

6. DISCIPLINARY PROCEEDINGS

6.15 Common Proceedings under Rule 9A - Charge 17(b) for higher gravity of irregularity and 17(a) for less gravity

Personnel and Administrative Reforms (N) Department

Letter (Ms) No.18/N/2001 Dated: 3.12.2001

From

Thiru. R. Sriram, I.A.S.,
Secretary to Government(Training).

To

All the Departments

Sir,

Sub: Tamil Nadu Civil Services (Discipline and Appeal) Rules – Common proceedings under Rule 9A- Differentiation between Rule 17(b) and 17(a)- Instructions- Issued.

Rule 9-A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules prescribes that in any case where more than one Government Servant of the same department are involved, the authority competent to institute disciplinary proceedings and impose any of the penalties specified in rule 8 of the said Rules shall be the authorities in that department in respect of the Government Servant who holds the highest post and the disciplinary proceedings against all of them shall be taken together.

2. The first proviso to rule 9-A of the said Rules prescribes that in the case of Government Servants belonging to different departments who are jointly involved or whose cases are interconnected, the Government shall be the authority competent to initiate disciplinary proceedings and impose any of the penalties specified in rule 8 of the said Rules and in such cases the administrative department of Secretariat in respect of the Government Servant who holds the highest post will initiate such disciplinary proceedings and issue final orders after complying with the entire procedure laid down in these rules.

3. A situation has arisen in a case recently in a common proceeding, where the issue of framing charges on the delinquents was taken up. As there is no distinction in the Rule governing common proceedings between imposing major and minor penalties a conscious decision was taken to frame charges under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on some of the officers where it was felt the gravity of their irregularity was on the higher side, and to issue a show cause notice under Rule 17(a) of the said Rules on the remaining officers in view of their lesser involvement. A point was raised whether the proceedings under Rule 17(a) of the said Rules instituted against delinquent officer should await the outcome of proceedings instituted under rule 17(b) of the said Rules against another delinquent officer in the jointly involved cases.

4. The above situation was examined in detail. As there is no specific requirement in rule 9-A of the said Rules that final orders shall be passed simultaneously against all the delinquent officers, it was decided that there is no harm if disciplinary proceedings under rule 17(a) of the said Rules are continued and final orders are passed independently.

5. I am, therefore directed to say that when common proceedings are instituted under rule 9-A or under first proviso to Rule 9-A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, charges may be framed under rule 17(b) of the said Rules against some officers for their higher gravity of irregularity and against other officers show-cause may be issued indicating the lapse under rule 17(a) of the said Rules if their gravity of irregularity is less. There is, however no

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bar to institute proceedings under rule 17(b) of the said Rules, if it is found that the jointly involved officers have committed irregularities, which are more or less equal. In such common proceedings under rule 9-A of the said Rules involving proceedings under Rule 17(b) and rule 17(a) of the said Rules there is no need to await the outcome of the 17(b) Proceedings if the proceedings under rule 17(a) has reached finality and the same can be finalised independently.

for SECRETARY TO GOVERNMENT (Trg.)