

4.1 Preparation of Panel for Persons against whom charges are pending or Charge sheet framed - Guidelines

Personnel and Administrative Reforms (P) Department

G.O. (Ms) No. 367

Dated: 12.11.1992

ORDER

The question of issuing guidelines in the matter of promotion/ appointment of persons against whom charges are pending or contemplated specific charges are framed after enquiry has been engaging the attention of the Government for some time past.

2. According to General Rule 39 (d), where it is necessary to appoint /promote an officer against whom an enquiry into allegations, corruption or misconduct is pending, the appointing authority may appoint or promote him temporarily pending enquiry into the charges against him and the competent authority (appointing authority) shall have discretion to make regular appointment or promotion in suitable cases.

3. The Government have carefully examined the matter, the recent judgment of the High Court, Madras, the Supreme Court and Orders of the Tamil Nadu Administrative Tribunal in the matter have also been taken into consideration. The Government issue the following guidelines for promotion / appointment of Government Servants, against whom charges/ enquiry are pending or specific charges have been framed:-

- i. In the case of Pending enquiries including vigilance enquiries and in the case, where specific charges have not been framed promotion/ appointment of such persons shall be considered on the basis of their performance as on the date of consideration for promotion/ appointment, as revealed through their personal files and seriousness of the punishments, if any, previously imposed; and
- ii. In cases, where specific charges have been framed or charge sheet has been filed in criminal case, promotion/ appointment of such persons shall be deferred till the proceedings are concluded.

(By order of the Governor)

T. V.VENKATARAMAN
CHIEF SECRETARY TO GOVERNMENT