuse the request for such withdrawal. Where, however, a resignation has become effective and the officer is no longer in Government service, the request for withdrawal of resignation should not be accepted, except with the sanction of the government of India.

162. Permission to avail of casual or/other leave should be taken in advance unless there are compelling reasons of medical or other urgent nature. An applicant for leave is not allowed to avail himself of it or to quit his office or his station until the leave is sanctioned and he has formally made over charge to the officer appointed to relieve him. In cases where the absence of an official is due to compelling reasons, he should send immediate intimation to the head of his office by the quickest possible means and if the intimation has to be posted, it must be posted the same day. He should also satisfy the head of the office as to the necessity of not taking permission to absent himself from office in advance. In cases of severe illness where leave is required for medical reasons and the official is not able to attend to his duties, he should send the medical certificate in accordance with the procedure laid down in Rule 229 of the S.Rs. of the P&T Compilation of the F.Rs. and S.Rs. along with the first intimation or later on during the course of that day. The medical certificate should also definitely mention that date from which the applicant is unwell and unable to attend to his duties. Failing the production of such a certificate no pay can be granted to the applicant and he will be liable to be granted leave without pay. Owing to the necessity for carrying on the work and injustice to the staff of the office on whom the extra work due to unforeseen absences must fall, it is obligatory on every member of the staff to report his non-attendance at once. In the case of an official on traffic or maintenance duties the report should be made at least prior to the commencement of the term of duty for which he is due and as much earlier as possible.

The Head of an office may permit an official to absent himself in anticipation of the sanction after making such provisional arrangement for the discharge of the applicant's duties as may be necessary. A report of the case should, where necessary, be immediately forwarded to the officer who is authorized to sanction the leave.

Attachment of pay by Courts of Law

163. Notices of orders attaching the pay and allowances of the officers of the Department specified in column (1) of the schedule given below will be received from Civil courts by the officers specified in Column (2) of the Schedule,

The Schedule

Sl. No.	Officers whose salaries and/ or allowances are attached	Officers to whom notices shall be sent
1.	All gazetted officers.	The Pay and Accounts Officer who normally disburses the salary and allowances of the concerned Gazetted Officers.
2.	All non-gazetted Officers.	The Head of Office in which the non-gazetted Officer is for time being employed.

164. The Head of the Circle or other authority specified in Rule 173 receiving a prohibitory order either direct from the court should in the case of all employees other than the non-gazetted officials employed in his office whose pay is drawn in the Establishment pay bill and in respect of whom he is the disbursing officer, forward one copy of the order to the disbursing officer responsible for the payment of the pay and allowances of the judgement – debtor, with a forwarding letter, which should contain the following details relating to the attachment :

- (1) Name and designation of the official whose salary has been attached;
- (2) Total amount to be recovered;
- (3) Amount of monthly installment;
- (4) Civil suit No., and
- (5) Name of plaintiff.

In the case of a judgement-debtor for whom a confidential record or character sheet is maintained, a copy of this letter should be sent to the supervising officer responsible for the maintenance of his confidential record or character-sheet in order to enable the officer to note the attachment in the confidential record or character-sheet.

The duplicate copy of the prohibitory order duly acknowledged should in each case be returned to the court concerned.

NOTE 1: The expression “disbursing officer” means :

In the case of the non-gazetted officers whose pay is drawn in Establishment pay bills, (a) a Head of the Circle RDPS in respect of the officials employed in his office (b) a Head Postmaster in respect of officials of the Post office; (c) a head record clerk in respect of officials of the Railway Mail Service,

NOTE 2: Although rule 48 of Order XXI, Civil Procedure Code, imposes an obligation upon the disbursing officer to remit to the court concerned the amount deducted under its prohibitory order from the pay of a Government servant, it does not necessarily follow that the remittance is to be made at Government expense. Accordingly the proper procedure in such a case is to remit to the court the amount realized under the attachment order less the remittance charges. The disbursing officer is not, however, entitled to deduct from the salary any thing in excess of the amount specified in the attachment order. The debtor will receive credit only for the net amount received by the court after the remittance charges have been deducted and not for the whole amount deducted from the pay.

NOTE 3: In the case of an attachment order received against any of the officers mentioned in clauses (a) (b) of Article 249 of the Posts and Telegraphs Initial Account Code, Volume I, the amount of the pay and allowances due to the officer should be drawn by the disbursing officer by means of a cheque drawn on the treasury in his own favour and payment made to the officer concerned in cash after deducting the amount mentioned in the prohibitory order.

165. The Head of the Circle or other specified authority should maintain a register in which all attachment orders received by him should be entered and through which the recoveries should be watched. The register should show, in respect of each order, the name and designation of the judgment-debtor, the name of the court which issued the attachment order and also the following particulars :-

- (1) No. and date of the court's order.
- (2) No. of suit.
- (3) Name of plaintiff.]
- (4) Amount of attachment order.
- (5) Initials of the Head of the Circle, etc.
- (6) Amount recovered each month.
- (7) Date of recovery.

- (8) Initials of the Head of the Circle, etc.
- (9) No. and date of advice of remittance to court.
- (10) Date of payment to court.
- (11) Initials of the Head of the Circle, etc.

Columns (1) to (5) only should be filled up in respect of attachment orders received against employees other than those non-gazetted officials employed in the office of the Head of the Circle, whose pay is drawn in the Establishment pay bill at the time the attachment orders are forwarded to the disbursing officers concerned, the remaining columns except column 8 (which need not be filled up in such cases) being filled up on receipt of the monthly statements of recoveries referred to in rule 169.

166. On receipt of an order attaching the pay or allowances of an employee, the disbursing officer should enter it in a register through which the recoveries should be watched. The register should show, in respect of each order, the particulars mentioned in the preceding rule except that in place of the initials of the Head of the Circle, those of the disbursing officer should be entered.

167. If the employee whose pay has been attached is employed in a subordinate office or a Railway Mail Service section attached to it, the disbursing officer should at once furnish the sub-postmaster or the record clerk concerned, as the case may be with an extract from the attachment register together with instructions to make the necessary recoveries and to remit the amounts recovered direct to the court concerned until the entire debt is liquidated. He should also instruct the sub-postmaster or record clerk to furnish him every month with the information necessary to fill in particulars in columns (6), (7), (9) and (10) in the register as soon as each recovery has been made, and also with the court's receipt when received.

168. In the event of an employee, whose pay is under attachment, being transferred to the account jurisdiction of another disbursing officer, an extract from the attachment register showing the balance of the claim remaining unrecovered should be sent at once to the latter officer attached to the last pay certificate of the transferred employee, and an intimation of this action should be sent to the Head of the Circle. The disbursing officer receiving the extract should then make the necessary entries in the attachment register maintained in his office and cause further recoveries to be made regularly until the entire outstanding has been liquidated. If an attachment order against an employee is received after he has been transferred to the account jurisdiction of another disbursing officer, it should be forwarded at once for necessary action to the latter officer, this fact being intimated simultaneously to the Head of the Circle.

169. Every disbursing officer concerned should submit to the Head of the Circle, so as to reach him not later than the 20th of each month, a monthly statement in form PA.32 showing all recoveries made during the preceding month. On receipt of this statement the particulars regarding the recoveries should be entered in the register maintained by the Head of the Circle.

170. Amounts recovered from the pay of judgment-debtors and paid into the courts concerned should not be brought into the accounts, but should only be recorded in acquittance rolls or pay bills in the case of gazetted officers and non-gazetted officers who prepare their own pay bills. Receipts granted by courts for sums paid to them should be carefully filed with the attachment register.

EXCEPTION – If the judgment-debtor does not sign the acquittance roll and willfully allows his pay to remain un-disbursed or if, when the judgment-debtor is a gazetted or quasi-gazetted officer, he does not prepare his pay bill and draw his pay regularly in order to evade payment on account of the attachment order issued by a Court of Law, the disbursing officer or, in the case of gazetted and quasi-gazetted officers, the Head of the Circle will be at liberty to draw the pay of

the judgment debtor in satisfaction of the attachment order subject to the restrictions in rule 64 and remit the amount to the court concerned. The amount of the pay drawn should be charged to accounts, the particulars of the attachment order being cited in the acquittance roll or the pay bill, as the case may be, as an authority for the charge and the court's receipt for the amount should be filed with the attachment register.

171.If an order of attachment against an employee is received before a previous order of attachment against the same employee has been fully complied with, the former order should be returned to the court by which it was issued with a statement showing :-

- (1) Particulars of the existing attachment,
- (2) Particulars of the amounts withheld and paid into the court concerned up to date, and
- (3) Amount remaining unrecovered.

When such action is taken by a disbursing officer, an intimation should be sent to the Head of the Circle.

NOTE 1 : The Head of the Circle is responsible for compliance with attachment orders issued against all employees employed in the Circle and should take steps to ensure such orders being promptly and regularly carried out by the officials concerned.

NOTE 2 : The disbursing officers are personally responsible for the prompt and complete recovery of the amounts of attachment orders. Any amount not recovered by these officials willfully or through neglect will be realized from them if recovery from the judgment-debtor cannot be effected.

172.The extent to which the emoluments of a Government servant are exempt from attachment for debt is laid down in Section 60 (1) of the Code of Civil Procedure, 1908, as amended by the Code of Civil Procedure (Second Amendment) Act, 1937 and further modified by the Government of India (Adaptation of India Laws) Order, 1937 and the Government of India (Adaptation of India Laws) Supplementary Order 1937. The following is an extract of the relevant provision of the Section :

(1)The following property is liable to attachment in execution of a decree.

Provided that the following particulars shall not be liable to such attachment namely :

- (i) salary to the extent of the first four hundred rupees and two third the remainder; in execution of any decree other than a decree for maintenance.

Provided that where such salary is the salary of a servant of railway company or local authority, and the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree;

- (a) One third of the salary in execution of any decree for maintenance.

(1) any allowance forming part of the emoluments of any servant of the Government or any servant of a railway company or local authority which the appropriate Government may by notification in the Official Gazette declare to be exempt from attachment, and any subsistence grant or allowance made to any such servant while under suspension;

EXPLANATION 2. – In clause (i), salary means the total monthly emoluments, excluding any allowance declared exempt from attachment under the provisions of clause (1), derived by a person from his employment whether on duty or on leave.

EXPLANATION 3. – In clause (1), "appropriate Government" means :-

- (i) as respects any person in the service of Central Government*** the Central Government;
- (ii) as respects any other servant of the Government*** the State Government.

1. The maximum amount attachable by a Civil Court is calculated on the amount earned and not on what remains after satisfying any debts due to Government on account of advances taken under rule.

2. Subscriptions to funds recognized by Government, installments in re-payment of advances from the General Provident Fund and recoveries of income-tax, deductions for which appear in the pay bills should be excluded from the aggregate amount for the purpose of attachment by a Civil Court.

NOTE 1 : The cost, if any, of remittance to a court of money realized under its attachment order should be deducted from the amount realized and the net amount remitted to the court.

NOTE 2 : Cases may occur in which the judgment-debtor does not sign the acquittance roll and intentionally allows his pay to remain undischarged; or the judgement-debtor, being a gazetted officer, or not being a gazetted officer but being permitted to draw his pay may refrain from preparing his pay bill and drawing his pay regularly in order to evade payment on account of an attachment order issued by a court of Law. In such circumstances the head of the officer or, in the case of a gazetted officer or of an officer treated in this respect like a gazetted officer, the Administrative Officer of the Department concerned may draw the pay of the judgment-debtor in satisfaction of the attachment order subject to the prescribed restrictions and remit the amount to the court concerned. The amount drawn should be charged in the accounts, the particulars of the attachment order being cited in the acquittance roll or the pay bill, as the case may be, as an authority for the charge and the court's receipts for the amount should be filed with the attachment register.

NOTE 3 : The procedure laid down in this rule shall have effect only in respect of proceedings arising out of suits instituted on or after the 1st June 1937.

NOTE 4 : In respect of attachment orders issued against the Posts and Telegraphs employees at the Khasi and Jaintia Hills, the Naga Hills, the Lushai Hills, and the Chittagong Hill Tracts, to which the amended Section 60 of the Civil Procedure Code has not been extended, the special rules followed by the State Government concerned relating to attachment of pay will apply, i.e. –

- (a) Rule 34 of the Rules for the Administration of Justice and Police should be followed in the Khasi and Jaintia Hills;
- (b) Rule 62 of the Assam Financial Rules should be followed in the Naga Hills and the Lushai Hills; and
- (c) Rule 6 of the rules for the administration of Chittagong Hill Tracts should be followed in the Chittagong Hill Tracts.

NOTE 5 : The following allowances payable to any public officer in the service of the Central Government shall be exempt from attachment by order for a court namely :-

- (1) All kinds of traveling allowances.
- (2) All kinds of conveyance allowances.
- (3) All allowances granted for meeting the cost of –
 - (a) uniforms, and
 - (b) rations.
- (4) All allowances granted as compensation for higher cost of living in localities considered by Government to be expensive localities including hill stations.
- (5) All house-rent allowances.
- (6) All allowances granted to provide relief against the increase in the cost of living.
- (7) A foreign allowance or in the case of heads of diplomatic Missions frais de representation assigned to officers serving posts abroad.
- (8) Children's Education Allowance allowed under the office Memorandum No.10 (1)-EST (Spl)/60 of the Govt. of India in the Ministry of Finance dated 30.6.62 as amended from time to time.
- (9) All amounts paid by way of reimbursement of medical expenses.

173. The procedure prescribed in rules 163 and 164 does not apply to orders issued by Presidency Small Cause Courts and Civil Courts of Indian States attaching the pay or allowances of Government servants. Orders issued by these courts must be complied with by the officers to whom they are addressed, provided that in the case orders from State credits, the officers concerned are within the State.

NOTE : The official concerned should promptly report to the Head of the Circle the receipt of every attachment order issued by Presidency Small Cause Courts and Civil Courts of Indian States, Attachment orders received direct from other courts should be returned at once for transmission through the proper authority.

Confidential record of work and conduct of officers of the Department

174(1).A continuous record of the work and conduct and character of all whole time Government servants of the Department, except those whose pay and allowances are treated as contingent charge will be maintained confidentially in the following forms :-

- (a)Officers of Junior Administrative Grade
Group 'A' & 'B' APP-54
- (b)Non Gazetted Supervisory Staff (including those in Divisional Office/Office of the Head of Circle/Office of RDPs) in the HSG, LSG, Inspector, Asstt. Supdts., JAOs, Accountants, etc. in DO/RMS. APP-11
- (c)Other Non Gazetted staff employed in other offices including Divisional Offices APP-9
- (d)Group 'D' staff APP-10

Special forms have been prescribed for writing the reports on Medical Officers, Labour Officers and some other categories of officers.

(2)The authorities which are required to write confidential reports in respect of the various categories of officers in the Department and countersign or review them are indicated in Rule Nos.175, 179, and 180 of this Manual. In respect of most of the gazetted cadres, countersigning authorities have been prescribed but in consideration of certain practical difficulties, it has not been found feasible in some cases to prescribe the counter signature of reports in respect of non-gazetted employed in the Divisional and Sub Divisional offices.

(3)The Annual Reports should be recorded within one month of the expiry of the report period and delay in this regard on the part of the reporting officer should be adversely commented upon. If the officer to be reported upon delays submission of self appraisal, this should be adversely commented upon by reporting officer.

(4)Excepting a few categories of officers, confidential reports on most of the officers employed in the Postal Department are to be written for each financial year. In respect of each of these officers, a report should (in the first week of April of each year) be written in the appropriate form by the prescribed reporting officer giving a brief opinion regarding the general work and conduct of the officer concerned. When the reporting officer or the officer to be reported upon, is transferred or deputed elsewhere for a period of more than three months, the reporting officer should write a report indicating the period covered by it. The reporting officer should have at least three months experience of the work and conduct of the officer reported upon before writing or attempting to write an assessment of the work of an officer. A report must, however, be written at the end of the year. If the period of observation happens to be less than three months, this fact only need to indicate in the report. When an officer is transferred, he should write all the reports before relinquishing the charge. In any case, if this is not possible, the adverse remarks should be communicated only by his successor, provided the report is not required to be submitted to the next higher authority for countersignature. Wherever a separate countersigning authority is prescribed, the report should be submitted to that authority for communicating the adverse remarks.

NOTE 1 : On the transfer of the Reporting Officer or the officer to be reported upon, the Reporting Officer should write a report, provided he had an opportunity to watch the work and conduct of the officer for a period of more than three months, and if not, should make an entry in the memo. Of services indicating the reasons for which a report has not been written up by him. The memo. Of services and the report, if written, should be passed on to the next reporting officer.

NOTE 2 : Where the reporting officer retires or otherwise demits office, he may be allowed to give the reports on subordinates within a month of his retirement of demission of office.

NOTE 3 : When a confidential report does not cover an earlier period during the year, the reporting officer should, at the top of the report, mention the period of gap indicating the reasons for which a report for that period has not been written.

(4)A confidential report should give full particulars of the official reporting upon such as his designation and the office in which he works. Below the signature of the reporting and countersigning officers, either their names and designations should be written in capital letters or their rubber stamps should be affixed. C.R. files should be maintained in a book form, the reports being placed one after the other in chronological order and pages being serially numbered from top downwards. Relevant entries in the index of a C.R. file should be filled in immediately after a report is written up.

(5)C.R. files should be handled like confidential documents. The officer concerned should ensure that no room is given for complaints about and leakage of information. These files will kept in the personal custody of the officers required to maintain them viz., either the reporting or the countersigning authority, if any, unless some special arrangements have been made for their maintenance centrally with one particular officer. The officer responsible for maintaining the C.R. files should hand them to his successor in the office when he is transferred. Whenever, it is necessary to send them by post, they must be closed in a confidential cover and registered. Whenever an officer is transferred for more than three months, the file containing the confidential reports on him should be forwarded direct to the officer by whom it has to be maintained.

(6)C.R. file should not contain any extraneous paper other than punishment and appellate orders and letters communicating the adverse remarks.

(7)Merit as reflected in the confidential reports is generally recognized as the main criterion for deciding the cases of promotion to higher grades. It is, therefore, very important both in the interest of efficiency of the service and also of the officers that the reports are written with the greatest possible care so that the work conduct, character, and capabilities of the officers reported upon can be accurately judged from the recorded opinion. Officers recording remarks must realize the importance of these entries as their own competency will be judged partly from the confidential remarks they record about officers working under them. With a view to enabling them to make correct over-all assessment of the work and conduct of their subordinates, the reporting officers are required to maintain memorandum of services in respect of each officer employed under them. All instances of good and bad work coming to the notice of the reporting officer should be promptly noted in the memo. of services. Impression formed by the officer at the time of visits, inspections, interview etc. should also be included in that memorandum. This memorandum should not be reduced to a black book by recording instances of only adverse nature. Instances of good work should also be liberally recorded. The memoranda of service should, invariably, be consulted at the time of writing of annual reports. In case, the reporting officer is not the immediate superior of the officer to be reported upon, the immediate superior

should also maintain a memo. of services which should be consulted by the reporting officer at the time of writing the report. The memo. of services in respect of an officer should be a complete and continuous record of his service and accordingly, it should not be destroyed after the annual report has been written. The entries in the memo. of services should be based on facts and documentary evidence. The memo. of services making transfer, promotion or writing special reports. For writing the annual report, only those entries in the memo. which pertain to the year of the report should be taken into account. The entries in the memo. of services need not necessarily be communicated. As the memo. of services is the sole basis for writing the annual reports, the reporting officer at the time of submitting reports to the countersigning authorities, if any, should make a specific mention in the forwarding letters that memoranda of services have been maintained and consulted. With a view to checking up that these memoranda are being properly and regularly maintained, the countersigning authorities may call for them and check them up. The negligence on the part of the reporting officers in this regard should be duly noticed.

(8) Confidential reports should, as a rule, give general appreciation of the character, conduct and qualities of an officer reported upon and a reference to a specific incident should be made, if at all, only by way of illustration to support adverse comments of a general nature, as for example, inefficiency, delay, lack of initiative, judgment etc. specific incidents on the basis of which penalties have been awarded in the course of departmental proceedings must, however, be indicated. An entry relating to a penalty should be recorded in the report for the year in which the punishment order is issued. In this entry, an indication may, however, be given about the period to which the incidents leading to the disciplinary case relate. Warning even though not a statutory penalty should be mentioned in the report is issued as a result of disciplinary proceedings. If the reporting officer feels that although a specific incident is not important enough to call for disciplinary proceedings, it is important enough to be specifically mentioned in the confidential report, he should, before making such an entry, satisfy himself that his own conclusion has been arrived at only after a reasonable opportunity has been given to the official reported upon to present his case relating to that incident. The authority issuing a warning should not normally be one lower than the reporting officer. Further, once investigation are started into specific allegations, the case should not be closed by the issue of a warning without the knowledge of the competent disciplinary authority. Unless so ordered by any higher authority it would be in the discretion of the reporting officer either to record or not to record such a warning.

(9) The general principles which are required to be observed by the reporting offices for writing annual reports are indicated below:

- (i) Remarks like "Doubtful character," "complaints received about his taking illegal gratification" are not permissible. Entries should be based on established facts and not on mere suspicion.
- (ii) No employee should be adversely affected by prejudicial reports recorded without fullest consideration. At the same time, none should be rewarded by excessively flattering reports which are not based on facts. With a view to checking up such possibilities, the following procedure is prescribed:
 - (a) The memo. of services should invariably be consulted at the time of writing the annual report though the report itself should necessarily be based on the employee's performance during the year as a whole;

- (b) where an adverse remarks is recorded in respect of an official having consistently good record, some details regarding the same should invariably be given;
- (c) the report should give a clear opinion on the main points like character, integrity, industry, etc.
- (d) there should be no hesitation on the part of the reporting officers to record adverse remarks in justified cases;
- (e) reporting officers should not be in a hurry to write all the reports on one day.

(10) It is the duty of a reporting officer not only to make an objective assessment of the work and qualities of his subordinate but also to give at all times the necessary guidance and assistance to correct his faults and deficiencies. While recording adverse remarks, the reporting officer should indicate the efforts made by him to get those defects removed. He should also provide necessary training wherever possible. The annual report should be based on such watchfulness and periodical inspections. Apart from comments on general qualities, such as integrity, intelligence, industry, conduct, attitude to superiors and subordinates' relation with fellow employees, work aptitude, etc. of the officer reported upon, the report should also contain a summing up in general terms of his good and bad qualities.

(11) Apart from the remarks in regard to work and conduct, in appropriate cases, suitable entries may also be made on the following points :

- (i) the fact that an officer has attended an approved course of study or training;
- (ii) the report received from the head of such institution or its substance;
- (iii) comments on the quality of the report submitted by an officer on return from deputation or training abroad and whether he has made good use of his period of study or training;
- (iv) outstanding performances in the field of sports, athletics and art;
- (v) suggestions which have been accepted and considered useful for achieving economy and high standard of efficiency in administration;
- (vi) whether there is any physical defect, such as bad eye sight;

(12) Adverse remarks whether they relate to remediable or irremediable defects should be immediately communicated to the officer concerned by the countersigning authority when one is prescribed and by the reporting officer in other cases. Only such of the adverse entries as are accepted by the countersigning authority, if any, need be communicated. The countersigning authority should, therefore, normally, indicate whether it agrees or disagrees with the remarks of the reporting officer. It should also record additional remarks wherever necessary, if the report is too brief, cryptic or vague. Along with the adverse entry, the substance of the entire report including what may have been stated in praise of the officer should also be communicated. The improvements made in respect of the defects mentioned in the earlier report should also be communicated to the officer in a suitable form. A copy of the letter communicating the adverse remarks duly acknowledged by the official concerned should be kept in the C.R. file and the fact

of communication of the entries should be recorded in the report itself by the authority communicating them.

NOTE 1 : (1) Great attention should be paid to the manner and method of communication of adverse remarks in order to ensure that the advice given and warning or censure administered whether orally or in writing shall, having regard to the temperament of the officer concerned, be most beneficial to him. The memo. forwarding the adverse remarks to the officer reported should be couched in such a language that it does not produce a sense of resentment in the officer reported upon and that it makes it clear to him that the intention of communicating these defects to him is that he should try to improve himself in respect of those defects.

(2) All adverse remarks in the confidential reports of Govt. servants, both on performance as well as on basic qualities and potentials should be communicated alongwith a mention of good points, within one month of recording. The communication should be in writing and a record to that effect should be kept in the C.R. dosier of the Govt. Servants concerned.

(3) Remarks about the physical defects of the officers noted in the confidential reports need not be communicated. The grading of officers being done on the basis of the general remarks in the report should not also be communicated, even if it is a adverse.

(4) Remarks like “Not yet fit” or “Requires more experience for promotion” are adverse and should be communicated.

For obvious reasons these remarks need, however, be recorded in the reports on only those officers who have rendered the prescribed service limit for the purpose of promotion to the higher grade.

