

Basic expectations of employer

Employees should

- Be honest
- Work efficiently
- Not tarnish the image of the organisation

CCS (CCA) Rules, 1965

1. Prescribes penalties for misconduct
2. Who can impose the penalties
3. Procedure to be followed for imposition of penalties
4. Remedies available after penalty
5. Incidental matters

Penalties

- Two types:
 - Minor penalties
 - Major penalties
- May be imposed
 - For *good and sufficient* reasons
 - After following prescribed procedure
 - By the authorities empowered to impose

Quantum of penalty

1. Which penalty to be imposed for which misconduct - not given in rules
2. Choice of penalty at the discretion of disciplinary authority
3. Proviso to rule 11 hints :
dismissal or removal for acceptance of illegal gratification
4. Should commensurate with misconduct
5. at least censure to be given when misconduct is established

TWO KINDS OF PENALTIES

MAJOR AND MINOR

DISTINCTION BASED ON

WHAT

**MAJOR PENALTIES ARE STRONG
MINOR PENALTIES ARE LIGHT &**

WHO

**MAJOR - BY APPOINTING AUTHORITIES
MINOR - BY LOWER AUTHORITIES**

HOW

**MAJOR - AFTER DETAILED ORAL HEARING
MINOR - ORDINARILY WITHOUT HEARING**

Minor Penalties

1. Censure
2. With-holding of promotion
3. Recovery from his pay
 - a. Of the whole or part of any
 - b. Pecuniary loss caused by
 - c. Negligence or breach of orders
4. Reduction to lower stage in the
 - time scale of pay
 - for a period of not exceeding 3 years
 - a. Without cumulative effect
 - b. Without affecting pension
5. With-holding of increment

Major Penalties

1. Reduction to a lower stage in time scale
2. Reduction to a lower time scale of pay, grade, post or service
3. Compulsory retirement
4. Removal from service
5. Dismissal

Inquiry Officer

1. May be a serving government servant
Or retired government servant
Or even an outsider
2. Must be senior in rank to CO
3. Must not have any interest in the case
4. Must not have expressed any opinion on the case

Duties of IO

1. Conduct hearing
2. Record evidence
3. Analyse evidence
4. Record daily order sheets
5. Issue certificates of attendance
6. Give finding as to whether charge is proved
7. Not to recommend penalty

Traits of IO

1. Be neutral
2. Provide reasonable opportunity
3. Be firm, polite and assertive
4. Listen and decide

Presenting Officer

1. Endeavour to establish the charge
2. Organise inspection of documents
3. Provide state documents
4. Produce state witnesses
5. Cross examine defence witnesses
6. Submit written brief
7. Keep disciplinary authority informed about progress regularly

Presenting Officer

1. Must be either
 - a. a serving government servantOr
 - a. a legal practitioner
2. If retires during the inquiry replaced by another
3. Preliminary investigating officer
4. Generally not appointed
5. Prime witnesses generally not appointed

Traits of PO

1. Alert
2. Dynamic
3. Imaginative
4. Ever on the toes
5. Have good public relation

Defence Assistant

1. Assists CO in the defence of the case
2. May be a
 - a. Serving government servant
 - b. Retired government servant
3. Legal practitioner

Serving Government Servant as a DA

1. Must not have more than three cases at a time
2. IO can grant permission after verifying status and number of pending cases
 1. Entitled for TA/ DA from Government for appearance if from out sta
 2. IO to consider the issue before
 3. granting permission

RETIRED GOVT. SERVANT AS DEFENCE ASSISTANT

1. Must have retired from the central government
2. If a legal practitioner, permission of disciplinary authority necessary
3. Must not have dealt with the case while in service
4. Not more than five cases at a time

