

## 6. DISCIPLINARY PROCEEDINGS

### 6.21 Defects noticed in framing of charges/show cause notice

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Personnel and Administrative Reforms (N) Department  
Letter (Ms) No.10, Dated 10.1.2005

From

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

To

All Heads of Department

Sir/Madam,

Sub: Public services-Defects crept in framing of charges/show cause notice calling for explanation and in final orders in disciplinary proceedings-Avoidance of –Instructions issued.

Ref: Government Circular No.14353/93-1, Personnel and Administrative Reforms (Per.N) Department, Dated.11.3.93.

The Tamil Nadu Public Service Commission has brought to the notice of the Government that during its examination of disciplinary cases referred to it by Government under Regulation 10(1) (a), (b), (c) and (d) of the Tamil Nadu Public Service Commission Regulation, 1954, it was found that the memo calling for the explanation of the delinquent officer under rule 17 (a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or Charges framed against the delinquent officer under rule 17(b) of the said Rules are found to be vague and in general terms, without pinpointing the lapses or offences committed by the delinquent, resulting in the delinquent officer not being able to offer his explanations specifically to such lapses/offences. The Commission has also pointed out that sometimes, irrelevant sections of Act are found to be quoted for lapses under 17 (b) of the said Rules and in certain cases, the final orders issued are non- speaking, without furnishing reasons for arriving at the final decision.

2. In this connection, I am directed to state that as the disciplinary proceedings are quasi-judicial in nature, proper care has to be taken by the disciplinary authorities at all stages of disciplinary proceedings. The stage of framing of charge/ show cause notice calling for explanation are crucial stages, because the success of any disciplinary proceedings depends primarily on the clarity of the charges/ statement of imputation of misconduct or misbehavior for which action is proposed to be taken. Taking into account the above aspects, guidelines have also been laid down in Annexure-III to the Government Circular cited, regarding the manner in which the charge/ show cause notice should be drafted. Further, it is well settled that the final order in a disciplinary proceedings should be self-contained "speaking order".

3. I am, therefore, directed to request all the Secretaries to Government/Heads of Department to ensure that the charges/show cause notices are carefully drafted in such a way that they are not vague and no irrelevant or incorrect rule of section of an Act is quoted therein and also to ensure that the final orders are issued in Self contained 'speaking orders'. They are also requested to issue circulars to all the Disciplinary Authorities under their control to follow the guidelines issued in the reference cited scrupulously and to avoid any kind of defects either in the charge memo/letter, show cause notice or in the final orders.

4. The receipt of this letter may be acknowledged.

for CHIEF SECRETARY TO GOVERNMENT