(5) Adverse remarks which are not communicated may normally be ignored. If, however, it is proposed to take them into account, the officer concerned must be given full particulars to explain his position in the first instance.

(6) While communicating the adverse remarks, the identity of the officer making such remarks should not be disclosed. In an appropriate case, the authority dealing with the representation may, at his discretion, allow the identity to be communicated.

13 (i). Representation against adverse remarks should be made through proper channel within six weeks of the date of communication. However, the competent authority may, in its discretion, entertain representations made beyond this time if there is satisfactory explanation for the delay. All such representations against adverse entries should be decided expeditiously by the competent authority.

(ii) Representation against adverse remarks will lie to the authority immediately superior to the countersigning authority, if any or to the reporting officer. If the immediate superior authority has already reviewed the confidential report in question and has also expressed his view either agreeing or disagreeing with the adverse remarks recorded and accepted by the countersigning authority, the representation should, in that event lie to the next higher authority.

(iii) The following procedure should be adopted in dealing with representations from the employees against the adverse remarks communicated to them :-

- (a) Only representations against adverse remarks (including reference to 'warning' or communication of the displeasure of the Government or 'reprimands' which are recorded on the confidential report of the govt. Servant) should be allowed within one month of their communication. While communicating the adverse remarks to the govt. Servants concerned, this time limit should be brought to his notice.
- (b) All representations against adverse remarks should be decided expeditiously by the competent authority and in any case, within three months from the date of submission of the representation. Adverse remarks should not be deemed as operative, if any representation filed within the prescribed limit is pending. If no representation is made within the prescribed time, or once this has been finally disposed of there would be no further bar to take notice of the adverse entries.
- (c) representations against adverse remarks should be examined by the competent authority in consultation, if necessary with the reporting officer and countersigning authority, if any;
- (d) if it is found that the remarks were justified and that the representation is frivolous, a note may be made in the confidential report of the petitioner that he did not take the correction in good spirit;
- (e) if the competent authority feels that there is no sufficient ground for interference, the representation should be rejected and the petitioner informed accordingly;
- (f) if, however, it feels that the remarks should be toned down, it should make the necessary entry separately with proper attestation at the appropriate place of the report; the correction should not be made in the earlier entries themselves;
- (g) in the rare event of the competent authority coming to the conclusion that the adverse remarks was inspired by malice or was entirely incorrect or unfounded, and therefore deserves expunction, it should order accordingly. Before, however, taking such an action, it should bring it to the notice of the Head of the Circle or Telephone District or other Administrative Office if it does not occupy that position and obtain his concurrence.
- (h) No memorial or appeal against the rejection of the representation should be allowed six months after such rejection.

(14) When a representation against adverse remarks is wholly or partially upheld, the particulars of the orders based thereon should be recorded in the report itself. If it is decided to tone down the remarks, the competent authority may make the necessary entries at the appropriate place, of the report under proper attestation, but the past entries should not be corrected. If the remarks are ordered to be expunged, they should be effectively obliterated both in the confidential report as well as in the copy of the letter communicating those remarks. A copy of the order based on such a representation should not be kept in the C.R. File. Where a penalty is set aside on an appeal or review, the copy of the punishment order should be removed from the C.R. File as well as the adverse remarks recorded on the basis of the penalty expunged. In a case where the penalty is modified by the appellate or reviewing authority, the entry in the confidential report originally made on the basis of the penalty awarded should also be immediately modified accordingly.

(15) Government generally, as a matter of policy, discourage the practice of granting letters of appreciation or notes of commendation to Government servants and placing them in their C.R. Files. Appreciation of work done should more appropriately be recorded in the confidential report rather than in such letters of appreciation which do not give a complete prospective the employee's good and bad points. The following procedure is, however, prescribed in this regard :-

- (i) letters of appreciation issued by the Government or a Secretary or Head of the Department in respect of any outstandingly good work done should be kept along with the memo. of the services of the official concerned.
- (ii) letters of appreciation issued by special bodies or commissions or committees or paragraphs of appreciation by name included in their reports, should also be kept with the memo. of services and
- (iii) letter of appreciation from an individual non-official or official other than a Secretary or Head of Department may be kept in the C.R. file if it is confined to appreciation of service rendered beyond the normal call of duty and if the head of the Department so directs.

(16) C.R. file of an employee who is no longer in service should not be given to him. There is, however, no objection to giving him an objective testimonial based on his work and conduct.

(17) Confidential reports on employees should in no case be forwarded to private bodies. Gist of reports may be supplied to public or semi-autonomous bodies controlled by the Government. In the interest of public service, complete C.R. files also can be shown to them under the orders of the Heads of Departments or the P&T Board in the case of gazetted officers.

(18) The file containing the confidential reports on an employee should be retained for a period of 5 years after the resignation/discharge or retirement from service. In case of death, it should be retained for a period of 2 years after the death.

Confidential Report

175. The officer indicated in Column 2 of the sub-joined table should, in the first week of April of each year, submit for review and counter-signature to the authorities mentioned in Column 3, confidential reports on the work and conduct of the officers of the classes mentioned in column 1 thereof or of any other officers in respect of whom annual reports are specially called for by the Head of the Circle or any other appropriate authority provided they worked under them during the year. (When the authority mentioned in Columns 2-3 is the same; the report is not required to be reviewed and countersigned).

TABLE PERTAINING TO GAZETTED OFFICERS

Category of Officer	Reporting Officer	Reviewing & Countersigning Authority
1	2	3

 MAJOR CIRCLES

(1)	P.M.G.	D.G.	D.G.
(2)	Directors and Deputy directors	P.M.G.	Member (P)
3-A	Director (IFA)	P.M.G.	Member (Finance)
3-B(i)	C.A.O.(IFA) where no post of Director as IFA exists	P.M.G.	Member (Finance)
	ii) C.A.O. where post of director as IFA exists.	Director (IFA)	P.M.G.
(4)	Senior Superintendents and Superintendents of Post Offices and R.M.S. including Assistant Post-Master-General, Assistant Directors and Circle Complaints Officers.	Director	P.M.G.
(5)	Assistant Directors who work as Personal Assistants to Heads of circles.	P.M.G.	P.M.G.
(6)	Supdts., Postal Stores Depots.	Director	P.M.G.
(7)	Director Vigilance	P.M.G.	D.D.G.(V)/D.G.
(8)	Labour Officers, Welfare Officers and other Class II Officers (in the Circle Office).	Director	P.M.G.
(9)	Presidency Postmasters.	Director	P.M.G.
(10)	Postmaster, Group 'B'	Senior Supdt. of Post Offices	Director
(11)	Postmasters, Class II in Presidency Post Offices	Presidency Postmaster	Director
(12)	Gazetted Postmasters not under the control of Senior Supdt. of Post Offices	Director	Postmaster General
(13)	Supdt. Sorting Dy. Supdt. P.Os/RMS	Senior Supdt. Senior Supdt.	Director Director

(14)	Probationary Officers in the I.P.S. Group 'A'	Director	P.M.G.
(15)	Supdt. Circle Stamp Dept.	Director	P.M.G.
(16)	Accounts Officers in Circle Offices	Director	P.M.G.
(17)	Medical Officers	P.M.G.	Member (P)
(18)	Assistant Engineer (Bldgs.) and Assistant Engineer (Minor Civil Works) in Circles	Director (Postal)	P.M.G.

Note – The reports will be written on the form used by the Postal/Civil Wing for such reports. Items relating to technical work or abilities of the officers will be obtained from the concerned Executive Engineers and incorporated in the CRs by the Reporting Officers on the basis of entries made by the Executive Engineers in the memo of services of the concerned Assistant Engineers.

MINOR CIRCLES

(1)	Director Postal Services 1-A Chief Accounts Officer (IFA)	D.G. D.P.S.	D.G. Members (Finance)
(2)	Senior Supdt. of Post Offices and R.M.S. including Dy. Director Postal Services.	D.P.S.	Member, Postal Board
(3)	Supdt. Of Post Offices and R.M.S.	Director	D.P.S./P.M.G.
(4)	A.D.P.S.	D.P.S.	Member, Postal Board
(5)	Postmaster, Group 'B'	Senior Supdt.	Director
(6)	Postmasters, Delhi/New Delhi	D.P.S.	P.M.G.
(7)	Dy. Postmaster in Delhi G.P.O.	Postmaster, Delhi	D.P.S.
(8)	Officer of the Postmasters Service Group 'B' in the New Delhi G.P.O.	Postmasters, N. Delhi	D.P.S.
(9)	Supdts. R.M.S. and sorting	Senior Supdt.	D.P.S.
(10)	Welfare Officers	D.P.S.	Member, Postal Board
(11)	Supdts. Postal Stock Depots	Director	P.M.G.
(12)	Director Vigilance	P.M.G.	D.D.G.(V)
(13)	Probationary Officers of the I.P.S. Group 'A'	D.P.S.	Member, Postal Board

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|------------------------------|--------------|-------------------------|
| (14) A.Os in Circle Offices. | Dy. Director | Director |
| (15) Medical Officer | D.P.S. | Member (P) Postal Board |

Note – The report of Asstt. Director PLI will be written in consultation with Director PLI in the Directorate.

T & D Circle

- | | | |
|---|----------------------------------|---|
| (1) Additional Chief Engineer | D.G. | D.G. |
| (2) Officers in the grade of Directors
2-A Chief Accounts Officer (IFA) | Additional
Engineer
Adchen | Chief Member Postal Board
Sr. Member (Finance) |
| (3) Senior Time Scale Officers of Group
'A' Services | Director | Additional Chief Engineer |
| (4) Junior Time Scale Officers of Group
'A' Services and Officers of Group
'B' Services | Divisional
Telegraphs | Engineer Director |
| (5) Accounts Officers | Director | Additional Chief Engineer |
| Assistant Engineer (Bldgs.) and
Assistant Engineer (Minor Civil
Works) in Telephone districts | District Manager | G.M.T. |

Note – The reports will be written on the form used by the Postal Civil Wing for such Items relating to technical work or abilities of the Officer will be obtained from the concerned Executive Engineers and incorporated in the CRs by the Reporting Officers on the basis of entries made by the Executive Engineers in the memo. Of services of the concerned Assistant Engineers.

1

2

3

POSTAL LIFE INSURANCE ORGANISATION

- | | | |
|--|--------------------------------|----------------------|
| (1) Dy. Director Postal Life Insurance | Director Postal Life Insurance | Member, Postal Board |
| (2) Class II Officers in the Office of the
Dy. D.P.L.I. | Dy. D.P.L.I. | D.P.L.I. Directorate |

MAIL MOTOR ORGANISATION

- | | | |
|---------------------------------|--------|-------------|
| (1) Managers | D.P.S. | P.M.G. |
| (2) Manager in Delhi Mail Motor | D.P.S. | Member (PO) |

POSTAL TRAINING CENTRES

- | | | |
|---------------|-------------------------------------|-------------------------------|
| (1) Principal | Director, (Training)
Directorate | D.D.G. (PE)
(Postal) Board |
|---------------|-------------------------------------|-------------------------------|

(2)	All other officers	Principal	Director, (Training) Directorate
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POSTAL CIVIL WING

(1)	Chief Engineer	Member 'P' Board.	Director General
(2)	Superintending Engineer	Chief Engineer	Member, Postal Board
(3)	Executive Engineer	Superintending Engineer	Chief Engineer
(4)	Assistant Executive Engineer	Executive Engineer	Superintendent Engineer
(5)	Assistant Engineer	Executive Engineer	-Do-
(6)	Senior Architect	Chief Engineer	Member, Postal Board
(7)	Architect	Senior Architect	Chief Engineer
(8)	Deputy Architect	Architect	Senior Architect
(9)	Assistant Architect	Architect	Senior Architect
(10)	Accounts Officer working in Civil and Electrical Divisions	Executive Engineer	Superintending Engineer

Note:- While writing the Confidential Reports, the Reporting Officer should take into consideration the remarks, if any, received by him from the Head of Circles and Telephone Districts regarding the performance of the officers concerned. However, the D.P.S. Delhi, the D.P.T., JK and District Manager, Telephone Ahmedabad, Bangalore, Hyderabad and Poona need not send their comments on the performance of the Supdtg. Engineers and Senior Architects working in their jurisdiction.

176. The Head of Circle or Administrative Office directly under the Director General will, by the end of April each year, send to the Directorate confidential reports on the work and conduct of all Gazetted Officers who work under him during the year.

NOTE : officers who have officiated during the year for at least six months in any of the appointments specified in rules 175 and 176 should also be reported on.

177. Confidential Reports of Group 'A' Officers will be submitted to Member concerned of Postal Board while the Confidential Reports of Junior Administrative Grade Officers will be submitted to the Secretary (C) and of the officers of Senior Administrative grade to the Government of India each year. The Confidential Reports on Group 'B' Gazetted Officers will be filled in the Directorate.

Special instructions regarding confidential reports on gazetted officers

178. (1) It is not necessary that the Inspecting Officer should write the confidential report on a

Divisional Officer. It should be written by the appropriate officer of the Circle Office, but he should take into account the result of the inspection for that purpose. For writing the reports on the Suptds. And Senior Suptds. Of R.M.S.Divisions, the reports about the technical work done by them should be obtained from the Regional Directors and they should be given due consideration in making the final assessment. Similarly for writing the reports on Assistant Directors, PLI, the remarks of the DPLI of the Directorate should be obtained in the first instance.

(2) Confidential reports on Group 'B' officers should be written in duplicate, one for the Circle Office and the other for the Directorate.

(3) Confidential reports on Gazetted Officers should be forwarded to the Directorate only after taking action for the communication of adverse remarks by the countersigning authorities.

179. Confidential records in for App-9 will be maintained in respect of all non-gazetted group 'B' and group 'C' employees working in offices of the Heads of Circles and in other Administrative Offices directly subordinate to the Director General. Confidential records in for App-II will be maintained in respect of all non-gazetted Group 'C' supervisory employees working in Postal Offices including Divisional Offices/Office of Head Of Circle Office of DPS. The officers who are required to maintain the confidential records, and the classes of officials in respect of whom they are to be maintained are shown in the sub-joined table. Subject to the Classification given in the table, the Head of Circle or Head of an Admn. Office, as the case may be, will decide in the case of each office which officer will maintain the confidential records and for whom. These reports will be countersigned by the officers mentioned in column 5 of the table. In respect of certain categories prescribed, the reviewing authorities shown in column 6 of the table while on inspection will scrutinise the confidential records thoroughly with a view to ensuring that not only all instructions on the maintenance of confidential records have been observed but also no apparent incorrect assessment has been made by the reporting officers. They should sign at the bottom of the reports in token of having scrutinised them and clearly indicate that they have done so in their capacity as reviewing officers. They will not, however, be considered as the countersigning authorities and accordingly, will not be debarred from dealing with representations from these officials for expunction of adverse remarks recorded in their confidential reports. In other cases where no countersigning or reviewing authorities have been prescribed, the inspecting officers who are immediately superior to the reporting officers while on inspection should as usual inter-alia ensure that :

- (a) Memos. Of services are being properly maintained and they are being consulted for writing of reports.
- (b) the adverse remarks recorded in the reports have been duly communicated to the officials concerned and a note to that effect has been recorded on the reports themselves; and
- (c) there are no extraneous papers (other than the duplicate copies of the letters) communicating the adverse remarks and the punishment and appellate orders filed in the Confidential Records.

The Inspecting Officers should make a note in the order book to the effect that the confidential records have been examined.

TABLE PERTAINING TO NON-GAZETTED STAFF

Sl. No.	Classes of Officials	Offices where the Officials are	Reporting Officer	Reviewing authority	Inspecting authority
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employed					
1	2	3	4	5	6
1.	Office Superintendent	In Circle Offices/ Administrative Offices.	Director of Postal Services.	Head of the Circle or Administrative Office.	
2.	Managers	In R.L.Os.	A.P.M.G. or Asstt. Director, Postal Services or Director Postal Services Incharge of R.L.O.	Director of Postal Services or Postmaster General.	
3.	Junior Accountants	(a) In offices of A.O. S&W, Training Centre, Jabalpur and Saharanpur, Stores Organisation, Coaxial Cable division, Agra, T.R.A.Os, Superintendents, Postal Forms Stores, Calcutta and Nasik; Supdt. Postal Forms and Seals, Aligarh and Senior Electrical Engineer, Calcutta. (b) In Savings Bank Central Organisation in Head Post Offices and in Internal check Organisation.	(a) Head of Office or in immediate superior gazetted officer. (b)Accounts Officer	(b) D.P.S.	
4.	Senior Accounts	(a) In the Office of A.O. (b) In Savings	(a) A.O. (b)		(a) Chief Accounts Officer (b) D.P.S.

		Bank Organisation in Head Offices and in Internal Check Organisation.	Central Post Offices in Check	Accounts Officer	
5.	Divisional Accountant	In Circle	Engineering	The Confidential Report of their employees are kept by the Accountant General (Postal)	
6.	Account clerk	-do-			
7.	Instrument Examiner	Office of the Sr. Electrical Engineer			
8.	Ministerial staff in Administrative Offices	(a) In Offices (b) In the Office of the electrical Engineer	Circle Office Sr. Sr. Electrical Engineer, Asstt. Engineer	(a) Immediate Superior (b) Sr. Electrical Engineer, Asstt. Engineer	(a) Next immediate (b) Superior if any
9.	Ministerial Staff in Postal Store Depot.	Postal Depot	Store	Supdt. in charge	
10.	Selection Grade Postal Store staff in Postal Store Depot.	Postal Depot.	Store	Supdt. in charge	
11.	Ministerial staff in R.L.Os. R.L.Os.	In R.L.Os.		Asstt. Postmaster General or ADPS or DPS in charge of R.L.O.	
12. (a)	Ministerial staff of S.B. Control Organisation of Head Post Offices.	Head Post Office		Accounts Officer ICO (SB)	Director of Postal Services.

NOTE :- The Divisional Supdt. controlling the Head Post Office will add his comments on the conduct and discipline of the official after the report is recorded by the A.O. ICT, (SB), before it is countersigned by the Director of Postal Services.

12. (b) Ministerial staff of Internal check Accounts Director of
Internal Check Organisation Officer Postal
Organisation. (ICO (SB)) Services.
12. (c) Ministerial staff of Pairing Unit Accounts Director of
Pairing Units Officer Postal
ICO (SB) Services.

* In respect of the staff working in SBCOs in Gazetted Head Offices, the Senior Supdt. of Post Offices who carries out the verification of account of the HOs will write the Confidential Reports. As far as the GPOs and Presidency Post Offices directly under the control of the Circle Office, PMG will nominate the Senior Supdt. of Post Offices who carries out the verification of the accounts as responsible for writing the Confidential Reports of the Officials concerned.

13. Ministerial Staff in Manager
Manager Mail Motor
Service.
13. (a) All categories of Central Stamp A.D.G. C.M.S. Postal
Staff Counselling (M.S.) Directorate.
Machine Unit of Postal
Postal Mail Directorate.
Motor Service
Delhi.
14. Ministerial Staff in a Foreign Post Director or
foreign Post. Offices Dy. Director
or Supdt.
15. Time scale Postal (a) In (a)
Assistants acting as Presidency Post Presidency
Sub-postmaster and Offices including Delhi Postmaster
other ministerial including GPO including
staff in Post Offices GPO Postmaster
and RMS. in the grade
of
Presidency
Postmaster
or any
gazetted
officer
subordinate
to him.
- (b)(i) In First (b)(i) Gazett
Class Head Post ed
Offices. Postmasters
- (ii) In Town Sub (ii) Sr.

- | | | | | |
|-----|--|---|--|-------------------|
| | | Post Offices and Stations where Presidency or First Class Head Post Offices exist. | Supdt./
Supdt. of
Post
Offices/
City Supdt. | |
| | | (c) In Postal divisions. | Sr. Supdt./
S.P.Os. | |
| | | (d) In the Railway Mail Service | (a) Supdt. R.M.S./
(b) Supdt. Sorting | Sr. Supdt. R.M.S. |
| 16. | Inspectors of Post Offices and R.M.S. (including Office supervisors to Supdt. of Post Offices and R.M.S.) and Asstt. Supdts. | In Postal and Railway Mail Service Divisions. | Sr. Supdt./
Supdt. of
Post Offices
and R.M.S. | Director |
| 17. | Ministerial Staff in Circle Stores Depots | Circle Stores Depots | Assistant Engineer | |
| 18. | Building Overseer | In Circle Offices | Dy. Director/
A.D.T. (E)
Building. | |
| 19. | Engine Drivers, Carpenters; Motor Drivers and allied posts; Despatch Riders; Ferroprinters. | Post Offices; Mail Motor Services. | Officers not below the rank of Supdt. or Gazetted Postmaster or Manager Mail Motor Services T. | |
| 20. | Branch Postmasters; Overseers; Overseer Postman; Head sorting and Reader Postman; Departmental Stamp Vendors and Postmen. | (a) In Presidency and First Class Head Post Offices

(b) In Head Post Offices or Sub Post Offices under selection grade officials | (a) Deputy or Asstt. Postmaster.

(b) Postmasters or Sub-Postmasters in selection or grades. | |

			(c) In other sub Post Offices.	(c) I.P.Os	
21.	Village Postman		Post Offices.	I.P.Os.	
22.	Mail Guards		R.M.S. Divisions	Inspector R.M.S.	
23.	Higher Selection Grades and Lower Selection Postmasters.	(a) In Presidency Offices.	In Post Offices under the charge of Divisional Supdt. or gazetted Postmasters.	(a) Gazetted Postmaster. (b) Division Supdt./ Gazetted Postmaster.	(a) Presidency Postmaster including Postmaster in the grade of P.P.M. D.P.S. Senior Supdt. of Post Offices.
24.	Compounders in Dispensaries.	Staff in Postal Dispensaries.	In Postal Dispensaries.	Doctor in charge.	
25.	Machinemen/Pressmen/Compositors/Distributors		In Departmental Presses.	Immediate superior gazetted-officer.	
26.	Staff in Training Centre	Training Centres.	In Training Centres.	Head of the Training Centre or any Gazetted Officer subordinate to him.	Head of the Training Centre, if the report has been written by an officer subordinate to him.

180. "Character-sheets in form App.10 will be maintained in respect of Group 'D' staff. The report on a Group 'D' official should be written by the Head of the Office or any other official not below the Lower Selection Grade under whom he is directly working."

Granting of Certificates

181. Certificates of good service or laudatory letter letters to employees who are or have been serving in the Department should not ordinarily be given. In really special cases such certificates may be given to employees who have earned them by specially good work, but copies of the certificates together with the reasons for granting them should be recorded in the office of the officer by whom they are granted. These certificates may be entered at the end of the recipient's service book only with the consent of the Director-General.

182. When any employee leaves the Departments a certificate in the following form may be

given to him by the officer to whom he was directly subordinate i.e. any Gazetted Officer in independent charge of a Circle, Division or Office, as the case may be :-

Certified that Mr.....was employed in this Department as afromtothat he leaves and that his conduct has been

His personal description is as follows:-

1. Height
2. Personal marks for identification.....

.....(Designation)

.....(Signature)

183. No action should be taken on anonymous and pseudonymous complaints against Government servants.

Complaints from and against departmental officials

184. Every complaint by or against any employee in the Department must be received and enquired into by his superior officer, unless the complainant shall have been previously found guilty of making groundless or vexatious charges.

Irregular additions in income

185. No employee in the Department may, in any circumstances, have a personal pecuniary interest directly or indirectly in the construction of departmental building, or performance of any departmental work, or in the manufacture, supply or sale of materials.

186. As the practice of allowing employees to receive fees and commissions would be detrimental to the public service, no one in the service, of Govt. is allowed to receive fees or commissions, except under the circumstances mentioned in rules 46 to 48 of the Fundamental Rules and rules 11 and 12 of the supplementary Rules. Every employee in the service is bound to report to his departmental superior every infringement of this rule which may come to his knowledge.

187. No employee may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any executive post which he may be holding.

An employee called upon by a Court of Law to act on a Commission to give evidence on technical matters may comply with the request, provided that case is not of such a nature as will be likely to come before him in the course of his official duties and may accept such fees as are fixed by the court.

188. The receipt, or acceptance of an officer, or the attempt to obtain, any consideration beyond the legal remuneration by any employee in the Department, is punishable under Section 161 of the Indian Penal Code.

189. The testing of lightning conductor and granting of certificates of efficiency in respect of the same must never be undertaken by any member of the department without the Director General's prior sanction which will not ordinarily be given.

Employment of sons and relations of Govt. Servants in private Firms

190. Whenever any son/daughter or any dependent of a Group 'A' Officer in Postal Department wishes to accept an employment with a private firm with which the officer has official dealings or with any other important firm having official dealings with the Government (through proper channel) by the officer concerned and Government's permission should be obtained to such employment. Where, however, the acceptance of such employment could not await Government's prior permission or the matter is otherwise considered urgent, a report should be made to Government and the employment accepted provisionally subject to Government's permission.