LEGAL PRACTITIONER AS DEFENCE ASSISTANT

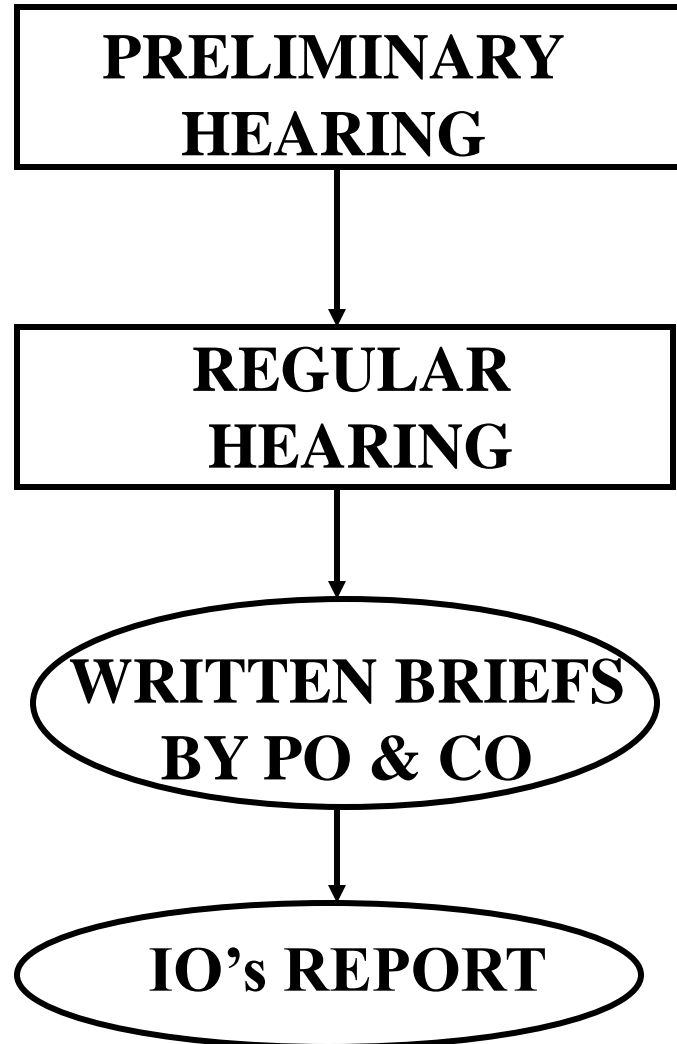
1. If PO is a legal practitioner CO gets a right to engage legal practitioner
2. Else CO should request Disciplinary authority
3. Factors to be considered
4. By disciplinary authority

Permission for engaging Legal practitioner

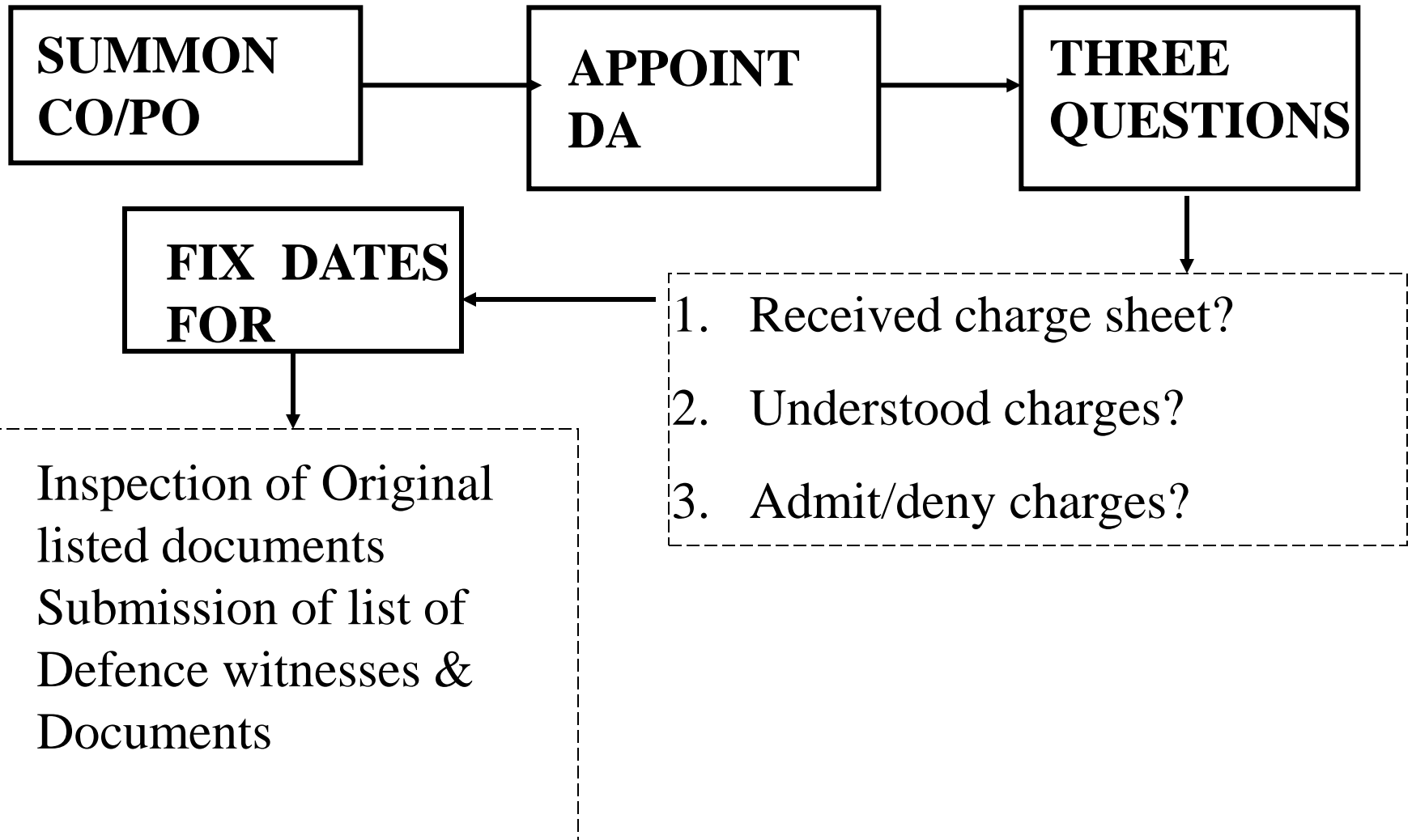
1. Factors to be considered (Not exhaustive)
2. Status of PO
3. His experience in these matters
4. Volume of evidence
5. Complexity of the case
6. Sole criterion:

will the rejection of request amount to denial of
Reasonable opportunity?

Stages in Inquiry



Preliminary hearing



Regular hearing

EXAMINATION OF WITNESSES

EXAMINATION IN CHIEF - BY THE PARTY WHO CALLS

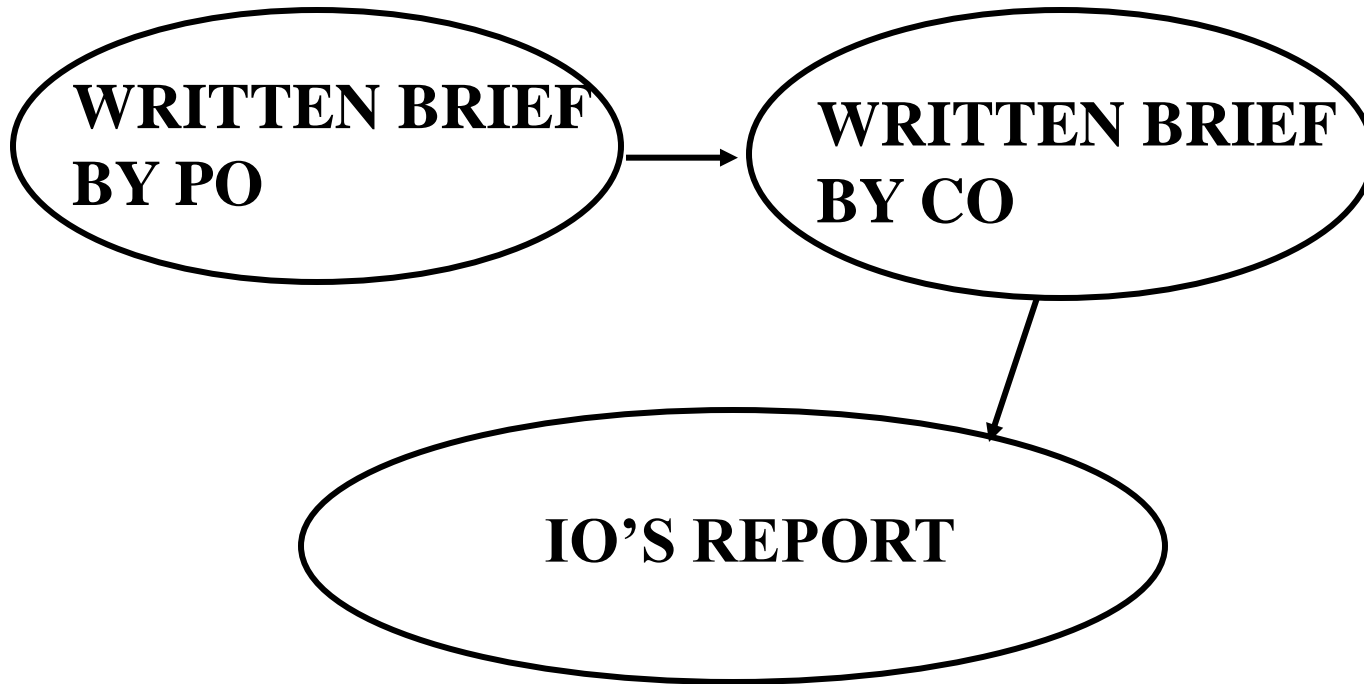
CROSS EXAMINATION - BY THE OPPOSITE PARTY

