

6.20 Simultaneous criminal action and departmental disciplinary action against Government servants – Passing final orders without awaiting the results of the criminal case

Personnel and Administrative Reforms (N) Department,
Letter (Ms) No. 321 Dated 12.08.2004

From

Tmt. Lakshmi Pranesh I.A.S,
Chief Secretary to Government,

To

All Heads of Department

Sir,

Sub : Public Services- Simultaneous Criminal and Departmental action - use of authenticated Xerox or photo copies of the records in Disciplinary proceeding – instructions- issued.

Ref: G.O. (Ms) No.124 Personnel and Administrative Reforms (Per.N) Department Dated 22.2.1983

As per the orders issued in G.O. cited, when both Departmental as well as criminal action are initiated against a Government Servant for the offences committed by him, in regard to departmental action, charges may be framed against him for the lapses committed by him and final orders may be passed after obtaining the required registers/records/documents from the Court irrespective of the fact whether he is acquitted or not.

2. A doubt has arisen as to whether authenticated Xerox or photocopies of the registers/ records/documents can be used in departmental disciplinary proceedings when the original of the same are available with courts for criminal action on the same offence. In this connection, it may be pointed out that there is no objection to use the Xerox or photo copies in disciplinary cases, if they are duly authenticated. In the case of any doubt or where it is felt that the original registers/records/documents have to be perused the same can be called for from the Court through the Directorate of Vigilance and Anti-Corruption or other concerned investigating Agency, as the case may be. The concerned investigating agencies, namely, the Directorate of Vigilance and Anti-Corruption or other investigating agency may persuade the court part with the original registers/ records/ documents temporarily or may get Xerox or photo copies. Where the Courts are not prepared to part with the original registers/records/documents and if the accused Government servant insists on seeing the originals, the possibility of making arrangement for the accused to inspect the original registers/ records/ documents in the Courts should be examined in consultation with the Directorate of Vigilance and Anti-Corruption or the concerned investigating agency.

3. The Departments of Secretariat / Heads of Departments are requested to follow the guidelines mentioned in Para 2 above while taking simultaneous criminal action and departmental disciplinary action against Government servants and pass final orders in the disciplinary proceedings quickly without awaiting the results of the criminal case. They are also requested to communicate the above guidelines to all subordinate disciplinary authorities for guidance.

4. The receipt of this letter may be acknowledged.

for CHIEF SECRETARY TO GOVERNMENT