Whenever a proposal arises for the award of a contract or exercise or patronage in favour of any firm in which a son/daughter or a dependent of an officer concerned, is employed this fact should be declared by the officer concerned and he should thereafter desist from dealing with the case himself. In such circumstances, a recommendation should be made that the case should be decided by an other officer of equivalent or superior standing.

Bidding at a sale or auction

191. No employee of the Department having any duties to perform in connection with any sale or auction of Government property, shall either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

192. Deleted

Money transactions with subordinates and contractor

193. Private money transactions between officials of the Department, and specially between superiors and inferiors are strictly forbidden. No officer or other person holding a responsible charge is permitted to borrow money from any person who is or may be placed under his orders or to request persons so placed to subscribe for any object in which he is interested. No member of the Department is permitted to borrow or receive money from any contractor or dealer with whom the Department has, or may have, dealings. When any such transaction on the part of an official comes to the knowledge of his superior officer, the latter should report the case to the Head of the Circle, who will exercise his discretion in disposing of the matter.

Insolvency and habitual indebtedness

194. The rules regarding insolvency and habitual indebtedness of Government servants are laid down in Rule 17 of the Central Civil Services (Conduct) Rules, 1964.

195. A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Govt. servant who becomes the subject of a legal proceedings for insolvency shall forthwith report the full facts to the Government.

196. The report referred to in Rule 195 should be submitted by the Government servant to his immediate superior who should forward it through the normal channels to the authority competent to remove or dismiss him from service. Except where such an authority requires guidance or clarification from a higher authority it shall consider the report and pass appropriate orders on it. If any penalty is to be imposed on the Government servant the procedure prescribed in the Civil Services (Classification, Control and Appeal) Rules will have to be followed.

197. Cases where one-half of the remainder of salary after the first one hundred rupees of a Government servant is consistently being attached for debt, or has been continuously under attachment for more than two years, or is attached for a sum which under ordinary circumstances, it will require more than two years to repay, have been declared by the government of India to constitute such a state of indebtedness as to render it undesirable that the debtor should be retained in public service. In such cases it is the duty of the head of the office or the authority immediately superior to the official concerned to obtain a full schedule of the latter's debts and to draw up a report dealing specially with the following points:-

- (1) What proportion the debts bear to pay and to what extent they detract from the debtor's efficiency as a public servant.
- (2) whether the debtor's position is irretrievable, and
- (3) whether it is desirable to retain him in the particular post he occupies or in any position under Government.

198. The proceedings referred to in rules 195 and 197 should be submitted for orders of the appropriate punishing authority through the usual official channel. In case the authority immediately superior to the insolvent or indebted officers is himself the appropriate punishing authority, the proceedings should be disposed of by him.

Issue of orders

199. No orders that are in any way likely to lead to dispute must ever be issued verbally; they should always be in writing.

Publication of misleading information

200. Whenever any employee of the Department makes misleading or untrue statements relating to the Department by publication in a newspaper, in a public speech or in any other manner, he should at once be called upon by the officer under whom he is serving for an explanation. The case should then be reported to the Head of the Circle, etc. who should order a thorough investigation. A full report should be submitted to the Director General.

201. No employee may publish, without the previous sanction of superior authority, any documents, papers, or information, of which he may have become possessed in his official capacity. This rule applies equally to documents which are printed well as to those which are in manuscript.

Attending committees, etc.

202. No departmental employee is to attend any station or the committee without reporting the fact and sending a copy of the proceedings to the Head of the Circle or Administrative office or the Director General, as the case may be.

203. It must be thoroughly understood that it is the duty of the employee, when at a station where he can receive instructions on any point necessary for the practical execution of his professional duties, to seek that instruction himself.

Responsibility

204. Where owing to the negligence of a departmental employee or its agent including an extra-departmental agent, or through the omission on his part to observe any rule as provided in the

different volumes of the Postal Manual, or other books like the Post Office Guide, the Department, either by reason of the enquiry being impeded or frustrated, directly or indirectly or for any other reason is put to a loss of Government money or property, or where the department loses money by embezzlement or fraud of any of its employee, etc. any member of the staff or any agent who by his negligence, default or disregard of the rules, has caused the loss or has contributed to its occurrence, either by reason of the enquiry being impeded or frustrated directly or indirectly or for any other reason, may be required to make good the loss either in whole or in part as the competent authority may decide provided that there is a clear finding that (i) the departmental employee/E.D. Agent is held responsible for a particular act or acts of negligence and/or breach of orders or rules caused the loss or contributed to its occurrence by reason of enquiry being impeded or frustrated directly or indirectly or for any other reason. Detailed instructions for regulating the enforcement of such responsibility are given in rule 204-A.

NOTE : The Public Accountants Default Act (Xii OF 1850) provides an additional safeguard in the case of such employees of the Department as are "public accountants" within the meaning of that Act, Section 3 and 4 of which are reproduced below:-

"3. For the purpose of section 1 and 2 of this Act, the expression "public accountant" means any person who as Official Assignee or Trustee, or as Sarbarahkar is entrusted with the receipt, custody or control of any money or sureties for money or the management of any lands belonging to any other person or persons, and for the purposes of section 4 and 5 of this Act the expression shall also include any person who, by reason of any office held by him in service of the Central Government or the Government of a Part A state is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any land belonging to such Government.

4. The person or persons at the head of the office to which any public accountant belongs may proceed against any such public Accountant and his securities, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land-revenue due to Government".

Under Section 4 of the Act, the loss caused by the defalcation of a public accountant is therefore recoverable from his and his sureties as an arrear of land-revenue.

204.- A. Instructions for regulating the enforcement of responsibility or losses.

1. The cardinal principle governing the assessment of responsibility is that every public officer should exert the same vigilance in respect of public expenditure and public funds generally as a person of ordinary prudence would exercise in respect of the expenditure and the custody of his own money. While, therefore, the competent authority may, in special cases, condone an officer's honest errors of judgement involving financial loss, if the officer can show that he has acted in good faith and done his best upto the limits of his ability and experience, personal liability must be strictly enforced against all officers who are dishonest, careless or negligence in the duties entrusted to them.

2. It is of the greatest importance to avoid delay in the investigation of any loss due to fraud, negligence, financial irregularity, etc. Should the administrative authority require the assistance of the Accountant-General in pursuing the investigation, he may call on that officer for all vouchers and other documents that may be relevant to the investigation, and if the investigation is complex and he needs the assistance of an expert audit officer to unravel it, he should apply forthwith for that assistance to Government which will then negotiate with the Accountant-General for the services of an investigating staff thereafter the administrative authority and the audit authority will be personally responsible, within their respective spheres, for the expeditious conduct of the enquiry.

3. In cases where loss is due to delinquencies of subordinate officials and where it appears that this has been facilitated by laxity of supervision on the part of a superior officer, the latter should also be called strictly to account and his personal liability in the matter carefully assessed.

4. The question of enforcing pecuniary liability should always be considered as well as the question of other forms of disciplinary action. In deciding the degree of an officer's pecuniary liability, it will be necessary to look not only to the circumstances of the case but also to the financial circumstances of the officers, since it should be recognised that the penalty should not be such as to impair his future efficiency.

In particular, if the loss has occurred through fraud, every endeavour should be made to recover the whole amount lost from the guilty persons, and if laxity of supervision has facilitated the fraud, the supervising officer at fault may properly be penalised either directly by requiring him to make good in money a sufficient proportion of the loss, or indirectly by reduction or stoppage of his increments of pay.

It should always be considered whether the value of Government property or equipment lost, damaged or destroyed by the carelessness of Individuals entrusted with their care (e.g. a policeman's rifle, a touring officer's tent a factory motor lorry; an engineer's instruments) should not be recovered in full upto the limit of the Government servants capacity to pay.

5. Steps should be taken to ensure, as far as possible that a disciplinary case against a Government servant in which he has been charged for any loss or irregularity is finalised before his superannuation. In case, however, it cannot be finalised before that date, he should be allowed to retire in the normal manner and the proceedings initiated against him completed in the manner prescribed under Article 351-A C.S.R.

6. The fact that Government Servants who were guilty of frauds or irregularities have been demobilised or have retired and have thus escaped punishment should not be made a justification for absolving those who are also guilty but who still remain in service.

APPENDIX I

Standard Form of Chargesheet

(Rule 14 of the CCS (CCA) Rules, 1965)

No.

Government of India
 Ministry/Department of _____
 Dated & _____

MEMORANDUM

The @ President/undersigned proposes to hold an inquiry against Shri _____ under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. The substance of the imputations of mis-conduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement or articles of charge (Annexure I). A statement of the imputations of mis-conduct or mis-behaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure III) & (Annexure IV).

2. Shri _____ is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore specifically admit or deny each article of charge.

4. Shri _____ is further informed that if he does not submit his written statement of defence on or before the due date specified in para 2 above, or not appear in person before the inquiring authority or otherwise fails or refuses in comply with the provisions of Rule 14 of the C.C.S.(C.C.& A.) Rules 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him exparte.

5. Attention of Shri _____ is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of matters pertaining to his service under the Government. If any

representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri_____is aware of such a representation and that has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules,1964.

6. The receipt of this Memorandum may be acknowledged.

7. *(By order and in the name of the President.)

()

Name and designation of Competent Authority

(The officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate on behalf of the President, or the disciplinary authority, as the case may be.)

To
Shri_____

ANNEXURE I

Statements of articles of charge framed against Shri _____
(name and designation of the Government servant)_____

Article I

That the said Shri _____ While functioning as _____ During the period _____

Article II

That during the aforesaid and While functioning in the aforesaid office, the said Shri _____

Article III

That during the aforesaid period and While functioning in the aforesaid office, the said Shri _____

ANNEXURE II

Statement of imputations of mis-conduct or mis-behaviour in support of the articles of charge framed against Shri _____ (Name and designation of the Government servant)_____

ANNEXURE III

List of documents by which the article of charge framed against Shri _____ (name and designation of the Government servant)_____ are proposed to be sustained:-

ANNEXURE IV

List of witnesses by whom the articles of charge framed against Shri _____ (name and designation of the Govt. servant)_____ are proposed to be sustained.

APPENDIX II

Standard Form of Memorandum of Charge for Imposing Minor Penalties

(Rule 16 of the CCS (CCA)Rules,1965)

No.

Government of India
Ministry/Department of

Dated _____

MEMORANDUM

Shri _____ (Designation)_____ (office in which working)_____ is hereby informed that it is proposed to take action against him under Rule 16 of the CCS (CCA)Rules,1965. A statement of the imputations of the imputations of mis-conduct or mis-behaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. Shri _____ is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3. If Shri _____ fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri _____ ex-parte.

4. The receipt of this Memorandum should be acknowledged by Shri _____

*(By order and in the name of the President.)

(_____)
Name and designation of Competent Authority

(The officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate on behalf of the President, or the disciplinary authority, as the case may be.)

To
Shri _____

APPENDIX III

Standard Form of Order for taking Disciplinary Action in Common Proceedings

(Rule 18 of the CCS (CCA)Rules,1965)

No.

Government of India
Ministry/Department of

_____ Dated _____

ORDER**Name of Govt.Servants**

Whereas the Govt.Servants specified in the margin are jointly concerned in a disciplinary case.

* Now, therefore, in exercise of the powers conferred by sub-rules (1) and (2) of Rule 18 of the Central Civil Services (CCA)Rules,1965, the President/the undersigned hereby directs:

(1) that disciplinary action against all the said Govt.Servants shall be taken in a common proceeding.

&(2) that (name & designation of the authority) shall function as the Disciplinary Authority for the purpose of the common proceedings and shall be competent to impose the following penalties, namely:-

* The authority competent to impose the penalty of dismissal from service on all such government servants or if they are different, the highest of such authorities with the consent of others. See Rule 18 (i) and see rule 18 (2) (i).

@(HERE SPECIFY THE PENALTIES)

& (3) that the procedure prescribed in rule 14 & 15/rule 16 shall be followed in the said proceedings.

@ (Score out the portion not applicable).

** (By order and in the name of the President.)

Signature:

Name and designation of Competent Authority (Rule 18 (i))

(The officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate on behalf of the President, or other competent authority under rule 18 (i))

Copy to:-

1. Shri _____ (Name and designation)
2. Shri _____ (Name and designation)
3. Shri _____ (Name and designation)

APPENDIX IV-A

Standard Form of order relating to appointment of inquiry Officer/Board of Inquiry (Rule 14 (2) of CCS (CC&A) Rules, 1965.

No.

Government of India
Ministry of _____
(Place of issue) _____
Dated _____

ORDER

Whereas an inquiry under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, is being held against _____ (Name and designation of the Government servant.)

AND WHEREAS the President/the undersigned considers that a Board of Inquiry/ an Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW, therefore the President/the undersigned in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints a Board of Inquiry consists of :

1. Here enter names and designation
2. of Member of the Board of Inquiry
- 3.

OR

Shri _____ (name and designation of the Inquiry Officer) as Inquiry Officer to inquire into the charges framed against the said Shri _____

*(By order and in the name of the President.)

signature

(_____)
Name and designation of Competent Authority

Copy to:-

(Name and designation Government servant)

(Name and designation of Members of the Board of Inquiry Officer)

(Name and designation of the lending authority) for information.____

Note: To be used wherever applicable _____not to be inserted in the copy sent to the Government servant.

In cases where the order is expressed to be made in the name of the President.

APPENDIX IV-B

Standard Form of order relating to the appointment of Presenting Officer (Rule 14 (5) of CCS (CCA) Rules, 1965.

No.

Government of India
Ministry of _____

(Place of issue) _____ Dated _____

ORDER

Whereas an inquiry under Rule 14 of the CCS (CCA) Rules, 1965, is being held against _____ (Name and designation of the Government servant.)

AND WHEREAS the President/the undersigned considers it necessary to nominate a person to present the case in support of before the Inquiring authority.

NOW, THEREFORE the President/the undersigned in exercise of the powers conferred by sub-rule (5)(c) of the said rules, hereby nominates _____ (name & designation of the presenting officer) to present the case in support of the charges.

*(By order and in the name of the President.)

Signature

Designation of Competent Authority

Copy to:-

1. Name and designation of the Government servant.
2. Name and designation of the Presenting Officer.
3. Name and designation of the Inquiry Officer. _____

*In case where the order is expressed to be made in the name of the President.

APPENDIX VI**PUNISHMENT ORDERS UNDER RULE 19 OF THE CCS (CCA) RULES, 1965**

WHEREAS Shri _____ (here enter names and designation of the Government servant) has been convicted on a criminal charge, to wit, under section _____ (here enter the section or the sections under which the Government servant was convicted).

AND WHEREAS it is considered that the conduct of the said Shri _____ (here enter names and designation of the Government servant) which has led to his conviction is such as to render his further retention in the public service undesirable.

NOW THEREFORE, President/the undersigned hereby dismisses/removes the said Shri _____(here enter name and designation of the Government servant) from service with effect from _____(here enter the date of the dismissal or removal).

Station:

Date:

DISCIPLINARY AUTHORITY

APPENDIX VII

**STANDARD FORM FOR SETTING ASIDE THE ORDER OF DISMISSAL/REMOVAL
CONSEQUENT ON ACQUITTAL BY COURTS**

WHEREAS SHRI _____(here enter name and designation of the Government Servant) was dismissed/removed from service with effect from the _____(here enter the date of dismissal/removal) date of _____19_____on the ground of conduct which led to his conviction on a criminal charge;

AND WHEREAS the said conviction has been set aside by a competent court of law and the said shri _____(here enter name and designation of the Government Servant) has been acquitted of the said charge;

NOW, THEREFORE, the President/undersigned hereby sets aside the order of dismissal/removal from service.

Station:

Date:

DISCIPLINARY AUTHORITY

APPENDIX VIII-A

**STANDARD FORM OF ORDER OF SUSPENSION RULE 10(1) OF THE CCS (CCA)
RULES, 1965**

NO.

Government of India

Ministry of _____

(Place of issue) _____dated _____

ORDER

WHEREAS a disciplinary proceedings against Shri _____(Name and designation of the Government servant)is contemplated/pending).

OR

Whereas a case against Shri _____(name and designation of the Government servant in respect of a criminal offence is under investiagion/inquiry/trial.

Now therefore, President/the undersigned (the appointing authority or any authority to which it is subordinate or any other authority empowered by the President in that behalf), in exercise of the powers conferred by the sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, hereby places the said Shri _____under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri _____ (name and designation of the Government servant) shall be _____(name of the place) and the said Shri _____ shall not leave the headquarters without obtaining the previous permission of the undersigned.

*(By order and in the name of the President.)

Signature:

Name and designation of the suspending authority.

Where the order is expressed to be made in the name of the President.

(The officer in the appropriate Ministry/Department authorized under article 77 (2) of the Constitution to authenticate orders on behalf of the President or the other competent officer passing the order).

Copy to Shri _____(name and designation of the suspending officer). Orders regarding subsistence allowance admissible to him During the period of his suspension will be issued separately.

2. Copy to Shri _____ (name and designation of the Appointing authority) for information.

3. Copy to Shri _____ (name and designation of the lending authority) for information.

4. The circumstances in which the order of suspension was made are as follows:-
(Here give details of the case and reasons for suspension)

NOTE: Paras 2 to 4 should NOT be inserted in the copy of the order of suspension sent to the Officer to be suspended.

APPENDIX VIII-B

FORM OF ORDER OF SUSPENSION (RULE 10(2) OF CCS (CCA) RULES, 1965

NO.

Government of India

Ministry of _____
 (Place of issue) _____ dated _____

ORDER

WHEREAS a case against Shri _____ (name and designation of the Government servant) in respect of a criminal offence is under investigation.

And whereas the said Shri _____ was detained in custody on _____ for a period exceeding forty eight hours.

Now therefore, the said Shri _____ is deemed to have been suspended with effect from the date of detention, i.e., the _____ in terms of sub-rule (2) of rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, and shall remain under suspension until further orders.

Designation of the Suspending Authority

APPENDIX IX

**STANDARD FORM OF ORDER
 FOR REVOCATION OF SUSPENSION ORDER**

(Rule 10(5) (c) of the CCS (CCA) Rules, 1965)

No.

Government of India
 Ministry of _____

(Place of issue) _____ Dated

ORDER

Whereas an order placing Shri _____ (name and designation of the Government servant) under suspension was made/ was deemed to have been made by _____ on _____,

Now, therefore, the President/the undersigned (the authority which made or is deemed to have made the order of suspension or any authority to which that authority is subordinate) in exercise of the powers conferred by clause (c) of sub-rule (5) of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, hereby revokes the said order of suspension with immediate effect.

*(By order and in the name of the President.)

Signature:

Name and designation of the authority making this order.

1. Copy to Shri _____ (name and designation of the suspended officer)

*To be signed by an officer in the appropriate Ministry/Department authorized under article 77 (2) of the Constitution to authenticate orders on behalf of the President if the order is expressed to be made in the name of the President.

2. Copy to Shri_____ (name and designation of the Appointing authority for information).

3. Copy to Shri_____ (name and designation of the lending authority for information).

4. Copy to Shri_____ (name and designation of the authority making the order of suspension).

5. The reasons for revoking the order of suspension are as follows:
(Here five in brief the reasons).

NOTE: 1. Endorsement as in para 2 should be made where the order of revocation of suspension is made by an authority lower than the Appointing authority.

2. Endorsement as in para 3 should be made where the order of suspension has been made against a "Borrowed officer".

3. Endorsement as in para 4 should be made where the order of revocation of suspension is made by an authority other than the authority which made or is deemed to have made the order of suspension.

4. Para 5 should be inserted only if an endorsement as in para 2,3 or 4 is made.

5. Paras 2 to 5 should not be inserted in the copy sent to the suspended officer.

APPENDIX X

STANDARD FORM OF CERTIFICATE TO BE FURNISHED BY SUSPENDED OFFICIAL UNDER F.R. 53 (2)

I,_____ (name and designation of the Government servant), having been placed under suspension by order No._____

Dated_____while holding the post of _____

Do hereby certify that I have not been employed in any business, profession, or vocation for profit/remuneration/salary.

Signature:
Name of the Government servant
Address:

APPENDIX XI-A

(STANDARD FORM OF SANCTION UNDER ARTICLE 351-A OF CASES)

No.

Government of India
Ministry/Department of _____
Dated the _____

ORDER

WHEREAS it has been made to appear that Shri _____ While serving as _____ in the Ministry/Department _____ From _____ to _____ was _____ (here specify the imputations of mis-conduct or mis-behaviour in respect of which it is proposed to institute departmental proceedings).

NOW, THEREFORE, in exercise of the powers conferred on him by article 351 (A) of the Civil Services Regulations the President hereby, accords sanction to the Institution of departmental proceedings against the said Shri _____

The president further directs that the said departmental proceedings shall be conducted in accordance with the procedure laid in rules 14 & 15 of the CCS (CC&A) conduct rules, 1965 by _____ hereby specify the authority by whom the departmental proceedings should be conducted _____ at _____ hereby specify the place at which the departmental proceedings would be conducted).

*(By order and in the name of the President.)

(_____)
(Name and designation of the competent authority.)

*(To be signed by an officer in the appropriate Ministry/Department authorized under under article 77 (8) of the Constitution to authenticate orders on behalf of the President.

dt.

No.

Copy forwarded to Shri _____

Copy also forwarded to Shri _____

APPENDIX XI-B

(STANDARD FORM OF CHARGESHEET FOR PROCEEDINGS UNDER ARTICLE 351-A
CSRs)

No.

Government of India
Ministry/Department _____

MEMORANDUM

Dated the _____

In pursuance of the sanction accorded by the President under article 351-A CSRs for instituting departmental proceedings against Shri _____ vide Ministry/Department of _____ Order No. _____ dated _____ it is proposed to hold an inquiry against the said Shri _____ in accordance with the procedure laid down in rules 14 & 15 of the CCS (CC&A) conduct rules, 1965. The inquiry shall be conducted by _____ hereby specify the authority by whom the departmental proceedings are to be conducted in accordance with the Presidential sanction) at _____ here specify the name of the place where proceedings* are to be conducted).

2. The substance of the imputations of mis-conduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of mis-conduct or mis-behaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which and list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

3. Shri _____ is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

4. He is informed that an inquiry will be held in respect of these articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Shri _____ is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of rules 14 & 15 of the CCS (CC&A) conduct rules, 1965 or the orders/directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him ex-parte.

6. The receipt of this Memorandum may be acknowledged.

*(By order and in the name of the President.)

()
(Name and designation of the competent authority.)

To

Shri _____

ANNEXURE I

Statements of articles of charge framed against Shri _____
_____ (name of the retired Government servant) formerly _____

Article I

That the said Shri _____ While functioning as _____ during the period _____

*(To be signed by an officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate orders on behalf of the President).

Article II

That during the aforesaid and While functioning in the aforesaid office, the said Shri _____

Article III

That during the aforesaid period and While functioning in the aforesaid office, the said Shri _____

ANNEXURE II

Statement of imputations of mis-conduct or mis-behaviour in support of the articles of charge framed against Shri _____ (Name of the retired Government servant)formerly _____

Article I

Article II

Article III

ANNEXURE III

List of documents by which the article of charge framed against Shri _____ (name of the retired Government servant)formerly _____ are proposed to be sustained:-

ANNEXURE IV

List of witnesses by whom the articles of charge framed against Shri _____ (name of retired Govt. servant) formerly _____ are proposed to be sustained:-

APPENDIX XII

INSTRUCTIONS RELATING TO PAYMENT OF TRAVELLING AND OTHER EXPENSES TO WITNESSES IN DEPARTMENTAL INQUIRIES

(Reproduced as Government of India's instructions below S.R. 190).

The following instructions are issued to regulate the payment of traveling and other expenses to persons appearing as witnesses in Departmental Inquiries. :-

1. Every person, whether he is a Central or State Government servant or not, who is called to give evidence in a departmental inquiry by either the Government or the Government servant against whom the enquiry is being held, shall be entitled to payment of traveling and other expenses as laid down in these instructions.

2. The officer or Board holding the inquiry shall furnish a certificate in Form 1 to every person appearing before him or it to give evidence.

3. (1) Where the witness is a Central Government servant, he shall be entitled to receive, in respect of the attendance before the authority holding the departmental inquiry, from the Department or Ministry under which he is serving for the time being payment of a traveling allowance as on tour under S.R. 154.

(2) Where the Government servant is called in the departmental inquiry to give evidence as to facts which have come to his knowledge in the discharge of his public duties, the minimum time required to be spent by him on the journey to and from the place where the enquiry is held and the days on which is required to remain present before the authority holding the inquiry shall be treated as duty :-

Provided that if the Government servant is on leave, the entire time spent shall be treated as a part of the leave and he deemed to have been recalled to duty.

3. Where a Government Servant is called by any authority holding the departmental inquiry to give evidence as to facts which have come to his knowledge a time when he was not in Government service, he may be paid travelling allowance as provided in sub-rule (1).