RE-EXAMINATION - BY THE PARTY WHO CALLS

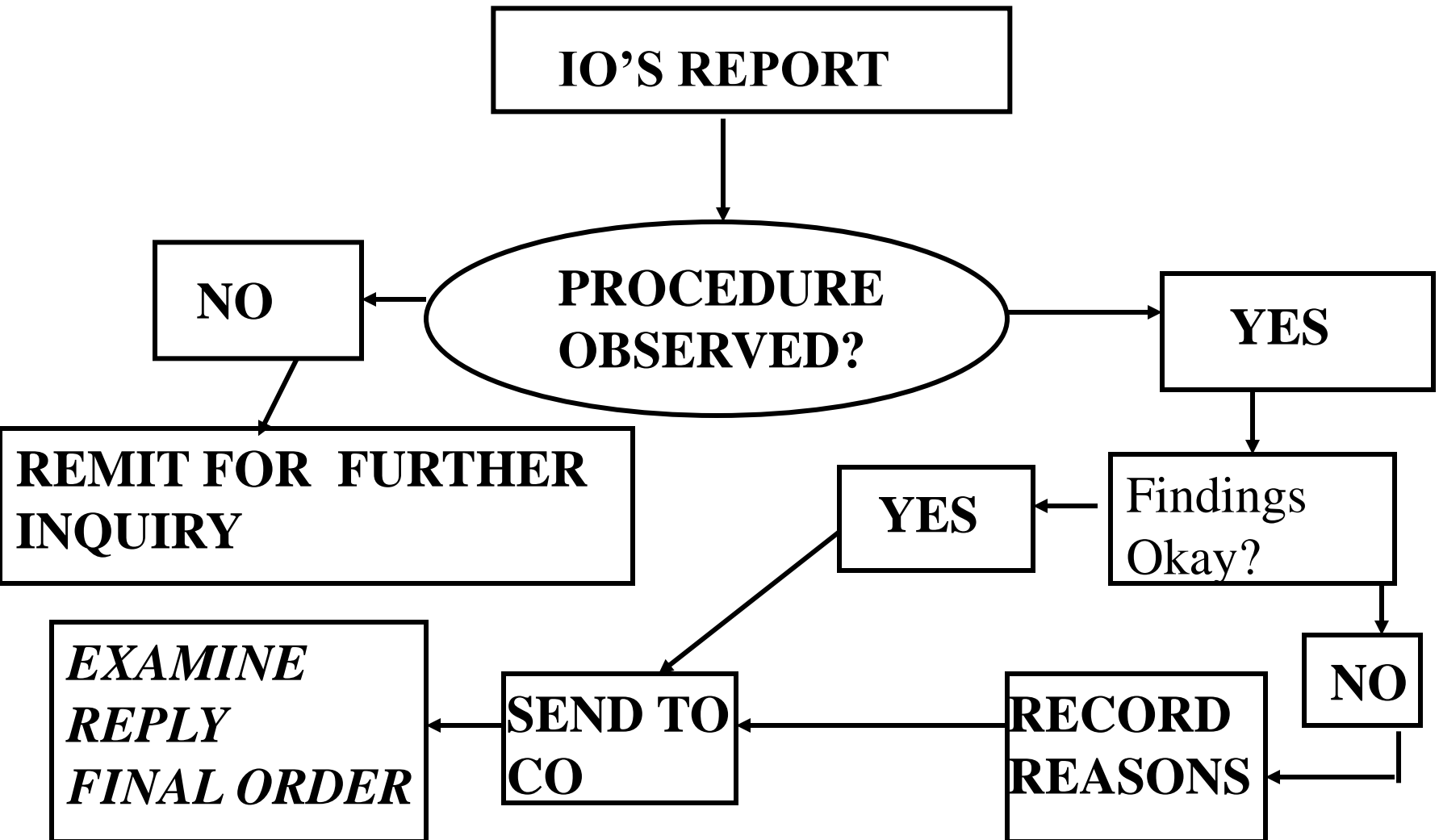
Examination of witnesses

STAGE	SW	DW
EXAMINATION IN CHIEF	PO	CO
CROSS EXAMINATION	CO	PO
RE EXAMINATION	PO	CO

Post hearing stage



Action on IO's report



CHARGE SHEET

1. Forwarding memo
2. Articles of charge
3. Statement of imputation
4. List of documents
5. List of witnesses