

F.No.11012/12/2010-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block,
New Delhi
Dated the 12th November, 2010

OFFICE MEMORANDUM

Subject : Communicating tentative reasons for disagreement under rule 15(2) of the CCS (CCA) Rules, 1965.

The undersigned is directed to say that rule 15(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 states that 'The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiry Authority on any article of charge to the Government Servant who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not, to the Government Servant.

2. The necessity of following the aforementioned rule 15(2) both in letter and spirit is reiterated. The communication forwarding the IO's report alongwith the tentative reasons for disagreement, if any, seeking comments/representation of the Charged officer should reflect this position. All Ministries/Departments are, therefore, requested to ensure that the communication forwarding 'the IO's report etc. does not contain phrases such as 'Article of charge is fully proved' or 'Article of charge is fully substantiated' which could be construed to mean that the disciplinary authority is biased even before considering the representation of the charged officer and this would be against the letter and spirit of the CCS (CCA) Rules, 1965.

3. Ministry of Finance etc. may bring the contents of the above OM to the notice of all concerned.



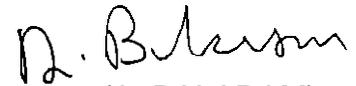
(A. Balaram)

Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India

Copy forwarded to

1. Comptroller and Auditor General of India, New Delhi
2. Lok Sabha Secretariat/Rajya Sabha Secretariat/Ministry of Parliamentary Affairs.
3. Union Public Service Commission, New Delhi.
4. President's Secretariat Vice-President's Secretariat 1 Prime Minister's Office.
5. Election Commission of India, New Delhi.
6. Central Vigilance Commission, New Delhi.
7. Staff Selection Commission, New Delhi.
8. Central Bureau of Investigation, New Delhi.
9. Chief Secretaries of all State Governments/Union Territory Administrations.
10. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions.
12. NIC (DOPT) with the request that this O.M. may be placed on the Department's website (www.persmin.nic.in).
(100 spare copies).



(A. BALARAM)

Deputy Secretary to the Government of India