4. Where the witness is a State Government servant, he shall be entitled to receive, in respect of the attendance before the authority holding the departmental inquiry, from the State Government such traveling allowance and/or daily allowance as may be admissible to him under

the rules applicable to him in that behalf in respect of a journey undertaken on tour and the amount so paid shall be paid by the Central government to the State Government who shall raise a debit in respect thereof against the Central Government.

5. Where a person who has been a Government servant is called to give evidence as to facts which have come to this knowledge in the discharge of his public duties or a person who is called to give evidence before any authority holding a departmental inquiry such person shall be entitled to claim from the Ministry or Department under whom the Government servant against whom the inquiry is being held is for the time being serving, traveling allowance under SR. 190.

6. The foregoing Instructions shall also apply to a person nominated by the Disciplinary Authority to present the case in support of the charge before the authority holding the departmental inquiry, or assisting the Government servant against whom the Inquiry is held in presenting his case. Such person shall be granted a certificate in Form II by the authority holding the Departmental inquiry.

7. All expenditure on traveling allowance paid to a Government servant under these instructions shall be charged to the head of account to which such Government servant's salary is debitable.

FORM I

This is to certify that Shri (Name, designation, Office etc) appeared before me as a Witness on _____ at place _____) in the departmental inquiry against Shri (Name, designation, etc.) and was discharged on _____ at (time _____).

Nothing has been paid to him on account of his travelling and other expenses.

Place and Date.

(SIGNATURE)

DISCIPLINARY AUTHORITY/BOARD OF
INQUIRY OFFICER.

Copy forwarded for information to the Ministry/Department of _____ Secretary to the government of (name of State Government) _____ Department.

PROFORMA II.

This is to certify that Shri (name, designation, office, etc.) attended the proceeding in the departmental enquiry against Shri (name, designation etc.) to present the case in support of the charges/to assist the said Shri (name) in presenting his case on _____ at (place) _____ Nothing has been paid to him on account of his travelling and other expenses.

(SIGNATURE)

Disciplinary Authority/Board of
Inquiry/Inquiring Officer.

Place and
Date.

Copy forwarded for information to the Ministry/Department.

APPENDIX XIII

RULES REGULATING APPLICATIONS FOR OBTAINING THE SERVICES OF THE GOVERNMENT EXAMINER OF QUESTIONED DOCUMENTS AND PAYMENT TO HIM.

1. Applications should be sent direct to the Government examiner of Questioned Documents, Intelligence Bureau, Ministry of Home Affairs, “Dormers” Simla-I.

2.(i) Applications received direct from private individuals will not be entertained.

(ii) Applications received from Police Officers below the rank of Superintendent of Police will not be entertained.

3. Acceptable applications fall into two classes :-

A. Official applications from –

- (i) State Governments and Offices subordinate to them;
- (ii) Presiding Officers of Criminal courts (including Sessions Courts) High Court; courts Martial etc.
- (iii) Ministries of Government of India and their attached and subordinate offices;
- (iv) Railway administrations under the Ministry of Railway (Railway Board);

B. Other applications. These include –

- (i) Cases from private parties in civil suit in India Union Courts. These will be accepted only on application from the court in which the case is being heard. The party concerned must move the court and it will rest with the court to take the further steps necessary to obtain the services of the Government Examiner of Questioned Documents.

Explanation:- Reference made by a court suo moto in civil cases in which the State is not a party will be deemed to be cases from private parties for the purpose of these rules.

- (ii) Cases from municipal corporations, district boards, municipalities, and other local bodies and from universities, Railway administrations (not under the Ministry of Railways of the Government of India), from autonomous corporation and quasi-Government Bodies, e.g. D.V.C., D.T.S. etc. with Indian Union. Applications from recognized universities will be received direct. Applications from Railway Administrations (not under the Ministry of Railways Government of India) should be submitted through the Agent of the Railway concerned. Applications from municipals corporations will be received direct but from other local bodies will be accepted only if received through the local district magistrate who should satisfy himself before forwarding the applications, that it is desirable that the Government Examiner of Questioned Documents should be consulted.

- (iii) Complaint cases, revenue cases, Tenancy Act cases, and other miscellaneous Act cases from Indian Union courts.

These cases will be accepted only if forwarded by presiding officers of courts.

4. Applications falling under classes A and B will ordinarily be accepted but may be refused at the discretion of the Government Examiner of Questioned Documents if they cannot be undertaken without detriment to his other work.

5. An inclusive fee will be charged in each case in which an opinion is given and will normally cover the opinion, the cost of photographs and the giving of evidence, limited in class B cases to one day. The inclusive fee for class A cases (see rule 3) will be Rs.220 and for Class B cases Rs.250 (This fee does not cover travelling allowance which is governed by rule 15 below).

6. Subject to the exception stated at the end of this rule, the fee is payable in advance in all cases and each application should be accompanied by a certificate in the following form :-

“Certified that sum of Rupees two hundred and twenty (Rs.220)/two hundred and fifty (Rs.250) has been deposited in the _____ Treasury on _____ on account of the Government fee in case/suit No._____ and that this amount has been shown under head XLVI-Miscellaneous Central-other-Fines and Forfeitures, Fees for the Services of the Government Examiner of Questioned Documents, in the Cash Account of Central subject for the month of _____ and appears at item No._____ in the relevant Receipt Schedule.

Signature of Treasury Officer.

Countersigned.

Signature of officer submitting the case.

In special circumstances, which should be stated in application Class A cases will be accepted without this certificate but the certificate should be forwarded as soon as possible.

7. In cases where the cost of photographs is exceptionally heavy, the fee will be Rs.180- plus actual cost of the photographs in Class A cases and in Class B cases Rs.200 plus the actual cost of the photographs.

In class B cases the authority submitting the case will be informed of the extra cost involved before it is incurred and will be required to certify that it has been deposited before the Government Examiner of the Questioned Documents proceeds with the case.

8. (a) No fees are chargeable by the Government Examiner of Questioned Documents for the cases investigated by the Special Police Establishment and also for cases arising in –

- (i) the main Ministries of the Central Government.
- (ii) their attached office; and
- (iii) States who have no consolidated funds of their own within the meaning of section 39 of the Government of Part C States Act, 1951 (No.XLIX of 1951).

(b) Fees are however chargeable in all other cases.

9. (i) In cases in which no opinion is given but photographs are taken, only the actual cost of the photographs will be charged, subject to a minimum of Rs.35.

(ii) In cases in which examination has been completed but no opinion could be expressed, a consolidated fee of Rs.100 will be charged.

10. No reduction in the fee will be allowed if evidence is not required or is taken on Commission.

11. (i) In class B cases an additional fee of Rs.200 will be charged for each day after the first day on which evidence is given, whether in court or on Commission, or on which the officer is detained. The presiding officer or the Commissioner will be requested to certify, before the second and each subsequent day's work is begun, that the fee for that day and also for any intervening day or days of detention has been deposited, and subsequently to furnish a certificate in rule 6 above.

(ii) A fee of Rs.250 will be charged in a civil suit even for the first day's evidence if evidence is taken upon an opinion expressed on the same documents when they formed part of a criminal case.

12. In cases falling under class B, the Government Examiner or his Assistant will be prepared to attend courts provided that he can do so without detriment to his other work. When evidence is taken on commission, the Commission should be issued to the Senior Sub-Judge, Simla and normally should be so worded that either the Government Examiner or his Assistant can give evidence.

13. Presiding officers of courts are requested to detain the Government Examiner of Questioned Documents or his Assistant for the least possible time compatible with the requirements of the case. They are also requested to accept, so far as possible the time and dates for attendance offered by these officers, because the latter frequently have to attend several courts in the course of one tour.

14. The government of India in the Ministry of Home Affairs reserve the right to impose an extra charge in any case in which they consider that the usual fee is incommensurate with the time and labour spent on the case.

15. When the government Examiner of Questioned documents or his Assistant is required to travel in order to give evidence or for any other purpose the authority or party employing his services will be required to pay travelling allowance at the rates laid down for first grade officers in the Supplementary Rules of the Government of India for journeys on tour. Travelling allowances will also be payable for the class IV servant accompanying the officers at the rates fixed for government of India, Class IV servants. These payments will be adjusted as directed in the Home Department (no Ministry of Home Affairs) letter No. F.128/VII/27-Police, dated the 12th January, 1928 (see Appendix).

In class B cases the presiding officer of the court concerned will be required to certify that the cost of travelling allowance has been deposited before the Government Examiner of Questioned Documents or his Assistant undertakes the journey.

APPENDIX XIV

1. (1) The Examiner or his Assistant should submit his travelling allowance bills to the Accountant General, Central Revenues, for audit and payment.

(2) As soon as a journey is completed, that is, in respect of any complete journey from headquarters to headquarters, the Examiner or his Assistant should send a statement to the Accountant General, Central Revenues, showing the total amount of travelling allowance claimed or drawn and the distribution of the entire amount among the various courts for recovery.

(3) In cases where several courts are attended, the cost should be distributed between them in proportion to the distance by rail from headquarters.

(4) As the travelling allowance is debitable to the various local Governments or the parties concerned, the recoveries should be treated as follows :-

- (i) recoveries from the various local governments should be taken in reduction of expenditure, provided they are effected within the accounts of the same year; if not, they should be shown as receipt; and
- (ii) recoveries from parties such as local boards, local bodies and private persons should be taken as receipt.

2. The principles laid down above apply to the payment and audit of the travelling allowance of the peon accompanying the Examiner or his Assistant.

3. If after the Examiner or his Assistant has actually commenced a tour intimation is received from a court included in the tour to the effect that his evidence would not be required on the date originally fixed, the court shall pay the difference between the total expenditure actually incurred on the tour and the expenditure that would have been incurred if attendance in that court has not been included in the tour. This shall be specifically made clear when the bill is sent to the court for acceptance.

4. The Examiner and his Assistant shall observe the provisions of Supplementary Rule 30 when they frame their programme for tour.

SCHEDULE I-A

THE CENTRAL CIVIL SERVICES, (CLASSIFICATION, CONTROL AND APPEAL) RULES 1965

PART I- GENERAL

1. Short title and commencement –

- (1) These Rules may be called the Central Civil Service (Classification, Control and Appeal) Rules, 1965.

(2) They shall come into force on the 1st December, 1965.

2. Interpretation, - In these rules, unless the context otherwise require -

(a) “appointing authority” in relation to a Government servant means -

- (i) the authority empowered to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or
- (ii) the authority empowered to make appointments to the post which the Government servant for the time being holds, or
- (iii) the authority which appointed the Government servant to such service, grade or post, as the case may be, or
- (iv) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government the authority which appointed him to that Service or to any grade in that Service or to that post, whichever authority is the highest authority.

(b) ‘cadre authority’, in relation to a Service, has the same meaning as in the rules regulating that Service;

(c) “Central Civil Service and Central Civil Post” includes a civilian Service or civilian post as the case may be, of the corresponding class in the Defence Services;

(d) “Commission” means the Union Public Service Commission;

(e) “Defence Services” MEANS SERVICES UNDER THE government of India in the Ministry of Defence, paid out of the Defence Service Estimates, and not subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (63 of 1957) and the Air Force Act 1950 (45 of 1950).

(f) “Department of the Government of India” means any establishment or organization declared by the President by a notification in the official Gazette to be a department of the Government of India;

(g) “Disciplinary authority means the authority competent under these rules to impose on a Government servant any of the penalties specified in rule II;

(h) “Government servant” means a persons who-

(i) is a member of a Service or holds a civil post under the Union, and includes any such person on foreign service or whose service are temporarily placed at the disposal of a State Government or a local or other authority;

(ii) is a member of a Service or holds a civil post under a State Government and whose services are temporarily placed at the disposal of the Central Government;

(iii) is in the service of a local or other authority and whose services are temporarily placed at the disposal of the Central Government.

(i) “Head of the department” for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority declared to be the head of

the department under the Fundamental and Supplementary Rules of the Civil Service Regulations, as the case may be;

(j) “Head of the department” for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority declared to be the head of the department under the Fundamental and Supplementary Rules of the Civil Service Regulations, as the case may be;

(k) “Schedule” means the Schedule to these rules;

(l) “Secretary” means a Secretary to the Government of India in any Ministry of Department, and includes-

(i) a Special Secretary or an Additional Secretary,

(ii) a Joint Secretary placed in independent charge of a Ministry or Department,

(iii) in relation to the Cabinet Secretariat the Secretary to the Cabinet,

(iv) in relation to the President’s Secretariat, the Secretary to the President, or, as the case may be, the Military Secretary to the President.

(v) In relation to the Prime Minister’s Secretariat, the Secretary to the Prime Minister, and

(vi) In relation to the Planning Commission, the Secretary to the Planning Commission;

(m) ‘Service’ means a civil service of the Union.

3.Application- (I) These rules shall apply to every Government servant including every civilian Government servant in the Defence Services, but shall not apply to

(a) any railway servant, as defined in rule 102 Volume I of the Indian Railway Establishment Code,

(b) any member of the All India Services,

(c) any person in casual employment,

(d) any person subject to discharge from service on less than one month’s notice,

(e) any person for whom special provision is made, in respect of matters covered by these rules, by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the President before or after the commencement of these rules in regard to matters covered by such special provisions;

(2) Notwithstanding anything contained in sub-rule (1) the President may by order exclude any class of Government servants from the operation of all or any of these rules.

(3) Notwithstanding anything contained in sub-rule (1), or the Indian Railway Establishment Code, these rules shall apply to every Government servant temporarily transferred to a Service or post coming within exception (a) or (e) in sub-rule (I), to whom, but for such transfer, these rules would apply.

(4) If any doubt arises—

(a) whether these rules or any of them apply to any person, or

(b) whether any person to whom these rules apply belongs to a particular Service, the matter shall be referred to the President, who shall decide the same.

PART II – CLASSIFICATION

4. Classification of Service – (I) The Civil Service of the Union shall be classified as follows:-

- (i) Central Civil Service, Group ‘A’,
- (ii) Central Civil Service, Group ‘B’,
- (iii) Central Civil Service, Group ‘C’,
- (iv) Central Civil Service, Group ‘D’,

(2) If a Service consists of more than one grade, different grades of such Service may be included in different classes,

5. Constitution of Central Civil Services - The Central Civil Services Group ‘A’, Group ‘B’, Group ‘C’ & Group ‘D’ shall consist of the Service and grades of Services specified in the Schedule.

6. Classification of posts - (i) Civil posts under the Union other than those ordinarily held by persons to whom these rules do not apply, shall by a general or special order of the President, be classified as follows:-

- (i) Central Civil posts, Group ‘A’,
- (ii) Central Civil posts, Group ‘B’,
- (iii) Central Civil posts, Group ‘C’,
- (iv) Central Civil posts, Group ‘D’,

(2) Any order made by the competent authority, and in force immediately before the commencement of these rules, relating to classification of civil posts under the Union shall continue to be in force until altered, rescinded or amended by an order made by the President under sub-rule(1).

7. General Central Service, - Central Civil posts of any class not included in any other Central Civil Service shall be deemed to be included in the General Central Service of the corresponding class and a Government servant appointed to any such post shall be deemed to be a member of that Service unless he is already a member of any other Central Civil Service of the same class.

PART III- APPOINTING AUTHORITY

8. Appointments to Group ‘A’ Services and Posts- All appointments to Central Civil Services, Group ‘A’, and Central Civil Posts, Group ‘A’ shall be made by the President;

Provided that the President may, by a general or a special order and subject to such conditions as he may specify in such order, delegate to any other authority the power to make such appointments.

9. Appointment to other Services and Posts - (I) All appointments to the Central Civil Services (other than the General Central Service) Group 'B', Group 'C' and Group 'D', shall be made by the authorities specified in this behalf in the Schedule.

(2) All appointments to Central Civil posts, Group 'B', Group 'C' and Group 'D', included in the General Central Service shall be made by the authorities specified in that behalf by a general or special order of the President, or where no such order has been made, by the authorities specified in this behalf in the Schedule.

PART IV- SUSPENSION

10. (1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the President by general or special order, may place a Government servant under suspension-

- (a) where a disciplinary proceeding against him is contemplated or is pending; or
- (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial;

Provided that, except in case of an order of suspension made by the Comptroller and Auditor General in regard to a member of the Indian Audit and Account Service and in regard to an Assistant Accountant General or equivalent (other than a regular member of the Indian Audit and Accounts Service), where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made,

(2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority –

- (a) with effect from the date of his detention if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
- (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent, to such conviction.

Explanation – The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on revision under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant 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 a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended, (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of the suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART V- PENALTIES AND DISCIPLINARY AUTHORITIES

11. **Penalties** - The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

Minor Penalties :

(i) censure;

(ii) withholding of his promotions;

(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;

(iv) withholding of increments of pay;

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(v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant such will earn increment of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vi) reduction to a lower time-scale of pay, grade, post or Service which shall ordinarily 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 restoration to the 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.

(vii) Compulsory retirement;

(viii) Removal from service which shall not be a disqualification for future employment under the Government;

(ix) Dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Explanation - The following shall not amount to a penalty within the meaning of this rule namely :-

- (i) withholding of increments of pay of a Government servant for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment;
- (ii) stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;
- (iv) reversion of a Government servant officiating in a higher Service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;
- (v) reversion of a Government servant, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;
- (vi) replacement of the services of a Government servant, whose services had been borrowed from a State Government or any authority under the control of a State Government, at the disposal of the State Government, at the disposal of the State Government or the authority from which the services of such Government servant had been borrowed;
- (vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services –
 - (a) of a Government servant appointment on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or
 - (b) of a temporary Government servant in accordance with the provision of sub-rules (1) of Rule 5 of the Central Civil Service (Temporary Service) Rules, 1965; or
 - (c) of a government servant, employed under an agreement, in accordance with the terms of such agreement.

12. Disciplinary Authorities :- The President may impose any of the penalties specified in rule 11 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (4), any of the penalties specified in rule 11 may be imposed on -

- (a) a member of a Central Civil Service other than the General Central Service, by the appointing authority or the authority specified in the Schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the President;

- (b) a person appointed to a Central Civil Post included in the General Central Service, by the authority specified in this behalf by a general or special order of the President or, where no such order has been made, by the appointing authority or the authority specified in the Schedule in this behalf.

3. Subject to the provision of sub-rule (4) the power to impose any of the penalties specified in Rule 11 may also be exercised, in the case of member of a Central Civil Service, Group 'C' (other than the Central Secretariat Clerical Service), or a Central Civil Service, Group 'D'.

- (a) if he is serving in a Ministry or Department of the Government of India, by the Secretary to the Government of India, in that Ministry or Department, or

- (b) if he is serving in any other office, by the head of that office, except where the head of that office is lower in rank than the authority competent to impose the penalty under sub-rule (2),

4. Notwithstanding anything contained in this rule.

- (a) except where the penalty specified in clause (v) or clause (vi) of rule 11 is imposed by the Comptroller and Auditor General on a member of the Indian Audit and Accounts Service, no penalty specified in clause (v) to (ix) of that rule shall be imposed by any authority subordinate to the appointing authority.

- (b) Where a Government servant is a member of a Service other than the General Central Service or who has been substantively appointed to any civil post in the General Central Service, is temporarily appointed to any other Service or post the authority competent to impose on such Government servant any of the penalties specified in clauses (v) to (ix) of rule 11 shall not impose any such penalties unless it has consulted such authority, not being anti authority subordinate to it, as would have been competent under sub-rule (2) to impose on the Government servant any of the said penalties had he not been appointed to such other Service or post.

Explanation – Where a Government servant belonging to a Service or holding a Central Civil Post of any class, is promoted, where on probation or temporarily to the Service or Central Civil post of the next higher class, he shall be deemed for the purposes of the rule to belong to the Service of, or hold the Central Civil post of such higher class.

13. Authority to institute proceedings (1) The President of any other authority empowered by him by general or special order may-

- (a) institute disciplinary proceedings against any Government servant,

- (b) direct a disciplinary authority to institute disciplinary proceeding against any Government servant or whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 11.

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of rule if any institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (v) to (ix) of rule 11 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.

PART IV – PROCEDURE FOR IMPOSING PENALTIES.

14. Procedure for imposing major penalties. (1) No order imposing any of the penalties specified in clauses (v) to (ix) of rule 11 shall be made except after an enquiry held, as far as may be in the manner provided in this rule and rule 15, or in the manner provided by the Public Servants (Inquiries) Act, 1850 as the case may be, an authority to held under that Act.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants Inquiries) Act 1850, as the case may be, an authority to inquire into the truth thereof.

Explanation – Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (2) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

3. Where it is proposed to hold as inquiry against Government servant under this rule and rule 15, the disciplinary authority shall draw up or cause to be drawn up -

- (i) the substance of the imputations misconduct or misbehaviour into definite and distinct articles of charge;
- (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain-
 - (a) a statement of all relevant facts including any admission or confession made by the Government servant;
 - (b) a list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained.

(4) The disciplinary authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of articles of charge as are not admitted, or, if it considers it necessary so to do, appoint, under sub-rule (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 15.

(b) If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so appoint, under sub-rule (2), an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding any inquiry into such charge or may, it may, by an order, appoint a Government servant or a legal practitioner to be known as “Presenting Officer” to present on its behalf the case in support of the articles of charge,

(6) The disciplinary authority shall, where it is not the inquiring authority forward to the inquiring authority:-

- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (ii) a copy of the written statement of defence, if any, submitted by the Government servant;
- (iii) a copy of the statements of witnesses, if any, referred to in sub-rule(3);
- (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
- (v) a copy of the order appointing the "Presenting Officer".

(7) The Government servant shall appear in person before the inquiry authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations misconduct or misbehaviour, as the inquiring authority may, by a notice in writing specify in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.

(8) (a) The Government servant may take the assistance of any other Government servant to present the case on his behalf but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits.

(b) The Government servant may also take the assistance of a retired Government servant to present the case on his behalf, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf.

NOTE - The Govt. servant shall not take the assistance of any other Govt. servant who has two pending disciplinary cases on hand in which he has to give assistance.

(9) If the Government servant who has not admitted any of the article of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the article of charge, the inquiry authority shall record the plea, sign the record, obtain the signature of the Government servant thereon.

(10) The Inquiring authority shall return a finding of guilty in respect of those articles or charge to which the Government servant pleads guilty.

(11) The inquiring authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead require the presenting officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence,

- (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3);

- (ii) submit a list of witnesses to be examined on his behalf.

NOTE – If the Government servant applies orally or in writing or the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority,

- (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiry authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

NOTE – The Government servant shall indicate the relevant of the documents required by him to be discovered or produced by the Government.

12. The inquiry authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisition.

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion not relevant to the case.

13. On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiry authority:

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

- (14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be certified to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter, without the leave of the inquiring authority. The inquiry authority may also put such question to the witnesses as it thinks fit.

- (15) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiry authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice.

NOTE – New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally it shall be recorded and the Government servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witness for the disciplinary authority.

(18) The inquiring authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.

(19) 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 case, if they so desire.

(20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (iv) of rule 11, (but not competent to impose any of the penalties specified in clause (v) to (ix) of rule 11), has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clause (v) to (ix) of rule 11 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The disciplinary authority to which the records are so forwarded may act in the evidence on the records or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the Government servant such penalty as it may deem fit in accordance with the rules.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry cases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has ad which exercises, such jurisdiction the inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself:

Provided that if the succeeding inquiry authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of

justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

(23)(i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-

- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (b) the defence of the Government servant in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge'
- (d) the findings on each article of charge and the reasons therefore.

Explanation – If in the opinion of the inquiry authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiry authority, where it is not itself the disciplinary authority shall forward to the disciplinary authority the records of inquiry which shall include -

- (a) the report prepared by it under clause (1);
- (b) the written statement of defence, if any, submitted by the Government servant;
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry, and
- (e) the orders, if any, made by the disciplinary authority and the inquiry authority in regard to the inquiry.

15. Action on the inquiry report- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiry authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 14 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reason for such disagreement and record its own findings on such charge if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clause (i) to (iv) of rule 11 should be imposed on the Government servant, it shall notwithstanding any thing contained in rule 16 make an order imposing such penalty:

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and

such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

(4)“If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 11 should be imposed on the Government servant, it shall make an order imposing such penalty and it shall not be necessary to give the government servant any opportunity of making representation on the penalty proposed to be imposed.

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the Government Servant.”

16. Procedure for imposing minor penalties (1) Subject to the provisions of sub-rule of rule 15; no order imposing on a Government servant any of the penalties specified in clause (i) to (iv) of rule 11 shall be made except after –

- (a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;
- (b) holding an inquiry in the manner laid down in sub-rule(3) to (23) of rule 14, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
- (c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
- (d) recording a finding on each imputation of misconduct or misbehaviours; and
- (e) consulting the Commission where such consultation is necessary.

(I-A) Notwithstanding anything contained in clause (b) of sub-rule (1), in a case it is proposed, after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules(3) to (23) of Rule 14, before making any order imposing on the Government servant any such penalty.

NOTE – In a case where a delinquent Government servant has asked for inspection of certain documents and cross examination of the prosecution witnesses, the disciplinary authority should naturally apply its mind more closely to the request and should not reject the request, solely on the ground that an inquiry is not mandatory. If the records indicate that, notwithstanding the points urged by the Government servant, the disciplinary authority could, after due consideration, come to the conclusion that an inquiry is not necessary it should say so in writing indicating its reasons instead of rejecting the request

for holding inquiry summarily without any indication that it has applied its mind to the request, as such an action could be construed as denial of natural justice.

- (2) The record of the proceeding in such cases shall include-
- (i) a copy of the intimation to the Government servant of the proposal to take action against him;
 - (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
 - (iii) his representation, if any;
 - (iv) the evidence produced during the inquiry;
 - (v) the advice of the Commission, if any;
 - (vi) the findings on each imputation of misconduct or misbehaviour' and
 - (vii) the orders on the case together with the reasons therefore.

17. Communication of orders- Orders made by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiry authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission and, where the disciplinary authority, has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

18. Common Proceedings.- (1) Where two or more Government servants are concerned in any case, the President or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

NOTE- If the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

- (2) Subject to the provisions of sub-rule (4) of rule 12, any such order shall specify-
- (i) The authority which may function as the disciplinary authority for the purpose of such common proceedings.
 - (ii) The penalties specified in rule 11 which such disciplinary authority shall be competent to impose;
 - (iii) Whether the procedure laid down in rule 14 and rule 15 or rule 16 shall be followed in the proceedings.

19. Special procedure in certain cases – Notwithstanding anything contained in rule 14 to rule 18-

- (i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) whether the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.

Provided that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.

20.Provision regarding officers lent to State Governments, etc- (1) Where the services of a Government servant are lent by one department to another department or to a State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as “the borrowing authority”), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him;

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this rule referred to as “the lending authority”) of the circumstances leading to the order of suspension of such Government servant or the commencement of the disciplinary proceeding, as the case may be,

(2)In the light of the findings in the disciplinary proceeding conducted against the Government servant -

(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 11 should be imposed on the Government servant, it may, after consultation with the lending authority, make such orders on the case as it deems necessary.

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 11 should be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary.

Provided that before passing any such order the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 15.

Explanation – The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be in accordance with rule 14.

21.Provisions regarding officers borrowed from State Government etc- (1) Where an order of suspension is made or a disciplinary proceedings is conducted against a Government servant whose services have been borrowed by one department from another department or from a State Government or an authority subordinate thereto or a local or other authority, the authority

lending his services (hereinafter in this rule referred to as “the lending authority”) shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding as the case may be.

(2) In the light of the finding in the disciplinary proceeding conducted against the Government servant if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 11 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 15 and except in regard to a Government servant serving in the Intelligence Bureau up to the rank of Assistant Central Intelligence Officer, after consultation with the lending authority, pass such orders on the case as it may deem necessary:-

(i) provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 11 should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit it to the proceedings of the inquiry for such action as it may deem necessary.

PART VII- APPEALS

22. Orders against which no appeal lies – Notwithstanding anything contained in this Part, no appeal shall lie against –

(i) any order made by the President;

(ii) any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding, other than an order of suspension;

(iii) any order passed by an inquiry authority in the course of an inquiry under rule 14.

23. Orders against which appeal lies - Subjects to the provisions of rule 22, a Government servant may prefer an appeal against all or any of the following orders, namely –

(i) an order of suspension made or deemed to have been made under rule 10;

(ii) an order imposing any of the penalties specified in rule 11 whether made by the disciplinary authority or by any appellate or reviewing authority;

(iii) an order enhancing any penalty, imposed under rule 11;

(iv) an order which-

(a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement;

(b) interprets to his disadvantage the provisions of any such rule or agreement;

(v) an order –

(a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;

- (b) reverting him while officiating in a higher Service, grade or post to a lower Service, grade or post, otherwise than as a penalty;
- (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;
- (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
- (e) determining his pay and allowances –
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his service, grade or post, or
- (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service grade, post, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

Explanation – In this rule-

- (i) the expression ‘Government servant’ includes a person who has ceased to be in Government service;
- (ii) the expression ‘pension’ includes additional pension, gratuity and any other retirement benefit.

24. Appellate Authorities – (1) A Government servant including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in rule 23 to authority specified in this behalf either in the Schedule or by a general or special order of the President or, where no such authority is specified –

- (i) where such Government servant is or was a member of a Central Civil Service, Group ‘A’ or Group ‘B’ or holder of a Central Civil post, Group ‘A’ or Group ‘B’,
 - (a) to the appointing authority, where the order appealed against is made by an authority subordinate to it, or
 - (b) to the President, where such order is made by any other authority;
- (ii) where such Government servant is or was a member of a Central Civil Service Group ‘C’ or Group ‘D’ or holder of a Central Civil post, Group ‘C’ or Group ‘D’ to the authority to which the authority making the order appealed against is immediately subordinate.

(2) Notwithstanding anything contained in sub-rule (1)-

- (i) an appeal against an order in a common proceedings held under rule 18 shall lie to the authority in respect of such order, an appeal to which disciplinary authority for the purpose of that proceeding in immediately subordinate;
- (ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

25. Period of limitation for appeals- No appeal preferred under this Part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring appeal in time.

26. Forms and contents of appeal – (1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.

27. Consideration of appeal – (1) In the case of an appeal against an order of suspension the appellate authority shall consider whether in the light of the provisions of rule 10 and having regard to the circumstances of the case; the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In case of an appeal against an order imposing any of the penalties specified in rule 11 or enhancing any penalty imposed under the said rule, the appellate authority shall consider -

- (a) where the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
- (b) whether the findings of the disciplinary authority are warranted by the evidence on the record, and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe,

and pass orders –

- (i) confirming, enhancing, reducing, or setting aside the penalty, or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided order –

- (i) the Commission shall be consulted in all cases where such consultation is necessary;
- (ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 11 and an inquiry under rule 14 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 19 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 14 and thereafter, on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of sub-rule (4) of Rule 15, of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry, make such orders as it may deem fit;
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 11 and an inquiry

under Rule 14 has already been held in the case, the appellate authority shall, after giving the appellant a reasonable opportunity, as far as may be in accordance with the provisions of sub-rule (4) of rule 15, of making a representation against the penalty on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit; and

Note 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.

- (iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of rule 16, of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in rule 23, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

28. Implementation of orders in appeal- The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART III --- REVISION

29. (1) Notwithstanding anything contained in these rules ---

- (i) the President, or
- (ii) the Comptroller and Auditor General, in the case of a Government servant serving in the Indian Audit and Accounts Department, or
- (iii) The Postal Board in the case of a Government servant serving in or under the Postal, or
- (iv) the head of a department directly under the Central Government in the case of a Government servant serving in a department or office, (not being the Secretary or the Postal Board), under the control of such head of a department, or
- (v) the appellate authority, within six months of the date of the order proposed to be reviewed, or
- (vi) any other authority specified in this behalf by the President by a general or special order, and within such time as may be prescribed in such general or special order;

may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or under the rules repealed by rule 34 from which no appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed, after consultation which the Commission where such consultation is necessary, and may-

- a. confirm, modify or set aside the order, or
- b. confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed, or
- c. remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case, or
- d. pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government servant concerned has been given a reasonable opportunity making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clause (v) to (ix) of rule 11 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 14 and after giving a reasonable opportunity to the Government servant concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and except after consultation with the Commission where such consultation is necessary.

Provided further that no power of revision shall be exercise by the Comptroller and Auditor General, the Postal Board of the head of department, as the case may be, unless –

- (i) the authority which made the order in appeal, or
 - (ii) the authority to which an appeal, would lie, where no appeal has been preferred, is subordinate him.
- (2) No proceedings for review shall be commenced until after -
- (i) the expiry of the period of limitation for an appeal or
 - (ii) the disposal of the appeal, where any such appeal has been preferred
- (3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

29A. The President may, at any time, either on his own motion or otherwise, revise any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under revision and which has the effect of changing the nature of the case has come, or has been brought, to his notice;

Provided that no order imposing or enhancing any penalty shall be made by the President unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in rule 11 or to enhance the minor penalty imposed by the order ought to be revised to any of the major penalties and if any enquiry under rule 14 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 14, subject to the provisions of rule 19, and except after consultation with the commission where such consultation is necessary.

PART IX - MISCELLANEOUS

30. Service of orders, notices etc.-Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or communicated to him by registered post.

31. Power to relax time limit and to condone delay.-Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

32. Supply of copy of Commissions' advice.- Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the Government servant concerned along with a copy of the order passed in the case by the authority making the order.

33. Transitory provisions.-On and from the commencement of these rules and until the publication of the Schedules under these rules, the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, and the Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952, as amended from time to time, shall be deemed to be the Schedules relating to the respective categories of Government servants to whom they are, immediately before the commencement of these rules, applicable, and such Schedules shall be deemed to be the Schedules referred to in the corresponding rules of these rules.

34. Repeal and Saving.- Subject to the provisions of the rule 33, the Central Civil Services (Classification, Control and Appeal) Rules 1957 and the Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952, and any notifications or orders issued thereunder in so far as they are inconsistent with these rules, are hereby repealed;

Provided that-

- (a) such repeal shall not affect the previous operations or anything done, or nay action, taken, thereunder;
 - (b) any proceedings under the said rules, pending at the commencement of these rules shall be continued and disposed of as far may be, in accordance with the provisions of these rules, as it such proceedings were proceedings under these rules.
- (2) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right right of appeal which had accrued to him under the rules, notification or orders in force before the commencement of these rules.
- (3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these rules, as if such order where made and the appeal were preferred under these rules.
- (4) As from the commencement of these rules any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules :

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

35. Removal of doubts.- If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the President or such other authority as may be specified by the President by general or special order, and the President or such other authority shall deice the same.

SCHEDULE

See Rules 5, 9, 12 (2) and 24

Part I-Central Civil Services, Group 'A'

1. Archaeological Service (Group 'A')
2. Botanical Survey of India (Group 'A')
3. Central Engineering Service (Group 'A')
4. Central Electrical Engineering Service (Group 'A')
5. Central Health Service (Group 'A')
6. Central Revenue Chemical Service (Group 'A')
7. Central Secretariat Service-
 - (a) Selection Grade
 - (b) Grade A
8. General Central Service (Group 'A')
9. Geological Survey of India (Group 'A')
10. Indian Audit and Accounts Service
11. Indian Defence Accounts Service
12. Indian Foreign Service (Group 'A')
13. Indian Meteorological Service (Group 'A')
14. Indian Postal Service (Group 'A')
15. Indian Posts and Telegraphs Traffic Service (Group 'A')
16. Indian Revenue Service-
 - (a) Customs Branch (Indian Customs Service, Group 'A')
 - (b) Central Excise Branch (Central Excise Service, Group 'A')
 - (c) Income-Tax Branch (income-tax Service, Group 'A')
17. Indian Salt Service (Group 'A')
18. Mercantile Marine training Ship Service (Group 'A')
19. Mines Department (Group 'A')
20. Overseas Communication Service 20
21. Survey of India (Group 'A')
22. Telegraph Engineering Service (Group 'A')
23. Zoological Survey of India (Group 'A')
24. Indian Frontier Administrative Service -
 - (a) Grade I
 - (b) Grade II
25. Central Legal Service (Grades I, II, III & IV)
26. Railway Inspectorate Services (Group 'A')
27. Indian Foreign Service Branch (B)-
 - (a) General Cadre, Grade I
 - (b) General Cadre, Grade II
28. Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service, Grade I
29. Delhi, Himachal Pradesh and Andaman and Nicobar Islands Police Service, Grade I
30. Indian Inspection Service (Group 'A')
31. Indian Supply Service (Group 'A')
32. Central Information Service-
 - (a) Senior Administrative Grade
 - (b) Junior Administrative Grade
 - (c) Grade I
 - (d) Grade II
33. Indian Statistical Service
34. Indian Economic Service
35. Telegraph Traffic Service, (Group 'A')
36. Central Water Engineering Service (Group 'A')
37. Central Power Engineering Service (Group 'A')

		Secretary, Union Public Service Commission	(i) to (iv)
		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	
Description of service	Appointing Authority	Authority	Penalties
1	2	3	4
Central Secretariat Stenographers Service, Grade I	President	<p>President</p> <p>In respect of member of the Service serving in :-</p> <p>(a) a Ministry or Department of the Government, participating in the Service, other than a Ministry or Department hereinafter specified :- Secretary, Cadre Authority</p> <p>(b) a Ministry or Department of the Government not participating in the Service :- Secretary in the ministry or Department</p> <p>(c) an attached office whether participating or not participating in the Service :- (i) if such office is under the control of Head of the Department directly under Government :- Head of the Department</p> <p>(ii) in other cases :- Secretary, Cadre Authority</p> <p>(d) a non-Secretariat office other than an office hereinafter specified - (i) if such office is under the control of a Head of the Department directly under Government :- Head of the Department</p> <p>(iii) in other cases :- Secretary, Cadre Authority</p> <p>(e) Ministry of Finance (Defence Division) :- Financial Adviser, Defence Division</p> <p>(f) Office of the Union Public Service Commission :-</p>	<p>All</p> <p>(i)</p> <p>(i)</p> <p>(i)</p> <p>(i)</p> <p>(i)</p>

		Secretary, Union Public Service Commission	(i)
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		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	
Description of service	Appointing Authority	Authority	Penalties
1	2	3	4
Labour Officers, Group 'B'	Secretary, Ministry of Labour	Secretary, Ministry of Labour	All
		In respect of a member of the Service serving in :- Postal Department :- Head of the Circle;	(i) to (iv)
Postal Superintendents Service, Group 'B'	D.G. Posts	D.G. Postal, Board Head of Circle	All. (i) to (iv)
Postmasters' Service, Group 'B'	D.G. Posts	D.G. Postal, Board Head of Circle	All. (i) to (iv)
		Member Postal Board Head of Circle;	(i) to (iv)
General Central Service, Group 'B'			(i) to (iv)
Posts in any Ministry or Department of Government of India, other than the posts in respect of which specific provision has been made by a general or special order of the President	Secretary in the Ministry of Department	Secretary in the Ministry or Department	All

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	
Description of service	Appointing Authority	Authority	Penalties
1	2	3	4
Posts outside a Ministry or Department of Government of India, other than the posts in respect of which specific provision has been made by a general or special order of the President.	In respect of Posts in an Office under the control of a "Head of a Department" directly under the Government –	Head of the Department	All
	In respect of other Posts	Secretary in the Ministry of Department	All

Part-III Central Civil Services, Class III

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
Central Secretariat Clerical Service, Upper Division and Lower Division Grades	Deputy Secretary, Cadre Authority	Deputy Secretary, Cadre Authority, In respect of a member of the Service serving in :- (a) A Department/Office other than the Cadre Authority where the head of the office is of a rank not below that of Deputy Secretary or Director (Junior Administrative Grade). (b) Ministry of Finance (Defence) (c) Deputy Secretary or an Officer of the rank of Deputy Secretary (d) Director General of Posts (e) Office of the Inspector General, Delhi Special Police Establishment (f) Office of Chief Engineer Central Public Works Department (g) Director General of Supplies and Disposals (h) Central Water and Power Commission	All Head of the office (i) to (iv) Deputy Financial Adviser (i) to (iv) Private Secretary Administration (i) to (iv) Secretary Postal Board (i) to (iv) Deputy Inspector General (i) to (iv) Director of Administration (i) to (iv) Director of Administration (i) to (iv) Secretary Central Water and Power Commission (i) to (iv)	Secretary, Cadre Authority, Secretary, Cadre Authority Financial Adviser Defence Dn. Principal Private Secretary to Prime Minister Member Administration Postal Board Inspector General Chief Engineer Director General Supplies and Disposals Chairman, Central Water and Power Commission

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
Postal Accountant Service Sr. Accountant } Jr. Accountant }	Member, Postal Board	Member, Postal Board Deputy Director, Postal Life Insurance Secretary Postal Board Principal Training Centre, Saharanpur	All (i) to (iv) (i) to (iv)	D.G. Postal Secretary Postal Board Member Postal Board.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5

<p>General Central Service, Group 'C'</p> <p>Posts in Ministries/Departments of Government other than the posts in respect of which specific provision has been made by a general or special order</p> <p>Posts in non-Secretariat Offices other than the posts in respect of which specific provision has been made by a general or special order of the President</p>	<p>Deputy Secretary in the Ministry/Department of Government</p> <p>Head of Office</p>	<p>Deputy Secretary in the Ministry/Department of Government</p> <p>Head of Office</p>	<p>All</p> <p>All</p>	<p>Secretary in the Ministry or Department of Government</p> <p>If such head of office is subordinate to a 'Head of Department' under the Ministry of Department of Government, such Head of Department</p> <p>If the head of the Office is himself the Head of Department or is not subordinate to any Head of Department, the Secretary in the Ministry or Department of Government.</p>
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Part-IV-Central Civil Services, Group 'D'

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
<p>General Central Services Group 'D'</p> <p>Posts in Ministries or Departments of Government other than the posts in respect of which specific provision has been made by a general or special order of the President.</p> <p>Posts in non-Secretariat other than posts in respect of which specific provision has been made by a general or special order of the President</p>	<p>Under Secretary</p> <p>Head of Office</p>	<p>Under Secretary</p> <p>Head of Office</p>	<p>All</p> <p>All</p>	<p>Deputy Secretary</p> <p>If such head of office is subordinate to a Head of Department under the Ministry or department of Government such Head of Department.</p> <p>If the head of the Office is himself the Head of Department or is not subordinate to a Head of Department, the Secretary in the Ministry or Department of Government</p>

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
Post in Union Territories	Head of Office or such other authority as may be specified by the Administrator	Head of Office or such other authority as may be specified by the Administrator	All	Administrator or such authority as may be specified by the Administrator where the order is that of the Administrator, the President.

Part V-General Central Services Group 'B'

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)	
Description of service	Appointing Authority	Authority	Penalties
1	2	3	4
Postal Department : All posts other than those hereinafter specified	Postal Board	Postal Board Head of Circle ; Member (P) Postal Board	All (i) to (iv)

Part VI-General Central Services Group ‘C’

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)	Appellate Authority	
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
Office of the Director-General Posts All Posts	Secretary, Postal	Secretary Postal Board. Assistant-Director-General Administration) (in respect of non-Secretariat Posts maximum of which does not exceed Rs. 560-)	All (i) to (iv)	Member (P) Postal Board Secretary, Postal Board
Circle Office and Returned Letter Office Office Superintendent Staff in Higher or Lower selection Grade or on identical scale of pay, Stenographer to Head of Circle, Building Overseer, Selection grade Draftsman.	Head of Circle Addl P.M.G. Director of Postal Services, Accounts and Finance, Head of Circle/(in Circle having no post of Director) Addl. P.M.G.	Head of Circle/Addl P.M.G. Director of Postal Services. Director of Postal Services, Director Accounts and Finance, Head of Circle (in Circle having no post of Director) Assistant Postmaster General, Chief Accounts Officer	All (i) to (iv) All (i) to (iv)	Member (P) Postal Board Head of Circle. Head of Circle, Member (P) Postal Board (in Circle having no post of Director) Director of Postal Services Director of Accounts and finance, Head of Circle (in Circle having no post of Director)

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
All other posts	Director of Postal Services Director of Accounts and Finance, Assistant Postmaster General or Chief Accounts Officer (in Circle having no post of Director)	Director of Postal Services Director of Accounts and Finance, Assistant Postmaster General or Chief Accounts Officer (in Circle having no post of Director). Assistant Postmaster General, Chief Accounts Officer. Assistant Director, Accounts Officer Assistant Postmaster General, Assistant Director of Postal Services	All (i) to (iv) (i) to (iv) (i) to (iv)	Head of Circle. Director of Postal Services, Director of Accounts and Finance, Head of Circle (in Circle having no post of Director) Assistant Postmaster General, Chief Accounts Officer. Director of Postal Services. (in Major Circles); Dy. Director (in major Circles, where there is no post of Director of Postal Services and in minor Circles).

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
<i>Savings Bank Control Organisation in Head Post Office including Central Control Organization Ministerial Staff in selection Grades.</i>	Director of Postal Services (Region)	Director of Postal Services Region	All	Postmaster General Member (Administration).
Ministerial staff in Clerical Grades	Director of Postal Services.	Accounts Officer	(i) to (iv)	Director of Postal Services/Regional Director Postal Services.
Internal Check Organisation in Circle Offices.		Director of Postal Services/Deputy Director. Accounts Officer	All (i) to (iv)	Head of Circle Director of Postal Services/Deputy Director.
Ministerial staff in Selection Grades.	Director of Postal Services.	Director of Postal Services. Accounts Officer	All (i) to (iv)	Postmaster General/Member (P) Director of Postal Services/Deputy Director.
Ministerial staff in Clerical Grades	Director of Postal Services/Deputy Director.	Director of Postal Services/Deputy Director. Accounts Officer	All (i) to (jv)	Head of Circle Director of Postal Services/Deputy Director.

POSTAL SAVINGS BANKS UNDER THE
CHARGE OF MANAGERS, GRADES I, II AND III

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
Manager, Grade II/III; Asstt. Manager, Grade II/III	Director of Postal Services	Director of Postal Services	All	Postmaster-General
		Manager, Grade-I (in his own office); Asstt. Postmaster General (in other offices).	(i) to (iv)	Director of Postal Services.
Upper Division Clerk (including Selection Grade Upper Division Clerk); Lower Division Clerk.	Director of Postal Services.	Director of Postal Services.	All	Postmaster-General
		Manager, Grade, I (in his own office); Asstt. Postmaster General (in other offices).	(i) to (iv)	Director of Postal Services
		Manager Grade II (in respect of Lower Division clerk and Upper Division clerk excluding Selection Grade Upper Division clerk in his own office).	(i)	Asstt. Postmaster-General

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
<i>Office of the Deputy Director Postal Life Insurance</i>				
Ministerial staff in higher and lower selection grades.	DPLI Directorate	DPLI Directorate	All	Member (P) Postal Board
		Dy. DPLI	(i) to (iii)	DPLI Directorate
All other posts	Dy. DPLI	Dy. DPLI	All	DPLI Directorate
Foreign Post Office		Deputy Director Foreign Post (in his own group); Superintendent of Foreign Post in respect of staff Working under his control).	(i) to (iv)	Director of Foreign Post; Director of Postal Services;
All other posts	Deputy Director, Foreign Post	Deputy Director, Foreign Post.	All	Director of Foreign Post; Director of Postal Services; Director (in respect of minor penalties).
	Superintendent of Foreign Post	Superintendent of Foreign Post		

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
<i>Office of the Superintendent, Postal Forms and seals</i>				
Post in Higher and Lower Selection Grades	Director (Staff), Postal Directorate	Director (Staff), Postal Directorate Superintendent	All (i) to (iv)	Member (P) Postal Board. Director (Staff), Postal Directorate
All other posts	Superintendent	Superintendent	All	Director (Staff), Postal Directorate

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
<i>Office of Supdt. Postal Stores Depot</i>				
Posts in Higher and Lower Selection Grades	Director of Postal Services	Director of Postal Services;	All	Postmaster General, Member (P)
		Superintendent	(i) to (iv)	Director of Postal Services
All other Posts	Superintendent	Superintendent	All	Director of Postal Services
<i>Offices of the Manager, Posts Mail Motor Service.</i>				
Staff on deputation to Mail Motor Service.	Appropriate appointing authority in their respective parent offices.	Director of Postal Services.	All	Postmaster-General
		Manager	(i) to (iv)	Director of Postal Services.
Staff in Selection Grades; Garage Foreman	Director of Postal Services	Director of Postal Services	All	Postmaster-General
Drivers; Despatch Riders	Manager	Manager	All	Director of Postal Services.
All other posts	Manager	Deputy Manager Manager	(i) to (iv) All	Manager Director of Postal Services

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
<i>Postal Training Centre.</i>				
Ministerial Staff in Higher and Lower Selection Grades; Instructor in Higher and Lower Selection Grades; Instructor in the cadre of Inspectors of Post Offices and Railway Mail Service; Resident Medical Officer; Artist Designer.	Director (EPT.) Postal Directorate	Director (EPT.) Postal Directorate	All	Member (Admn.) Postal Board
		Principal	(i) to (iv)	Director (EPT) Postal Directorate
Ministerial staff in “Clerical Grades”; Principal Instructor; Physical Training Instructor.	Principal	Principal	All	Director (Staff), Postal
Mechanics; Motor Driver; Compounder; Carpenter.	Principal	Principal Vice-Principal	All (i) to (iv)	Director (Staff), Postal Principal
Departmental Official deputed for Training.		Principal	(i) to (iv)	Director (Staff), Postal
All other posts	Principal	Principal	All	Director (Staff), Postal

Office of the Superintendent Engineering, Wing and other offices under his jurisdiction

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		
Description of service	Appointing Authority	Authority	Penalties	Appellate Authority
1	2	3		4
All Posts	Superintendent Engineer	Superintendent Engineer.	All	Member, (Administration) Postal Board.
		Executive Engineer.	(i) to (iii)	Superintending Engineer.

Office of the Senior Architect, Civil Engineering wing and other offices under his jurisdiction

Ferro Printer Lower Division Clerk	Junior Architect Assistant Architect	Junior Architect Architect	All All	Senior Architect
All other Posts	Senior Architect	Senior Architect	All	Member Postal Board
Postal and Railway Mail Service Divisional and Sub-Divisional Offices.				
Inspector of Post Offices; Inspector of Railway Mail Service; Ministerial staff in Higher and Lower Selection Grades	Director of Postal Services;	Director of Postal Services;	All	Postmaster-General; Member (P) Postal Board.
	Senior Superintendent Superintendent	Senior Superintendent. Superintendent	(i) to (iv) (i) to (iv)	Director of Postal Services. Director of Postal Services.
All other posts		Senior Superintendent Superintendent	All All	Director of Postal Services. Director of Postal Services.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	Appellate Authority	
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
Post Offices Postmaster in Higher and Lower Selection Grades; Ministerial staff in Higher and Lower Selection Grades.	Director of Postal Services	Director of Postal Services; Senior Superintendent. Gazetted Postmaster including gazetted Sub Postmaster; Superintendent of Post Offices. Deputy Presidency Postmaster; Deputy Postmaster in the Postmaster's Service, Class II. Gazetted Postmaster including Gazetted Sub Postmaster under the control of Senior Superintendent	All (i) to (iv) (i) to (iv) (i) to (iv) All	Postmaster-General Member (P) Postal Board. Director of Postal Services. Director of Postal Services; (in circles under the charge of Postmaster General); Deputy Director (in other circles). Presidency Postmaster; Postmaster in the Grade of Presidency Postmaster. Director of Postal Services.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
Postmaster in the time Scale; Town Inspector of Post Offices; Ministerial staff in "Clerical Grades" Overseer; Overseer Postman; Sorting Reader Postman; Head	Senior Superintendent or Superintendent of Post Offices, Deputy Presidency Postmaster, Deputy Postmaster in the Postmasters' Service Class II.	Senior Superintendent	All	Director of Postal Services.
Postman; Departmental Branch Postmaster; Despatch Rider.	Gazetted Postmaster Sub-Postmaster not under the control of a Senior Superintendent.	Superintendent of Post Offices.	All	Director of Postal Services;
		Gazetted Postmaster including Gazetted Sub-Postmaster not under the control of a Senior Superintendent.	All	Director of Postal Services;
		Deputy Presidency Postmaster; Deputy Postmaster in the Postmasters' Service, Class II.	All	Presidency Postmaster, Postmaster in the Grade of Presidency Postmasters.
		Gazetted Postmaster including gazetted Sub Postmaster under the control of a Senior Superintendent.	(i) to (iv)	Director of Postal Services; Deputy Director.
		Head Postmaster and the Sub-Postmaster in the Higher Selection Grade (in respect or Town Inspector of Post Offices; Ministerial staff in clerical grades).	(i)	Superintendent of Post Offices, Senior superintendent of Post Offices.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of service	Appointing Authority	Authority	Penalties	
1	2	3	4	5
All other posts		Head Postmaster and Sub-Postmaster in the Higher Selection Grade (in his own office) Inspector of Post offices (in respect of Overseer; Overseer Postman; Sorting Postman; Reader Postman; Head Postman; Departmental Branch Postmaster).	(i) to (iv)	Superintendent of Post Offices, Senior Superintendent of Post Offices.
		Deputy Presidency Postmaster; Deputy Postmaster in the Postmasters' Service Group 'B'	All	Presidency Postmaster, Postmaster in the Grade of Presidency Postmaster.
	Deputy Presidency Postmaster, Dy. Postmaster in the Postmaster's Service Class II Gazetted Postmaster including Gazetted Sub-Postmaster in charge of a Town-Sub-Office.	Gazetted Postmaster including a Gazetted Sub Postmaster in-charge of a Town Sub-Office.	All	Director of Postal Services.
	Postmaster in Higher or Lower Selection Grade (in his own office) except a Postmaster in charge of a Town Sub-office.	Senior Superintendent	All	Director of Postal Services,
	Inspector of Post offices (in all other offices.)	Superintendent of Post Offices.	All	Director of Postal Services.
		Assistant Presidency Postmaster (in his own department). Postmaster in Higher or Lower Selection Grade in (his own office) Inspector of Post-Offices (in all other cases).	(i) to (iv)	Deputy Presidency Postmaster, Senior Superintendent, or Superintendent of Post Offices.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		
Description of service	Appointing Authority	Authority	Penalties	Appellate Authority
1	2	3		4
Railway Mail Office.				
Ministerial staff in Higher and Lower Selection Grades (including Head Record, Record Offices, Sub Record Offices Head sorting Assistant	Director of Postal Services;	Director of Postal Services;	All	Postmaster-General/Member (P). Postal, Board
		Senior Superintendent ; Superintendent of Railway Main Services.	(i) to (iv)	Director of Postal Services;
		Superintendent (Sorting) in respect of staff under his administrative control.	(i) to (iv)	Senior Superintendent, Railway Mail Service.
Mail Guards	Inspector, Railway Mail Service.	Sr. Superintendent, Railway Mail Service or Superintendent, R.M.S.	All	In the case of major Circles- Director of Postal Services. In the case of minor Circles- Director of Postal Services
		Inspector Railway Mail Services.	(i) to (iv)	Sr. Supdt. Railway Mail Services or Supdt. R.M.S.
All other posts	Senior Superintendent or Superintendent of Railway Mail Service	Senior Superintendent or Superintendent of Railway Mail Service	All	Director of Postal Services;
		Superintendent (Sorting) in respect of staff under his administrative control	(i) to (iv)	Senior Superintendent Railway Mail Service.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule11)		
Description of service	Appointing Authority	Authority	Penalties	Appellate Authority
1	2	3		4
<i>Office of the Director/Deputy Director of Accounts (Postal)</i> Junior Accounts Officer. Senior Accountant, Junior Accountant, Caretaker Stenographer, Photostat Assistant Lower Division Clerk, Selection Grade Sorting Assistant Senior Gestetner Operator	Postmaster-General Director/Deputy Director Accounts Officer,	Postmaster-General Director/Deputy Director Director/Deputy Director Accounts Officer. Accounts Officer.	All (i) to (jv) All (i) to (iv) All	Member (Administration) Postal Board Postmaster General Postmaster-General Director/Deputy Director Director/Deputy Director

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	Appellate Authority	
Description of Post	Appointing Authority	Authority	Penalties	
1	2	3		4
<i>Office of the Director General, Posts</i> All Posts	Assistant Director General (Administration).	Assistant Director General (Administration).	All	Secretary, Postal Board.
<i>Circle Office and Returned Letter Office</i> All Posts	Assistant Postmaster-General, Assistant General Manager, Chief Accounts Officer, Assistant Director, Accounts Officer.	Assistant Postmaster-General, Assistant General Manager, Chief Accounts Officer, Assistant Director Accounts Officer. Office Superintendent, Manager Returned Letter Office.	All (i) to (iv)	Director of Postal Services, Director of Accounts and Finance Assistant Postmaster General or Assistant General Manager or Chief Accounts Officer (in respect of order passed by Assistant Director or Accounts Officer) Assistant Postmaster-General, Assistant General Manager.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
Description of Post	Appointing Authority	Authority	Penalties	
1	2	3		4
<i>Savings Bank Control Organisation in Head Post Offices including Central Control Organisation.</i> All Posts	Deputy Presidency Postmaster; Dy. Postmaster in Postmasters' Services, Group 'B' Gazetted Postmaster in Higher or Lower Selection Grade. Accounts Officer (in respect of Central Control Organisation).	Deputy Presidency Postmaster; Deputy Postmaster in Postmasters' Service. Group 'B' Assistant Presidency Postmaster. Gazetted Postmaster. Senior Supdt. Or Superintendent of Post Offices. Postmaster in Higher or Lower Selection Grade Accounts officer (in respect of Central Control Organisation).	All (i) to (iv) All All (i) to (iv) All	Presidency Postmaster; Postmaster in the grade of Presidency Postmasters. Deputy Presidency Postmaster. Director of Postal Services. Director of Postal Services. Senior Supdt. Or Supdt. Of Post Offices. Director of Postal Services.

		Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	Appellate Authority	
Description of Post	Appointing Authority	Authority	Penalties	
1	2	3		4
<i>Internal Check Organisation in circle Offices:</i> All posts	Assistant Postmaster General; Assistant Director of Postal Services.	Assistant Postmaster General' Assistant Director of Postal Services. Office Superintendent	All (i)	Add. P.M.G. Assistant Postmaster General; Assistant Director of Postal Services.
<i>(e) Postal Saving Banks under the charge of Managers Grades I, II, and III:</i> All posts	Manager Grade I; Manager Grade II; Manager Grade III;	Manager Grade I (in his own office Asstt. Postmaster-General (in other offices). Manager, Grade II (in his own office) Manager, Grade III (in his own office)	All (i) to (iv)	Director of Postal Services. Asstt. Postmaster General.
<i>Office of Deputy Director, Postal Life Insurance :</i> All Posts	Assistant Director Postal Life Insurance	Assistant Director Postal Life Insurance	All	Deputy Director, Postal Life Insurance.

1	2	3	4	5
Foreign Post Offices :- All posts	Deputy Director, Foreign Post; Superintendent of Foreign Post.	Deputy Director, Foreign Post; Superintendent of Foreign Post. Assistant Superintendent (for official in his group). Manager	All (i) to (iv) (i) to (iv)	Director of Postal Services; Director of Foreign Post. Deputy Director, Foreign Post. Superintendent.
<i>Office of the Superintendent, Postal Forms and Seals :</i> All posts	Superintendent	Superintendent	All	Director (Staff), Postal Directorate
Office of the Superintendent, Postal Stores Depot. All posts	Superintendent,	Superintendent Manager	All (i) to (iv)	Director of Postal Services; Superintendent
<i>Offices of the Manager, Mail Motor Service:</i> All posts	Manager.	Manager	All	Deputy Director Postal Services (in Delhi Circle Director of Postal Services:

1	2	3	4	5
<i>Postal Training Centre,</i> All posts	Vice-Principal.	Vice-Principal	All	Principal
<i>Departmental Officials deputed for training</i>	Appropriate appointing authority in their respective parent offices.	Principal	(i) to (iv)	Director of (E T P) Postal Directorate.
<i>Office of the Superintending Engineer, Civil Engineering Wing and other offices under his jurisdiction :</i> All Posts	Executive Engineer; P.A. to Superintending Engineer, Assistant Engineer.	Executive Engineer; P.A. to Superintending Engineer; Assistant Engineer.	All	Superintending Engineer; Executive Engineer.
<i>Office of the Senior Architect, Civil Engineering Wing and other offices under his jurisdiction :</i> All posts	Junior Architect; Assistant Architect.	Junior Architect; Assistant Architect.		Senior Architect.
<i>Postal and Railway Mail Service – Divisional and Sub Divisional Offices :</i> All posts	Senior Superintendent or Superintendent; Inspector	Senior Superintendent	All	Director of Postal Services;

Description of Post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
<i>Post Offices</i> All posts	of Post Offices; Asstt. Supdt. of post Office Inspector or Railway Mail Service (in Sub-Divisions).	Superintendent Inspector of Post Offices; Asstt. Supdt Post Office Inspector or Railway Mail Service.	All (i) to (iv)	Director of Postal Services Senior Superintendent or Superintendent
	Deputy Presidency Postmaster; Deputy Postmaster in the Postmaster's Service, Group 'B' (in respect of staff under his administrative control).	Deputy Presidency Postmaster; Deputy Postmaster in the Postmaster's Service, Group 'B' (in respect of staff under his administrative control).	All	Presidency Postmaster; Postmaster in the grade of Presidency Postmaster;
	Gazetted Postmaster, including Gazetted Sub-post-master in-charge of a Town Sub-Office (in post-offices under his administrative control).	Assistant Presidency Postmaster (in his own Department). Gazetted Postmaster, including Gazetted Sub-post-master in-charge of a Town Sub-Office (in post-offices under his administrative control).	(i) to (iv) All	Deputy Presidency Postmaster. Director of Postal Services

	<p>Postmaster, in Higher or Lower Selection Grades except a Postmaster incharge of a Town Sub-Office (in his own office); Inspector of Post Offices Asstt. Supdt. Post Office in all other Post Offices.</p>	<p>Senior Superintendent or Superintendent of Post Offices</p> <p>Postmaster in Higher or Lower Selection Grades (in his own office) Inspector of Post Offices Asstt. Supdt. Post Offices (in all other Post Offices)</p>	<p>All</p> <p>(i) to (iv)</p>	<p>Director of Postal Services</p> <p>Senior Superintendent or Superintendent of Post Offices.</p>
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Description of Post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
<p><i>Railway Mail Services :</i> All posts</p>	<p>Head Record Officer (in his own office and in offices at the same station and in Sections of the same Division attached to it); Selection Grade Record or Sub Record Officer (in his own office and in offices at the same station attached to it and in Sections of the same Division attached to it); Lower Selection Grade Platform Inspector, if Record Office is not situated on the Platform; Inspector Railway Mail Service (in other offices and sections under his jurisdiction).</p>	<p>Senior Superintendent or Superintendent of Railway Mail Services.</p> <p>Head Record Officer (in his own office and in offices at the same station and in Sections of the same Division attached to it); Selection Grade Record or Sub-Record Officer (in his own office and in offices at the same station attached to it and in Sections of the same Division attached to it); Lower Selection Grades Platform Inspectors, if Record Office is not situated on the Platform; Inspector Railway Mail Service (in other offices and Sections under his jurisdiction).</p> <p>Deputy Superintendent (Sorting in respect of Staff under his administrative control).</p>	<p>All</p> <p>(i) to (iv)</p> <p>All</p> <p>All</p>	<p>Director of Postal Services;</p> <p>Senior Superintendents or Superintendent of Mail</p> <p>Senior Superintendent or Superintendent of Mail</p> <p>Director/Deputy Director.</p>
<p>Office of Director/Deputy Director of Accounts (Postal): All posts</p>	<p>Accounts Officer</p>	<p>Accounts Officer</p>	<p>All</p>	<p>Director/Deputy Director.</p>

SCHEDULE No. 1.B
RULES RELATING TO THE CONDUCT AND SERVICE OF THE DEPARTMENT OF
EXTRA DEPARTMENTAL AGENTS

(DEPARTMENT OF COMMUNICATIONS – P&T BOARD)

No. 6/63/6C-Disc. DATED 10.9.64.

The following rules are issued under the authority of Government of India :-

1. Short Title: These rules may be called the Posts and Telegraphs Extra Departmental (Conduct and Service) Rules 1964.

2. Definitions - In these rules, unless the context otherwise requires :-

- a) “Employee” means a person employed as an Extra Departmental Agent;
- b) “Extra Departmental Agent” means –
 - (i) an Extra Departmental Sub Postmaster;
 - (ii) an Extra Departmental Branch Postmaster;
 - (iii) an Extra Departmental Delivery agent;
 - (iv) an Extra Departmental Mail Attendant;
 - (v) an Extra Departmental Mail carrier or runner;
 - (vi) an Extra Departmental Packer;
 - (vii) an Extra Departmental messenger;
 - (viii) an Extra Departmental Chowkidar;
 - (ix) an Extra Departmental Stamp Vendor;
 - (x) an Extra Departmental Sorting Assistant in the Railway Mail Service;
 - (xi) an Extra Departmental Sub-Record Clerk in the Railway Mail Service;
 - (xii) an Extra Departmental Sweeper; No. (C.S.)
 - (xiii) an Extra –Departmental Water carrier; No (C.S)
 - (xiv) an Extra-Departmental mailman: No. (C.S)
 - (xv) an Extra- Departmental mailman.
- c) “Government” means the “Central Government”;
- d) “Members of the family” in relation to an employee includes:
 - (i) the wife, child or step child of such employee, whether residing with him or not, and in relation to an employee who is a woman, the husband residing with her and dependent on her; and
 - (ii) any other person related, whether by blood or by marriage to such employee’s wife or husband, and wholly dependent on such employee, but does not include a wife or husband legally separated from such employee or a child who is no longer in any way dependent upon such employee, or of whose custody the employee has been deprived of by law.

2.A METHOD OF RECRUITMENT

(1)Age – The minimum age limit for employment as ED Agent will be 18 years and maximum age up to which an ED Agent can retained in Service will be 65 years. D.G. may consider relaxation of this age limit in exceptional cases.

(2)Educational Qualifications:

ED Sub Postmasters

VIII Standard (matriculation of equivalent may be preferred.

ED branch Postmasters
and ED Delivery Agents.

ED Stamp Vendors

VI Standard (VIII) standard may be preferred).

All other categories of EDAs

Should have sufficient working knowledge of the regional language and simple arithmetic so as to be able to discharge their duties satisfactorily. Categories such as ED messengers should also have enough working knowledge of English.

(3)Income in ownership of property :-

The person who takes over the agency (ED/SPM/ED BPM) must be one who has an adequate means of livelihood. The person selected for the Post of ED SPM/ED BPM must be able to offer office space to serve as the agency premises for Postal operations. With provision for installation of even a PCO. (Business premises, such as shops etc. may be preferred).

NOTE:The criterion to judge ‘adequate means of Livelihood’ should be that in case he loses his main source of income he should be adjudged as incurring disqualification to continue as ED SPM/ED BPM. In other words, there must be absolute insistence on the adequate source of income of ED SPM /BPM and the allowance for his work as ED SPM/BPM must be just supplementary to his income. To ensure this condition the candidate must be able offer office space to serve as the agency premises for Postal operations as well as public call office and as such, business premises such as shops etc. must be preferred regardless of the various categories of preferences mentioned above.

(4)Residence:

- (i) The ED BPM/ED SPM must be a permanent resident of the village where the Post Office is located. He should be able to attend to the Post Office work as required of him keeping in view the time of receipt, dispatch and delivery of mails which need not be adopted to suit his convenience or his main avocation.
- (ii) ED Mail carrier porters and Mail attendants should reside in the main Post office or stage where from mails are carried or terminate i.e. they should be permanent residence of the delivery jurisdiction of the post offices.

- (iii) ED Agents of other categories may, as far as possible reside in or near the place of their work.

(5) Security :

ED Agents of all categories including ED delivery Agents should furnish security of Rs.1,000 subject to the condition that the amount of security should be increased/decreased so as to be equal to the amount of cash and valuable that is authorized to be entrusted to them under the orders of Divisional Superintendent or Head of the Circle, has the may be. In the case of ED Agents who have furnished security in the form of Security bond the above decision may be given effect to on the expiry of the current term of the bond.

3. Appointing Authority – (1) The appointing authority in respect of each category of employees shall be as shown in the schedule annexed to these rules.

(2) If any doubt arises as to who is the appropriate appointing authority in any case, the matter shall be referred to the Government, whose decision thereon shall be final.

(3)A The powers of the appointing authority in the matter of awarding any of the penalties specified in Rule 7 may be exercised by an authority which has been shown as such in the Schedule annexed to these rules or by any other authority empowered in this behalf by a special order of the Head of the Circle under circumstances to be recorded in writing. Provided that in no case, the authority as appointed shall be lower in rank than the authority who originally appointed the E.D.A.

- NOTE: 1. A register containing the date of birth, date of appointment and date of superannuation of the EDAs should be maintained by respective apptg. Authority. The apptg. authorities after scrutinizing the register once every months, should intimate the ED Agents concerned at least 3 months in advance the date on which they would be completing the age of 65 years and also inform them that they would cease to be agents after the said date. Formal orders terminating their service should also be issued well in time.
2. Further, action should also be initiated for selection of new incumbent at least 3 months in advance so that the time lag between the discharge of the previous EDA and employing of new EDA is altogether eliminated. The register referred to above to be maintained by the appointing authorities, should be test checked by the Inspecting officers in the course of inspection of the office.

4. Pension – The employees shall not be entitled to any pension.

4 A. Gratuity – EDAs whose services are terminated on after 22-12-66 are eligible for ex-gratia gratuity subject to the follow-on his own).

Termination should not be on account of

- (a) Unsatisfactory work.
- (b) As a measure of disciplinary action.
- (c) The EDA should have put in not less than 15 years the Department.

- (d) Resignation by the EDA (If a EDA quits the agency on his own.
- (e) The EDA should have put in not less than 15 years of service, which should be satisfactory and continues.
- (f) Unauthorized absence in excess of 90 days will be treated as a break of past service and security will be forfeited.
- (g) Subject to limit of Rs.1000/- gratuity is allowed at the rate of one months allowances for every 3 years of completed and continuous service.
- (h) It is sanctioned by P.M.G. purely as a matter of grace.
- (i) The EDA has to submit an application in the prescribed form and it is the duty of the appointing authority to obtain and process the application at the appropriate time.

NOTE: 1 In respect of EDAs who have left Service, if reappointed with one post satisfactory service may be counted for gratuity, if not already paid for the earlier period, after condonation of break by competent authority.

NOTE: 2 Annual statement should be submitted by the IPOs to the Divisional Head showing the following information.

- (i) Name of the EDAs who have completed 10 years of service.
- (ii) Age.
- (iii) Office in which working.
- (iv) Date of commencement of Service.
- (v) Break, if any :
- (vi) Particulars of leave/absence exceeding 90 days.

A similar statement should be maintained by Divisional Office in respect of ED SPM/ED BPMs potential cases of gratuity should be watched by the divisional Head.

5. Leave - The employees shall be entitled to such leave as may be determined by the Government from time to time.

- (I) They are eligible for such leave as may be decided by the Government.
- (II) Leave is normally sanctioned by the appointing authority. IPOs /ASs PAs may grant leave not exceeding 60 days in cases where SSP/SP is the appointing.
- (III) The application for leave should be in the prescribed form and in quadruplicate. In the absence of printed forms single copy in manuscript may be accepted.
- (IV) EDAs should arrange for substitute who are acceptable to the leave sanctioning authority and the EDA should normally obtain advance approval of the competent authority.
- (V) No ED official should be granted leave for more than 90 days at a stretch.

- (i) Leave exceeding 90 days but not exceeding 180 days may be granted by Divisional Superintendent of Posts Offices in exceptional cases.
 - (ii) Leave exceeding 180 days may be granted by Head of the Circles only, due to the EDA officiating in departmental Post.
- (VI) When regular appointment is made by the appointing authority against EDAs officiating as Group "D" indefinitely or when he is not likely to come back it should be made clear that the posting is subject to review on his regular appointment to the post.

6. Termination of Services - The services of an employee who have not already rendered more than 3 years continuous service from the date of his appointment shall be liable to termination by the appointing authority at any time without notice.

7. Nature of penalties - The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee, namely: -

- (i) recovery from allowance of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;
- (ii) removal from service which shall not be a disqualification for future employment;
- (iii) dismissal from service which shall ordinarily be a disqualification for future employment.

8. Procedure for imposing a penalty – (1) No order imposing a penalty shall be passed except after: -

- (a) the employee is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make, and
- (b) such representation, if any, is taken into consideration by the appointing authority.

Provided that the penalty of dismissal or removal from service shall not be imposed except after an enquiry in which he has been informed of the charges against him and has been given reasonable opportunity of being heard in respect of those charges;

Provided further that where it is proposed after such enquiry to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry.

- (2) The record of proceedings shall include:-
- (i) A copy of intimation to the employee of the proposal to take action against him;
 - (ii) a copy of the statement of allegations, alongwith a list of evidence in support thereof, communicated to him;
 - (iii) his representation, if any;

- (iv) the records of the enquiry proceedings alongwith enquiry report of the appointing authority or enquiry officer, if any, appointed in case where a formal enquiry is necessary;
- (v) findings of the appointing authority in respect of the allegations with reasons therefor; and
- (vi) the order imposing the penalty.

9.A.Provisions of Rule 8 shall not apply :-

- (i) where any penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the appointing authority empowered to dismiss or remove an employee is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to hold such enquiry; or
- (iii) where the President is satisfied that in the interest of the security of the State it is not expedient to follow the procedure prescribed in that rule; and

The appointing authority may consider the circumstances of the case and make such orders thereon as it deems fit.

9. An employee shall be liable to be put off from duty by or under the orders of the appointing authority or any authority to which it is subordinate pending enquiry into any complaint or allegation of misconduct against him. During such period, he will not be entitled to any allowance.

NOTE : 1. There is no provision for appointing of ad-hoc disciplinary authority. The authority immediately Senior to the prescribed appointing authority will process the case and pass orders provided such Senior authority is not the appellate authority.

- 2. Consequent upon the Supreme Court Judgement on 22-4/77 EDAS are holders of Civil Posts and as such entitled to Safe guards / protections under article 311 (2) of the constitution. Procedure laid down in CCS (CCA) Rules 1965 should be followed in disciplinary cases without however referring to CCS (CCA) Rules 1965.

NOTE : 1 The appointing authority or any authority to which it is subordinate may put off from duty an EDA pending enquiry in any complaint or allegations of misconduct against him. The EDA is not entitled to any allowance during the period.

- 2. An EDA can be put off duty only during the pendency of the enquiry and not when any enquiry is contemplated.

3. The question of putting an EDA off duty should arise only when there is a prima facie case against him and the nature of the offence is such that dismissal will be the probable penalty.
4. For putting an EDA off duty the guidelines given in Rule 10 of the Schedule I-A for placing departmental officials under suspension may be followed.
5. Petty branches :- of discipline and minor departmental offences would not justify putting an EDA off duty.
6. Willful, obstinate or repetitive refusal to carryout order, rendering his retention on duty a hurdle to proper conduct of enquiry would justify "Put Off" duty.
7. Enquiries into a complaint or inspection of the office should have revealed strong *prima-facie* case against the EDA.
8. An EDA against whom a criminal charge involving moral turpitude is pending may be put off duty when he has been released on bail, if the charge or proceedings initiated against him are connected with his duties or is likely to embrass him in the discharge of his duties.
9. Every effect should be made to finalize the disciplinary proceedings and to pass final orders so that he may not remain put off duty exceeding 120 days.

If, however, it is not possible to finalize a case within this period the matter should be reported to the next superior authority immediately with full justification for keeping the EDA on put off duty. The superior authority should review the case immediately and consider :

- (a) Whether it is justified to continue the EDA under "Put Off" duty for further period; and
- (b) What steps should be taken by the disciplinary authority to eliminate avoidable deal in finalizing the case.

10. It would be the personal responsibility of the competent Authorities to adhere to the above guideline.

10. Appeals- (i) An EDA may appeal against the following orders;
(ii) An order putting him off duty;
(iii) An order imposing on him any of the penalties mentioned above.

11. Period of limitation for appeals – No appeal shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

12. Form and contents of appeal - (i) Every appeal should be separate and in the name of the appellant;
(ii) It should be addressed to the appropriate appellate authority;
(iii) It should contain all material statements and arguments relied upon by the appellate and should be complete;
(iv) It should not contain any disrespectful or improper language.

- NOTE : (1) In case involving fraud /embezzlement EDA may be put off duty; by the IPO/ASPOs under immediate intimation to the Appointing authority. Such orders of IPO/ASPOs may become ineffective on expiry of 15 days from the date of issue unless confirmed by the Appointing Authority or any authority to which the appointing authority is subordinate.
- (2) In case of removal/dismissal new appointment should be provisional in form annexure 'B'.

13. Submission and withholding of appeals – (1) Every appeal shall be submitted to the authority, which made the order appealed against. That authority may withhold the appeal, if, -

- (i) it does not comply with any of the provisions of rule 12; or
- (ii) it is not submitted within the period specified in rule 11 and no cause is shown for the delay; or
- (iii) it is a repetition of any appeal already decided and no new facts or circumstances are adduced :

Provided that an appeal withheld on the ground only that it does not comply with the provision of rule 12 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld the appellant shall be informed of the fact and the reasons therefore.

(3) At the commencement of each quarter, a list of the appeals withheld by any authority during the previous quarter together with the reasons for withholding them shall be furnished by that authority to the appellate authority.

14. Transmission of appeals – (1) The authority which made the order appealed against shall without any avoidable delay transmit to the appellate authority every appeal which is not withheld under rule 13 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 13 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

15. Consideration of appeals - The appellate authority shall consider –

- (a) whether the procedure prescribed; in these rules has been complied with
- (b) whether the findings are justified; and
- (c) whether the penalty imposed is excessive, adequate or inadequate and pass orders –
 - (i) setting aside, reducing, confirming or enhancing the penalty;

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty.

16. Review of orders - Notwithstanding anything contained in these rules :

- (i) The Central Government
- (ii) The Head of the Circle
- (ii) An authority immediately superior to the authority passing the orders;

May at any time either on its own motion or otherwise call for records of any enquiry or disciplinary case and review any order made under these rules, reopen the case and after making such enquiry as it considers necessary may

- (a) confirm, modify or set aside the order,
- (b) Pass such orders as it deems fit.

Provided that no case shall be reopened under this rule after the expiry of six months from the date of the order to be reviewed except by the Central Government or by the Head of Circles and also before the expiry of the time limit of 3 months prescribed for preferring an appeal.

Provided further that no order imposing or enhancing any penalty shall be made by any reviewing authority, unless the employee concerned has been given reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (ii) & (iii) of Rule 7 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in these clauses, no such penalty shall be imposed except after an enquiry in the manner laid down in Rule 8 in case no such enquiry has already been held.

17. General - Every employee shall at all times maintain absolute integrity and devotion to duty.

18. Taking part in politics and election - (1) No employee shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he takes part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every employee to endeavor to prevent any member of the family from taking part in subscribing in aid of, or assisting in any other manner, any political movement or activity which is, or tends directly or indirectly to be subversive of the Government as by law established, and where such employee is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

(4) No employee shall canvass or otherwise interfere or use his influence in connection with or take part in, an election to any Legislative or local authority :

Provided that –

- (i) an employee qualified to vote at such election may exercise his right to vote but he does so, he shall give no indication of the manner in which he proposed to vote or has voted;
- (ii) an employee shall not be deemed to have contravened the provisions of this rule by reason only that he assists in these conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation : - The display by an employee in his person vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

19. Strikes - No employee shall resort to any form of strike in connection with any matter pertaining to his conditions of service.

20. Criticism of Government - No employee shall in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the Press or in any public utterance make any statement of fact or opinion.

- (i) which has the effect of any adverse criticism of any current or recent policy of action of the Central Government or State Government ; or
- (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign state:

Provided that nothing in this rule shall apply to any statement made or views expressed by an employee in his official capacity or in the due performance of the duties assigned to him.

21. Evidence before Committee or any other authority (1) Save as provided in sub-rule (3), no employee shall, except with the previous sanction of the Government, give evidence on connection with any inquiry conducted by any person, committee or authority

(2) Where any sanction has been accorded under sub-rule (1) no employee giving such evidence shall criticize the policy or any action of the Central Government or of a State Government ;

(3) Nothing in this rule shall apply to -

- (a) evidence given at any inquiry before an authority appointed by the Government, by Parliament or by a State legislature; or
- (b) evidence given in any judicial inquiry; or
- (c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

22. Unauthorized communications of Information : No employee except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him communicate directly or indirectly, any official document or information to any Government servant. He shall also not communicate, directly or indirectly such documents or information to any other person to whom he is not authorized to communicate such document or information.

23. Insolvency and habitual indebtedness - An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who becomes the subject of a legal proceedings for insolvency shall forthwith report the full facts to the Government.

24. Vindication of acts and character of an employee - No employee shall, except with the previous sanction or the Government, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

Explanation : Nothing in this rule shall be deemed to prohibit any employee from vindicating his private character or any act by him in his private capacity

25. Canvassing of non-official or other outside influence : No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government..

26. Interpretation - If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

27. Delegation of powers - The Government may, by general or special order, direct that any power exercisable by it under these rules (except the power under this rule) shall subject to such conditions, if any, as may be specified in the order, be exercisable also such officer or authority as may be specified in the order.

General Matters relating to EDAs :

- (i) In case of combination of duties like ED BPM, Mail Conveyance, delivery work should be performed by the ED BPM after office business hours. The total working hours should not exceed 5 hours.
- (ii) Split duty for EDAs should be avoided as far as possible. Accordingly, the dispatch of mails need not be after receipt of mails and the EDAs may be exempted from return to BO at the end of the day merely for rendering returns.
- (iii) EDAs are not entitled for O.T.A. if detained in bus stand, railway station for by periods due to irregular running of buses/trains etc.
- (iv) Pay and allowances of EDAs may be disbursed on last working day when so done to other non-gazetted staff.
- (v) EDAs should not be brought on duty at Night or on Sunday as far possible, without prejudice to a general question and will not give them any claims.
- (vi) Book of BO Rules should be supplied to each ED BPM. A copy of Pocket Guide and extract of Ch. 3 of Vol. VI /Part III should also be supplied. They should be in regional language and corrections slip should be supplied promptly.

- (vii) Each EDDA should be supplied with an extract of relevant portions of chapter 3 of Vol. VI/Part III in regional language.

SCHEDULE OF APPOINTING AUTHORITIES

(See Rule 2)

	Category of posts	Appointing authority
Post Offices		
1.	Extra departmental Subpostmaster	Senior Superintendent or Superintendent of post offices.
2.	Extra departmental Branch postmaster	
3.	Extra departmental Messenger	
4.	Extra departmental Delivery Agent	
5.	Extra departmental Mail Carrier or Runner	Deputy Presidency Postmaster; Gazetted postmaster including a gazetted Sub Postmaster incharge of a Town Sub office; Postmaster in Higher or Lower Selection Grade (in his own office) except a Postmaster in charge of a Town Sub Office; Inspector of post offices; (in all other Offices).
6.	Extra departmental Packer	
7.	Extra departmental Stamp Vendor	
8.	Extra departmental Chowkidar	
9.	Extra departmental Mail Peon	
10.	Extra departmental Sweeper	
11.	Extra departmental Boy peon	
12.	Extra departmental Boy Messenger	
13.	Extra departmental Water Carrier	
14.	Extra departmental Mali	
Railway Mail Service		
15.	Extra departmental Stamp Vendor	Inspector, Railway Mail Service Sub-Record Clerk/Head Record Clerk.
16.	Extra departmental Sweeper	
17.	Extra departmental Water Carrier	
18.	Extra departmental Mali	
19.	Extra departmental Chowkidar	
20.	Extra departmental Porter	Senior Superintendent, Railway mail Service / Superintendent Railway Mail Service.
21.	Extra departmental Sorter	
22.	Extra departmental Sub Record Clerk	

SCHEDULE No. 1.B(i)

RULES RELATING TO APPOINTMENT OF NON-DEPARTMENTAL AND SHORT DUTY EMPLOYEES

MINISTRY OF TRANSPORT AND COMMUNICATIONS (DEPTT. OF COMMUNICATION AND CIVIL AVIATION) NOTIFICATION No. 44/56/SEA, DATED DELHI, THE 25TH JULY, 1959.

1. Short Title -These rules may be called the Posts and Telegraphs (Non-Departmental Telegraphs, Non-Departmental Telephone Operators, Short Duty Telephone Operators, Short Duty Sorters in R.M.S. and Short Duty Clerks in Post Offices) Rules, 1959.

2. Appointing Authorities - The appointing authorities in respect of Non-Departmental Telegraphists, Non-Departmental Telephone Operators, Short Duty sorters in R.M.S. and Short Duty Clerks in Post office (therein after referred to as employees) shall be shown in annexed schedule.

3. Pension - The employees shall not be entitled to any pension in respect of the Service rendered by them as Non-Departmental Telegraphists, Non-Departmental Telephone Operators, Short Duty sorters in R.M.S. and Short Duty Clerks in Post offices.

4. Leave - The employees shall be entitled to such leave as may be determined from time to time.

5. Termination of Service - The services of the employees shall be liable to termination by the appointing authority at any time without notice and without assigning any reason.

SCHEDULE OF APPOINTING AUTHORITIES

Category of posts	Appointing Authority
Non-Departmental Telegraphists, Short Duty sorters in R.M.S.	Director of Telegraphs/Director of Posts & Telegraphs.
Non-Departmental Short Duty Telephone Operators,	Division Engineer
Short Duty Sorters in R.M.S.	Senior Superintendent or Superintendent of R.M.S.
Short Duty Clerks in Post offices.	Senior Superintendent or Superintendent of Post Offices, Deputy Presidency Postmaster, Gazetted Postmaster and Sub-Postmaster not under the control of a Senior Superintendent.

SCHEDULE NO. I.C.

SCHEDULE OF ADMINISTRATIVE POWERS OF THE DIRECTOR GENERAL

	Nature of power	Extent of power	Remarks
	1	2	3
TRANSFERS			
1.	Power to grant permission to be transferred to another Government Office or Department	Full powers except in respect of Officers whom the Director General is not competent to appoint.	Appendix 22 of the P&T Manual Vol. IV
2.	Power to employ temporarily certificated postal clerks in Departmental Telegraph offices.	Powers as defined in Rules 391-392 of the Posts and Telegraphs Manual, Volume IV .	
3.	Power to transfer officers	Full powers to transfer Officers below the rank of (1) Directors of Postal Services,	
OFFICIATING APPOINTMENT			

4.	Power to make officiating appointments against vacancies of less than 4 months duration.	Full powers in respect of Senior and Junior Time Scales of Indian Postal Services Class I.	Ministry of T. and C. Deptt. of Communication and Civil Aviation letter no. 2/1/58-SPA dated 16.6.58 and 23.12.58.
LEAVE			
5.	Power to grant leave to Gazetted Officers.	(i) Full powers (except of disability leave) in respect of all Gazetted Officers employed under him.	Government of India, Ministry of Finance Department of Revenue and Expenditure OM No. F7(26) E (IV) 56, dated 27.6.55.
RESIGNATIONS			
6.	Power to accept resignations.	Full powers in respect of all officers appointed by him.	Rule 32 of the P.&T. Manual, Volume II.
PENSIONS AND GRATUITIES			
7.	Power to sanction the grant of ordinary pensions.	Full powers in respect of Officers whom he is competent to appoint.	Art 919 (1)(a), C.S.R.
MISCELLANEOUS			
8..	Power to increase amounts of security deposits.	Full Powers.	Rule 193 of the P&T Manual Volume II
9.	Power to grant authority for institution of legal proceedings and for defence of civil suits on behalf of the department.	Full Powers.	Rule 127 of the P&T Manual Volume
10.	Power to grant authority for institution of criminal proceedings against departmental Officials	Full powers	Rules 132 & 134 of the P&T Manual Vol. II
11.	Power to introduce or modify standard printed forms	Full powers	Rule 406 & 407 of the P&T Manual Volume II
12.	Power to sanction conversion of Departmental Telegraph Offices into combined posts and Telegraphs Offices <i>vice versa</i>	Full powers	Government of India, Ministry of Communications, letter no. S.T.B. 111-27/49 T.E. dated 31 st May, 1950.
13.	Power to sanction preservation or destruction of records (other than accounts records)	Full powers	

14.	(a) Power to correspond with Foreign Postal Administrations and the International Bureau of the Universal Postal Union regarding matters covered by the Convention of the Universal Postal Union and its Detailed Regulations as well as other Agreements of the Union or by separate Agreements regarding exchanges of postal articles and money orders entered into with Foreign Postal Administration.	Full powers	
	(b) Power to correspond with Telegraph Administration and the General Secretariat or the international telecommunication Union Geneva, on all telecommunication matters.	Full powers	
15.	Power to open Guaranteed offices for a period of five years or more in special cases.	Full powers	Rule 129 of the P&T Manual Volume IX
16.	Power to close Guaranteed telegraph offices before expiry of the period of guarantee	Full powers	Government of India Department of Indutes and Labour Memo No. 544-TPA-28 dated 1st April, 1932.
17.	Power to sanction the reduction of the amounts of guarantee for combined offices during the period of the guarantee when this is rendered possible owing to a reduction in the working expenses.	Full powers	Government of India Department of Indutes and Labour Memo No. 126-P/32 dated 3 rd March 1934.
18.	Power to execute and sign contracts on behalf of the Department.	Powers as defined in Chapter IX of the P.& T. Manual Volume II	
19.	Power to sanction the condonation of residential accommodation in excess of the standard scale admissible occupied by the non-Gazetted staff of the Posts and Telegraphs department in leased buildings.	Provided that :- (a) the excess accommodation does not exceed 500 square feet, and (b) if this limit is exceeded the proportionate (actual) rent of the excess accommodation is not more than Rs. 10 a month.	Subject to the condition (i) that it certified that the excess accommodation cannot conveniently be utilized in other way and that no building of the prescribed standard dimensions is obtainable in the locality and (ii) that the sanction is not for a period more than three years at any time.

20.	Power to give permission to broadcast talks and to accept honoraria therefore.	Full powers in respect of officers under this administrative control.	Home Department Office Memos No. 106-36-Pub., dated 29.03.40 and No. 25/3/47 Ests. dated the 22 nd April, 1947.
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SCHEDULE No. 2

SCHEDULE OF ADMINISTRATIVE POWERS OF THE HEAD OF A CIRCLE

The following officers may also exercise the administrative powers of the Head of a Circle in so far as they apply to their respective charges :

- (1) Director, Postal Life Insurance.

	Nature of power	Extent of power	Remarks
	1	2	3
APPOINTMENTS, PENALTIES AND APPEALS			
1.	Power to re-employ pensioners in non-Gazetted appointments.	May sanction re-employment of pensioners in non-Gazetted appointments under Article 520(iii), Civil Service Regulations subject to the conditions in Article 521 <i>ibid</i>	Rule 5 of the P&T Manual Vol. IV.
LEAVE			
2.	Power to grant leave to officers of the following services and posts:- (1) Postmaster Service, Group B (2) Postal Superintendents Service Group B..	May grant leave of any duration except special disability leave.	Ministry of Finance (Department of Revenue and Expenditure) O.M. No. F.7(26)E IV/56 dated 27 th June, 1955.
3.	Power to grant leave to all Class I officers under him	May grant leave except disability leave.	Ministry of Finance (Department of Revenue and Expenditure) O.M. No. F.7(26)E IV/56 dated 27 th June, 1955.
3A.	Power to grant leave to Senior and Junior Accountants of the P.& T. Accounts Cadre	May grant leave of any duration except special disability leave	Ministry of Finance (Communications) letter no. 104/4/57-SPA, dated 13 th February, 1959.
OFFICIATING APPOINTMENTS			

4.	Power to make officiating appointments in services and posts mentioned under item 2.	May make officiating arrangements for the first four months in vacancies of any nature	Government of India Department of Posts and Air letters no. S-302-1/344 dated 31 st March, 1944 and S-302-3/44 dated 22 nd October, 1945 and Min. of Transport & Communications, Deptt. of Communications letter no. 104/2/57-SPA, dated 29 th December 1958.
5.	Power to make officiating appointments to the Senior and Junior Time Scales of the Indian Postal Service Group "A"	May make officiating promotions subject to the following conditions : a) In the case of vacancies in the Senior Time scale the senior most officer of the Junior Time Scale	Government of India Ministry of Communications (P&T) Letters No. SPA, 71-2/49, dated 13 th September 1949 and No. SPA 71-2/51, dated the 18 th October, 1951.
		available in the station	

		<p>whether holding charge of Postal or R.M.S. Division should be appointed to officiate if the vacancy is of fourteen days and above but does not exceed one month. If the vacancy exceed one month but does not exceed 4 months, the senior most officer in the Junior Time Scale available in the circle, whether holding charge of a R.M.S. Division would be appointed to officiate.</p> <p>(b) In the case of vacancies in the Junior Time Scale, the senior most officer of the Postal Superintendent, Service Group 'B', who has been approved for promotion to Group 'A' and is available in the station should be appointed to officiate if the duration of the vacancy is of 14 days and above but does not exceed one month. If the vacancy exceeds one month but does not exceed 4 months the senior most officer of the Postal Superintendents, Service, Group 'B' who has been approved for promotion to Group 'A' and is available within the circle should be appointed to officiate. Seniority of the approved officer for this purpose will be determined according to the order mentioned in the approved list.</p> <p>(c) If it is not possible to make officiating arrangements in the vacancies mentioned</p>	
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5A.	Power to make officiating appointment to the post of Senior and Junior Accountants of the P.& T. Accounts cadres.	<p>May make officiating arrangements in the leave vacancies upto 4 months subject to the following conditions :-</p> <p><i>a)</i> Qualified official should as far as possible be appointed</p> <p><i>b)</i> When qualified officials are not available an unqualified official may be appointed to carry on the duties of the Accountant provided he is experienced in the particular type of work and is considered fit according to Note (2) to Annexure to Section II (Part II) Schedule of the Manual of the Appointments and Allowances.</p> <p><i>c)</i> In making officiating arrangements, the orders regarding making officiating arrangements in short time vacancies as issued from time to time by Government and the Director General P.& T. are strictly followed.</p> <p><i>d)</i> Officiating arrangement against leave vacancies in the Senior Accounts Cadre should be made in the Junior Accountants grade only.</p>	Ministry of Finance (Communications) letter no. 104/57-SPA, dated 13 th February, 1959
TRANSFERS			

6.	Power to transfer Gazetted Officers.	Full powers to transfer within his jurisdiction Group "B" Officers of all services, officers of Junior Time scale officers of the Indian Postal Service Group 'A' including officers in charge of R.M.S. Divisions.	Rules 38 & 63 of the P&T Manual Vol. IV and Ministry of Communications (P&T) letters No. SPA.71-1/48, dated 13 th November, 1948 and No. SPB.111-13/48, dated 21 st February, 1949 and Ministry of Communications (Deptt. of Communications & Civil Aviation) Letter no. 2/1/58 SPA dt. 16 th June 1958 and 23 rd December 1958.
7.	Power to transfer a non-Gazetted official within the Circle and within the same cadre for administrative reasons	Full powers subject to the condition of F.R. 15 and FR 22 and also the condition that no transfer shall be made from a post carrying a higher scale of pay in one station to another post in the same cadre carrying a lower scale at another station without prior approval of the Director General. N.B. – The transfer of any P.O. or R.M.S. official below the Lower Selection Grade should be made to a Division the actual posting of the official within the division being left to the Divisional Superintendent.	Rules 36 & 63 of the P&T Manual Vol. IV

8.	Power to transfer a non Gazetted official to another but identical cadre and grade within the Circle for administrative reasons.	Full powers subject to the conditions of F.R. 22 the seniority on transfer to the new cadre and grade being ordinarily fixed, as far as practicable according to the date of substantive entry in the cadre and grade from which the transfer is made; but a report showing the grounds for each such transfer should be made to the Director General unless the transfer is made in pursuance of an order issued by him.	Rules 38 & 63 of the P&T Manual Vol. IV
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9.	Powers to transfer a non Gazetted official outside the cadre but to an identical cadre, whether within or outside the Circle, at the request of the official concerned or by mutual exchange of appointments.	Full powers subject to the conditions : (1) that no extra expense to the State is involved; (2) that initial pay on transfer is fixed under F.R.22; (3) that the seniority on transfer is fixed according to rule 38 of P.& T. Manual Vol. IV, if transfer is by way of; mutual exchange, and if otherwise, at the lowest position in the gradation list the cadre and grade to which transfer is made; (4) that a declaration is obtained from the official concerned agreeing to the conditions (1) to (3); (5) that no transfer of selection grade official to another Circle is made except by way of mutual exchange and (6) that if the transfer is to another circle, the concurrence of the Head of that Circle is duly obtained.	Rules 63 of the P&T Manual Vol. IV Transfer of officials at their request by mutual exchange from a higher to a lower scale of pay and <i>vice versa</i> shall not be permitted : (i) when the pay of the official in the higher scale is greater than the maximum of the lower scale to which he seeks transfer; or (ii) when the official in the lower scale is likely to get an increase of pay by more than 10% of his substantive pay by way of initial pay in the new scale to which he seeks transfer. These conditions may in vary special circumstances be relaxed by the Director General.
10.	Power to transfer a non-Gazetted official belonging to an All India cadre, within that cadre but outside that circle.	Full powers in case of mutual exchange of appointments only subject to the conditions: (1) that the concurrence of the Head of the other Circle concerned is duly obtained; (2) that no extra expense to the State is involved; and (3) that a report on the mutual exchange is made to the Director General.	Rule 63 of the P&T Manual Volume IV.

11.	Power to grant permission to be transferred to other Government offices or Departments	May grant permission to any one whom he or any authority subordinate to him is authorized to appoint subject to Rule 19 and the condition imposed in Rule 3 of Appendix 22 of P&T Manual, Volume IV.	
RESIGNATIONS			
12.	Power to accept resignation of an official.	May accept resignation of any one whom he is competent to appoint.	Rules 158(1) of the P&T Manual Vol. III
PENSIONS AND GRATUITIES			
13.	Power to sanction ordinary pension (including gratuities) and to decide question allied to the grant thereof.	Full powers under the C.S.R. in respect of officials whom he is competent to appoint.	
SECURITY DEPOSITS			
14.	Power to fix the amount of security deposits in the case of Cashiers and Store Keepers.	Full powers subject to the rule in the Manual	Rule 193 of the P&T Manual, Vol.II
15.	Power to order forfeiture of Security Deposits	Full powers subject to the rule in the Manual	Rules 258 and 259 of P&T Manual, Volume II
MISCELLANEOUS			
16.	Power to grant permission to take up other employment while on leave, under F.R. 9	May grant permission to any one who he is authorized to appoint.	
17.	Power to grant casual leave.	Powers as defined in Rules 99-102 of Postal Manual Volume IV	
18.	Power to execute and sign contracts on behalf of the Department.	Powers as defined in Rule 436 of Postal Manual Volume II.	
19.	Power to authorize the institution of Civil Suits on behalf of the Department against defaulting guarantees of combined offices for recovering deficits against guarantee.	Power as defined in Exception (2) to Rule 127 of P&T Manual Volume II.	
20.	Powers to institute or defend Civil Suits in connection with lands and buildings.	Powers as defined in Exception (3) to rule 127 of Postal Manual Volume II.	

21.	Power to authorize the institution of criminal proceedings in non-cognizable cases against officials under his control except those appointed by Director General or higher authority.	Full powers	Rules 133 and 134 of the Postal Manual Volume II
22.	Power to employ Government Pleaders on behalf of the Department in criminal cases.	Powers as defined in Rule 146 of the P&T Manual Volume II.	
23.	Powers to sanction deputation and journey etc. of officers.	<p>May sanction:</p> <p>(a) the deputation of Superintendents of Post Offices and Railway Mail Services for Telegraph Training for a period not exceeding six weeks provided that the relieving arrangements can be made within the Circle.</p> <p>(b) the journey of all Officers below the rank of Director beyond the Circle for a period not exceeding seven days for enquiry and the grant of traveling allowances to such officers provided that no acting arrangement in place of the officer is made.</p> <p>Note : A copy of the Order issued by the Head of a Circle in respect of (a) above should be sent to Director General for information</p>	Director General's letter no. A.A. 58/26 dated 20 th June, 1926.
24.	Power to condone excesses over the standard scale of accommodation occupied as residences by staff of the Postal Department.	Powers as defined in Rule 538-B and 590 of Postal Manual, Volume II	

25.	Power to sanction conversion of a private exchange telephone connection into a departmental or a private exchange connection.	May be sanctioned provided that the period for which the original connection was guaranteed is not curtailed.	Paras 87 to 110 of P&T Manual, Volume XII
26.	Power to grant leave after the age of superannuation to non Gazetted officers governed by <i>ad interim</i> leave rules in the Civil Service Regulations.	Powers of Local Government under Article 234 (b) of Civil Service Regulations.	
27.	Power to open guaranteed officers for a period of five years or more in special cases.	Full powers	Ministry of Communication (P&T) letter no. SPB-111-13/48 dated 21 st February, 1949.
POST OFFICE – SPECIAL			
28.	Power to fix the period of preservation of records in a Circle Office (other than records)	Powers as defined in Rule 16 of Postal Manual Volume VIII	
29.	Powers to fix the extent of jurisdiction of Superintendent of Post Offices and of Inspectors of Post Offices	Full powers.	Powers as defined in Rule 16 of Postal Manual Volume VIII
30.	Powers to authorize an official under his control to travel on duty outside the limits of his jurisdiction	Full powers	D.G.P&T Memo no. SPA-270-1/49 dated the 11 th June 1949.
31.	Powers to settle claims of defrauded persons	Powers as defined in Rule 223 of Postal Manual V.	
32.	Powers to sanction refund to the sender of a parcel in respect of the loss of contents if the parcel is delivered to a person other than the real addressee, after the amount of loss has been recovered from the wrong recipient.	Full powers.	Ministry of Communications (P&T) letter no. SPB-111-13/48 DATED 21 ST February, 1949.
33.	Power to order the destruction of Post Office records (other than Accounts records) of a permanent character.	Full powers as defined in Rule 25 of the P&T Manual Volume VI	
34.	Powers to authorize Superintendents of Post Offices, as a special case to apply and pay for police escorts the transmission of cash.	Full powers	Rule 148 of P&T Manual Volume VIII
35.	Power to add questions to the standard inspection questions.	Full powers	Rule 417 of P&T Manual Volume VIII
RAILWAY MAIL SERVICE – SPECIAL			

36.	Power to fix extent of jurisdiction of a Superintendent, Railway mail service and Inspector, Railway Mail Service.	Full powers.	Rules 17 and 18 of the Postal Manual Volume VIII.
37.	Power to add question to standard Inspection questions to meet local requirements	Full powers.	Rule 417 of Postal Manual Volume VII
TELEGRAPHS – SPECIAL (COMBINED OFFICES)			
38.	Power to sanction the opening of Combined Offices	Full powers provided : (1) the cost of the line is within his own powers of sanction (2) the office is anticipated to be remunerative on the basis of the usual guarantee calculations; and (3) its working charges are within his powers of sanction.	

39..	Powers to quote guarantees for Combined Offices.	May quote a guarantee, provided : (a) that the project does not involve the use of masts or cables. (b) that the working charges on which it is based, if beyond his own powers of sanction, are subsequently approved by the Director General. (c) that the cost of construction of the line is within his powers of sanction; but if the cost is beyond his powers, only with the proviso that the guarantee is subject to the approval of the Director General to the construction of the line: (d) that the guarantee relates to one office only and not to a group of offices; and (e) that the guarantee is calculated according to the rules in the Manual.	
40.	Power to renew or terminate guarantees for Combined offices after expiry of the guarantee period.	Powers as defined in Rules 140 to 142-A of P&T Manual Volume IX.	
41.	Power to close Combined Offices.	May close an office provided the abolition of its working charges is within his powers of sanction.	
42.	Powers to close a guaranteed Combined Office	Powers as defined in Rule 140 of P&T Manual Volume IX.	
43.	Powers to sanction the reduction of the amounts of guarantee for Combined Offices during the period of guarantee when this is rendered possible owing to a reduction in the working expenses.	Full powers	Ministry of Communications (P&T) letter no. SPB-111-13/48 dated 21 ST February, 1949.

DELIVERY OF MESSAGES BY BICYCLES			
44.	Power to decide question concerning delivery of message by means of messengers.	May decide when delivery by means of bicycle is desirable and the number of bicycle peons to be employed.	Rule 195 of the P&T Manual Volume IX.
PRESS BEARING TELEGRAM			
45.	Power to grant applications to send press bearing telegrams.	May grant such applications an immediate report being made to the Director General.	
TELEGRAPH AND TELEPHONE TRAFFIC ARRANGEMENTS			
46.	Power to employ temporarily certified Postal Assistants in the departmental telegraph Offices.	Full powers provided that the period of deputation of the clerk concerned does not exceed six months	Rules 391 of the Postal Manual Volume IV.
46-A	Power to close Public offices	Full powers provided that closure the P.C.O. would not inconvenience the public.	D.G.P & T. letter PHA-40-14/57/phc. DATED 28.1.58 AND 30.12.58.

Note : Except powers under Sl. No. 4,5,6,8,9,29,35,37 and 38 may be delegated to Additional P.M.G.

SCHEDULE No. 3

SCHEDULE OF ADMINISTRATIVE POWERS OF SENIOR SUPERINTENDENT AND SUPERINTENDENT OF POST OFFICES.

	Nature of power	Extent of power	Remarks
	1	2	3
APPOINTMENTS, PENALTIES AND APPEALS (See Schedule No. 1)			
LEAVE.			
1.	Powers to grant leave to Selection Grade Officials and officials of the Inspectors of Post Office Grade.	May grant leave other than special disability leave not exceeding four months.	Ministry of Finance (Deptt. of Expenditure) endorsement No. 7(1)E.IV/58 dated 11.01.58.
2.	Powers to fill officiating vacancies in the selection grades and the grade of Inspectors of Post Offices, Asstt. Supdt. Post Offices.	Full powers, provided the vacancies are not of more than four months' duration	Government of India P&A Deptt. Memorandum No. E 202 -1/43, dated 11 th August 1944.
TRANSFERS			

3.	Powers to transfer any official below the lower selection grade from one office to another in the division in the same time scale of pay.	Full powers	Rule 37 of the Posts and Telegraphs Manual, Volume IV.
4.	Powers to transfer by way of exchange of officials on the same time scale of pay below the Lower Selection Grade from one division to another within the Circle provided that (1) the Postmaster General has not specially ordered one or the other of the officials to work in the division or place from which the transfer is sought and (2) the consent of the other Superintendent concerned is obtained.	Full powers subject to the conditions : (1) that no extra expense to the State is involved. (2) that the initial pay on transfer is fixed under F.R. 22; (3) that the seniority on transfer is fixed according to the rule 38 of the <i>Posts and Telegraphs Manual Volume IV</i> ; (4) that a declaration is obtained from the officials agreeing to the conditions (1) to (3). N.B. – The Superintendent have been authorized to transfer Lower Selection Grade officials also within their divisions.	D.G.P.&T. letter no. 99/1/57/SPB, dated 28.2.1958.
RESIGNATIONS			
5.	Power to accept resignation of an official.	May accept resignation of any one whom he is authorized to appoint.	Rules 158(1) of the Posts and Telegraphs Manual Volume III.
PENSIONS AND GRATUITIES			
6.	Power to sanction ordinary pensions, (including gratuities) and to decide questions allied to the grant thereof.	Full powers under the Civil Service Regulations in respect of officials whom he himself or any authority in a non-gazetted cadre subordinate to him is competent to appoint.	
MISCELLANEOUS			

7.	Power to fix scale of fees to be charged by professional letterwriters and to lease out right to use post office premises for the purpose of carrying on the business of professional letter writing	Full powers	Rule 105 of the Posts & Telegraphs Manual Volume III
8.	Power to inspect books and accounts of the sub-account department of first class head offices.	Full powers	Rule 102 of the Posts & Telegraphs Manual Volume II
9.	Power to verify balances of first class head offices	Full powers	Rule 102 of the Posts & Telegraphs Manual Volume II
10.	Power to take possession of records of post offices.	Powers as defined in Note below rule 102 of the <i>Posts and Telegraphs Manual Volume VIII</i>	
11.	Power to grant casual leave.	Powers as defined in Rules 99 to 102 of the <i>Posts and Telegraphs Manual Volume VIII</i>	
12.	Power to execute and sign contracts on behalf of the Department.	Powers as defined in Chapter IX of the <i>Posts and Telegraphs Manual Volume II</i>	
13.	Power to condone excesses over the standard scale of accommodation occupied as residences by the staff of the Posts and Telegraphs Department.	Up to 100 sq. ft. in each case provided that a certificate to the effect that the excess accommodation cannot conveniently be utilized in any other way is furnished to the Audit Office concerned.	

SCHEDULE No. 4

SCHEDULE OF ADMINISTRATIVE POWERS OF INSPECTOR OF POST OFFICES. (OTHER THAN A TOWN INSPECTOR)

	Nature of power	Extent of power	Remarks
	1	2	3
APPOINTMENTS, PENALTIES AND APPEALS <i>(See Schedule No. 1)</i>			

1.	Power to transfer one office to another in the same time scale in his sub division any official whom he is authorized to appoint.	Full powers, subject to the provisions of rule 37 of the <i>Posts and Telegraphs Manual Volume IV</i>	Rule 38 of the <i>Posts and Telegraphs Manual Volume IV</i>
RESIGNATIONS			
2.	Power to accept resignation of an official.	May accept the resignation of any one whom he is authorized to appoint.	Rule 158(1) of the <i>Postal Manual Vol. III</i>
MISCELLANEOUS			
3.	Power to grant casual leave	Power as defined in rules 99 to 102 of the <i>Posts and Telegraphs Manual Volume IV</i>	

SCHEDULE NO. 5
SCHEDULE OF ADMINISTRATIVE POWERS OF A POSTMASTER

	Nature of power	Extent of power	Remarks
	1	2	3
A Presidency Postmaster and a First Class Postmaster incharge of independent unit (not under Senior superintendent of Post Office).			
APPOINTMENTS, PENALTIES AND APPEALS <i>(See Schedule No. 1)</i>			
LEAVE			
1.	Power to grant leave to Selection grade officials.	May grant leave other than special disability leave not exceeding four months.	Ministry of Finance Department of Expenditure OM No. 7(1) E .IV/58 DATED 11.1.58.
2.	Officiating arrangements, Power to fill officiating vacancies in Selection Grades.	Full powers provided the vacancies are not of more than four months' duration	Ministry of Finance Department of Expenditure OM No. 7(1) E .IV/58 dated 11.1.58
TRANSFERS			

3.	Powers to transfer by way of exchange of officials on the same time scale of pay within the same circle provided that (1) the Postmaster General has not specially ordered one or the other of the officials to work in the Division or place from which the transfer is sought and (2) the consent of the other Superintendent of Postmaster competent to sanction the transfer is obtained	Full powers	
4.	Power to transfer officials of Lower Selection Grade working under him from one post to another within his jurisdiction and to above official of Upper Selection Grade working in his own office from one department to another within the office.	This power can be exercised only by the Presidency Postmasters	Director General's letter No. E. & B-1 44/37, dated 7-3-38.
RESIGNATIONS			
5.	Power to accept resignation of an official.	May accept resignation of any one whom he is competent to appoint.	Rule 158(1) Postal Volume III.
PENSIONS AND GRATUITIES			
6.	Powers to sanction ordinary pensions (including gratuities) and to decide questions allied to the grant thereof.	Full powers under the Civil Service Regulations in respect of officials whom he himself of any authority in a non-gazetted cadre subordinate to him is competent to appoint.	Only Gazetted Postmaster, gazetted Deputy Postmasters and Deputy Presidency Postmasters are competent to exercise this power.
MISCELLANEOUS			
7.	Power to execute and sign contracts on behalf of the department	Powers as defined in Chapter IX of the Postal Manual Volume II	
8.	Power to fix scale of fees to be charged by professional letter writers and to lease out right to use post office premises for the purpose of carrying on the business of professional letter writing.	Full powers	Rule 175 of the Postal Volume VIII. read with rule 100 of Posts and Telegraphs Manual Volume V

9.	Power to condone excesses over the standard scale of accommodation occupied as residences by the staff of the Posts and Telegraphs Department.	Upto 100 sq. feet in each case provided that a certificate to the effect that the excess accommodation cannot conveniently be utilized in any other way is furnished to the Audit Office concerned.	
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GROUP 'B' POSTMASTER AND A SUB-POSTMASTER IN SELECTION GRADE (EXCEPT SUB-POSTMASTER IN-CHARGE OF A TOWN SUB-OFFICE)

APPOINTMENTS, PENALTIES AND APPEALS

(See Schedule No. 1)

Miscellaneous

11.	Power to cut or break counterfeit silver coins.	This power can be exercised only by presidency Postmaster Calcutta, Bombay and Madras	Rule 20 of the Postal Manual Volume VI.
12.	Power to grant casual leave	Powers as defined in rules 99 to 102 of the Postal Volume IV.	
RESIGNATION			
13.	Power to accept resignation of an official	May accept resignation of any official whom he is competent to appoint.	158 (1) of the P&T Manual Vol.II
"a Sub-Postmaster in the Selection grade-in-charge of a Town Sub-Office"			
14.	Powers to grant leave to Postmen and Class IV officials working under them.	May grant leave (other than special disability leave) not exceeding four months	D.G.P. & T. Endorsement No. 99/1/67-SPB-II dated 22.5.87.

SCHEDULE NO. 6

SCHEDULE OF ADMINISTRATIVE POWERS OF A SENIOR SUPERINTENDENT AND SUPERINTENDENT, RAILWAY MAIL SERVICE

	Nature of power	Extent of power	Remarks
	1	2	3

APPOINTMENTS, PENALTIES AND APPEALS
(See Schedule No. 1)

LEAVE

1. 1A.	Power to grant leave to Selection grade officials of the Inspectors of Railway Mail Service Grade, Asstt. Supdt. RMS Power to fill officiating vacancies in the selection grades and the grade of Inspector of Railway Mail Service, Asstt. Supdt. RMS	May grant leave other than special disability leave not exceeding four months. Full powers provided the vacancies are not more than four months' duration.	Ministry of Finance Department of Expenditure Endt. No. 7(1) E .IV/58 DATED 11.1.58. Government of India P&A Department Memorandum No. E-202-1/43 dated the 11 th August, 1944.
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TRANSFERS

3.	Powers to sanction transfer by way of exchange of officials on the same time scale of pay from one division to	Full powers subject to the conditions that :- (1) that no extra expense to the State is involved; (2) that the initial pay on transfer is fixed under F.R.22 (3) that the seniority on transfer is fixed according to rule 38 of the <i>Posts and Telegraphs Manual Volume IV</i> . (4) that a declaration is obtained from the official agreeing to the conditions (1) to (3). N.B. : The Superintends have been authorized to transfer Lower Selection Grade officials also within that division.	D.G.P. & T. letter no. 99-1-57-SPB dated 28.02.1958
3.	Power to transfer any official in the same time scale from one office or section to another in the division	Full powers	Rule 38 of the Posts and Telegraphs Manual, Volume V.

RESIGNATIONS

4.	Power to accept resignation of an official.	May accept resignation of any one whom he is competent to appoint.	Rule 32 of P&T Manual Volume II.
PENSIONS AND GRATUITIES			
5.	Powers to sanction ordinary pensions (including gratuities) and to decide questions allied to the grant thereof.	Full powers under the Civil Service Regulations in respect of officials whom he himself or any authority in a non-gazetted cadre subordinate to him is competent to appoint.	.
MISCELLANEOUS			
6.	Power to grant casual leave	Powers as defined in Rule 99 to 102 of <i>Postal Manual Volume IV.</i>	
7.	Power to condone excesses over the standard scale of accommodation occupied as residences by the staff of Posts and Telegraphs Department	Upto 100 sq. ft. in each case provided that a certificate to the effect that the excess accommodation cannot conveniently be utilized in any other way is furnished to the Audit Office concerned.	

SCHEDULE NO. 6-A

SCHEDULE OF ADMINISTRATIVE POWERS OF SUPERINTENDENT (SORTING), RAILWAY MAIL SERVICE

	Nature of power	Extent of power	Remarks
	1	2	3
MISCELLEANEOUS			
1.	Power to grant casual leave	<i>Powers as defined in rules 99 to 102 of the Posts & Telegraphs Manual, Volume IV</i>	

2.	Power to condone excesses over the standard scale of accommodation occupied as residences by staff of the Posts and Telegraphs Department.	Upto 100 sq. ft. in each case provided that a certificate to the effect that the excess accommodation cannot conveniently be utilized in any other way is furnished to the Audit Office concerned.	
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SCHEDULE No. 7

SCHEDULE OF ADMINISTRATIVE POWERS OF AN INSPECTOR, RAILWAY MAIL SERVICE.

	Nature of power	Extent of power	Remarks
	1	2	3
APPOINTMENTS, PENALTIES AND APPEALS (See Schedule No. 1)			
TRANSFERS			
1.	Power to transfer from one office to another in the same time scale in his sub-division any official whom he is authorized to appoint.	Full powers subject to the provision of rule 37 of the <i>Posts and Telegraphs Manual, Volume IV.</i>	Rule 38 of Postal Manual, Volume IV.
RESIGNATION			
2.	Power to accept resignation of an official	May accept resignation of any one whom he is authorized to appoint.	Rule 158 (1) the Post I Manual, Volume III
MISCELLANEOUS			
3.	Power to grant casual leave	Powers as defined in rules 99 to 102 <i>Postal Manual, Volume IV.</i>	

SCHEDULE No. 8

SCHEDULE OF ADMINISTRATIVE POWERS OF RECORD OFFICER

	Nature of power	Extent of power	Remarks
	1	2	3

APPOINTMENTS, PENALTIES AND APPEALS (See Schedule No. 1)			
TRANSFERS			
1.	Power to transfer temporarily a sorting assistant from one set or section to another.	Full powers	
RESIGNATIONS			
1-A..	Power to accept resignation of an official	May accept resignation of any whom he is authorized to appoint.	Rule 158(1) of the Postal manual Vol. III
MISCELLANEOUS			
2.	Power to summon a sorting assistant to the record office to the railway station during his rest time.	Full powers	
3.	Power to order Sorting Assistant to perform overtime duty	Full powers	
4.	Powers to grant casual leave	Powers as defined in rules 99 to 102 of <i>Postal Manual Vol. IV.</i>	
5.	Powers to apply to the Railway authorities for extra accommodation for the use of the Post Office in Railway trains.	As indicated in Rule 9 of <i>Postal Manual Vol. VIII.</i>	

SCHEDULE No. 9 (omitted)**SCHEDULE No. 10.****SCHEDULE OF ADMINISTRATIVE POWERS OF HEAD SORTING ASSISTANT**

	Nature of power	Extent of power	Remarks
	1	2	3
1.	Power to apply to the Railway authorities of extra accommodation for the use of the Post Office in Railway trains	As indicated in Rule 9 of <i>Postal Manual Vol. VIII.</i>	This power can be exercised also by – Mail Agents where a separate Mail Agent has been sanctioned for the set.

SCHEDULE No. 11.**SCHEDULE OF ADMINISTRATIVE POWERS OF SUPERINTENDENT POSTAL STORES DEPOT /SUPERINTENDENT (POSTAL STORES) FORMS AND SEALS, ALIGARH**

2.	Power to make officiating arrangements	<p>(a) Full powers to make officiating appointments in Selection Grades upto 4 months.</p> <p>Note : In case of Supdts. of Stores Depots whose staff are borne on the Gradation List of the neighboring Postal Division this power should be exercised in consultation with the officer-in-charge of that Division.</p> <p>(b) Full powers to make offg. appointment of Junior Accts. in leave vacancies upto 4 months and training vacancies subject to the following conditions :-</p> <p>(i) Qualified officials should as far as possible be appointed.</p> <p>(ii) When qualified officials are not available an unqualified official may be appointed to carry on the duties of the Accountant provided he is experienced in the prescribed type of work and is considered fit according to note (2) of Annexure to Section II (part II) schedule of Manual of Appointments and Allowances</p> <p>(iii) In making offg. arrangements, the orders regarding offg. arrangements in short term vacancies as issued by Govt. and D.G. P&T may be strictly followed.</p> <p>(iv) Offg. arrangements against leave vacancies in the Senior Accountants Cadre should be made in the Junior Accountants grade only</p>	Letter no. 73/2/58 SPB dated 14.11.58.
RESIGNATIONS			

3.	Power to acceptance of resignation of an officer.	May accept resignation of any one whom he is authorized to appoint.	Rule 158(1) of the Postal Manual Vol.III.
PENSIONS AND GRATUITIES			
4.	Power to sanction ordinary pension (including gratuities) and to decide questions allied to the grant thereof	Full powers under the Civil Services Regulations in respect of officials whom he is competent to appoint.	
LEAVE			
1.	Power to grant leave to Junior Accountant of the P&T Accounts cadre.	May grant leave of any duration except special disability leave.	
2.	Power to grant leave to Instructors	May grant leave other than special disability leave not exceeding 4 months.	
OFFICIATING ARRANGEMENTS			
3.	Power to make officiating appointments to the posts of Jr. Accountants of the Postal Accounts Cadre.	<p>May make officiating arrangements in leave vacancies up to 4 months subject to the following conditions: -</p> <p>(a) Qualified officials should as far as possible be appointed.</p> <p>(b) When qualified officials are not available an unqualified official may be appointed to carry on the duties of the Accountant provided he is experience in the particular type of work and is considered fit according to note (2) to Annexure to Section II (Part II) Schedule of the Manual of appointment and Allowances.</p> <p>(c) In making officiating arrangements the order regarding making officiating arrangements in short term vacancies as issued from time to time by the Government and the DGP&T are strictly followed.</p>	

4.	Power to make officiating appointments to the posts of Instructors.	May make officiating arrangements in accordance with Rule 50 of Postal Manual Vol. IV by utilizing the most suitable official available either at the center or in the Circle in which the Training Centre is situated. In the latter case the approval of the head of the Circle concerned will have to be obtained. The exercise of this power is subject to any restriction imposed by the Government or the Director General in the matter.	
RESIGNATIONS			
5.	Power to accept resignation of an official	May accept resignation of any one whom he is authorized to appoint.	Rule 158(1) of Postal Manual Vol.II
PENSIONS AND GRATUITIES			
6.	Power to sanction ordinary pensions (including gratuities) and to decide questions allied to the grant thereof.	Full powers under the Civil Services Regulations in respect of officials whom he is competent to appoint.	Power as stated in Article 913 CSR
MISCELLANEOUS			
7.	Power to extend the period of training	May extend the period of training of clerks or postal signallers (outsider or departmental) by 15 days.	Plg/-89-48/55 (SP-B) dated 21.4.1956 23/11/59-SPB dated 25.9.59.
8.	Power to grant casual leave	Powers as defined in Rules 99 to 102 of Postal Manual Vol. IV.	
9.	Power to admit candidate after the expiry of the date of Admission	Full powers in case he is satisfied that the candidate will make up for the lessons lost	{Plg/-89-48/55 (SP-B) dated 21.4.1956.
10.	Power to discharge a candidate from the training class.	Full powers to discharge a candidate from the training class on account of unsatisfactory progress or indiscipline except in the case of officers of IPS class I or T.E.S. Class III.	Plg/-89-48/55 (SP-B) dated 21.4.1956