

**6.22 Prescribing standard forms for adoption by the disciplinary authorities**

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Personnel and Administrative Reforms (N) Department

Letter No. 2731/N/2005-2 Dated 15.3.2005

From

Dr.K.Arulmozhi I.A.S.,  
Secretary to Government (Training)

To

All Heads of Departments

Sir/Madam,

Sub: Disciplinary Proceedings – Certain Standard Forms prescribed for adoption by the disciplinary authorities- Regarding

The Government have examined the need for prescribing standard forms for adoption by disciplinary authorities for the following purposes.

- (i) For obtaining further representation from the Charged Government servant on the report of the inquiry (Rule 17(b) (ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.
- (ii) Show-Cause notice for imposing penalty to be issued on a Government servant on his conviction.
- (iii) Order for imposing penalty on a Government Servant on his conviction.
- (iv) Order for setting aside the penalty imposed when disciplinary proceedings were initiated under Rule 17 (c) (i) (1) of Tamil Nadu Civil Services (Discipline and Appeal Rules) consequent on the acquittal in the Criminal Case.
- (v) Order for according sanction for institution of departmental proceedings by the Government under rule 9 of the Tamil Nadu Pension Rules, 1978.
- (vi) Charge sheet for proceedings under rule 9 (2) (b) (i) of the Tamil Nadu pension Rules, 1978.

2. After careful examination and taking into consideration the need for a flawless disciplinary action, the Government hereby prescribe the Model Forms as in the Annexure I, II, III, IV, V and VI for the above purposes.

3. The Secretaries to Government/ the Departments of Secretariat/ Heads of Departments and other disciplinary authorities concerned are requested to adopt the above formats scrupulously.

4. The receipt of this letter may please be acknowledged.

for SECRETARY TO GOVERNMENT

## 6. DISCIPLINARY PROCEEDINGS

### ANNEXURE-I

Standard form for obtaining further representation from the charged Government servant on the report of the inquiry (Rule 17(b) (ii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules).

Letter/ Memo No.....  
Sub:  
Ref : Government letter/Memo.....dt.....

.....Department  
Dated.....

The undersigned is directed to enclose a copy of the report of the inquiry officer appointed to inquire into the charges framed in the Government letter/Memo cited against Thiru /Tmt/ Selvi.....(Name, designation and office of the Government servant in which he/she is employed) (Under suspension)\*

2. On a careful consideration of the report of the inquiry Officer aforesaid, the Government/ undersigned agree(s) / disagree with the findings of the inquiry Officer in so far as it relates to the charge No(s).....and for the reasons stated in the Annexure to this Letter/ Memo holds(s) that charge No(s)..... which the inquiry officer has held as not proved is / are also proved / Proved is / are not proved

3. Thiru/Tmt/Selvi.....(name of the Government servant) is hereby given an opportunity of making further representation on the findings on the charges referred to in Para 2 above.

4. If the said Thiru/Tmt/ Selvi.....fails to submit his/her further representation within 15 days from the date of receipt of this Letter/Memo it will be presumed that he/She has no representation to make and further action will be taken on merits of the case.

5.The receipt of this letter/Memo should be acknowledged.

\* Only in cases where applicable

Name and designation of the  
Competent authority

(To be signed by an Officer authorised to sign on behalf of the Government where the Government are the disciplinary authority. In other cases, it is to be signed by the competent disciplinary authority)

To

Thiru/Tmt/Selvi.....

(Here specify the name and designation of Government servant and the office where he/ she is working)

Note: In the above Form, portions not required should be struck out according to the circumstances of each case.

**ANNEXURE**

Reasons for holding the charge(s) as proved/Not proved disagreeing  
with the findings of the inquiry Officer.

Charge No. I

(Here specify the reasons for disagreement)

Charge No. II

(Here specify the reasons for disagreement)

## 6. DISCIPLINARY PROCEEDINGS

### ANNEXURE-II

Standard Form of show-cause notice for imposing penalty to be issued on a Government servant on his conviction

[Under Rule 17 ( c ) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal Rules)]

-----Department

Letter/Memo No.....

Dated.....

WHEREAS Thiru/Tmt/Selvi.....(here enter name and designation of the Government servant) has been convicted on a criminal charge under section .....(here enter the section or sections under which the Government servant was convicted) of ..... (here enter the name of the statute concerned) and has been awarded a sentence of.....(here enter the sentence awarded by the Criminal Court) by the .....(here enter the name of the Criminal Court) in .....No.....dated the.....

AND WHEREAS the Government /undersigned proposes to impose the penalty of .....(here enter the penalty) specified in rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the basis of facts which have led to his/ her conviction in the said Criminal Court;

NOW, THEREFORE, Thiru/Tmt/Selvi.....(here enter the name of the Government Servant) is hereby given an opportunity of making representation on the penalty as proposed above under rule 17 (c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Any representation which he/she may wish to make against the penalty proposed, will be considered by the Government/ undersigned. Such a representation, if any should be made in writing and submitted so as to reach the Government/ undersigned not later than fifteen days from the date of receipt of this Letter/ Memorandum by Thiru/Tmt/Selvi .....(here enter the name of the Government servant)

The receipt of this Letter / Memorandum should be acknowledged.

Name and designation of the Competent Authority

(To be signed by an Officer authorised to authenticate on behalf of the Government where the Government are the disciplinary authority. In other cases, it is to be signed by the competent disciplinary authority concerned.)

To

Thiru/Tmt/Selvi

Note: In the above form, portions not required should be Struck out according to the circumstances of each case.

**ANNEXURE-III**

Standard Form of order for imposing penalty on a Government servant on his conviction

**ABSTRACT**

Public Services- Thiru/Tmt/Selvi.....(Name and Designation) convicted by Criminal Court-Proceedings initiated under rule 17 (c) ( I) (1) of the Tamil Nadu Civil Services (Discipline and Appeal ) Rules –penalty under rule 8 of the said Rules imposed.

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G.O./Proceedings No.....

Dated:.....

Ref: 1) Government Letter/ Memo No.....Dated.....

2) From the Tamil Nadu Public Service Commission, Chennai-2  
Lr.No..... dated ..... (applicable only in the cases where the  
Government are the disciplinary authority)

WHEREAS Thiru/Tmt/Selvi..... (here enter name and designation of the Government servant ) has been convicted on a criminal charge under section.....(here enter the section or sections under which the Government servant was convicted) of .....(here enter the name of the statute concerned and has been awarded a sentence of .....(here enter the sentence awarded by the Criminal Court) by the .....(here enter the name of the Criminal Court) in.....No .....dated the .....

AND WHEREAS the Government / undersigned provisionally decided to impose the penalty of. ....(here enter the penalty) specified in Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal ) Rules on the said Thire/Tmt/Selvi.....(here enter name and designation of the Government Servant) on the basis of the facts which led to his/her conviction in the said Criminal Court.

AND WHEREAS Thiru/ Tmt/Selvi..... (here enter name of the Government Servant) was given an opportunity to offer his/her written representation against the proposed penalty.

AND WHEREAS the said Thiru/ Tmt/Selvi.....(here enter name of the official) has given a written representation which has been duly considered by the Government/ undersigned.

NOW, THEREFORE, in exercise of the powers conferred by Rule 17(c) (i) (1) of the Tamil Nadu Civil services (Discipline and Appeal) Rules, \*and in consultation with the Tamil Nadu Public Service Commission, the Government/undersigned hereby impose the penalty of .....(here enter the penalty) Specified under clause (.....) of Rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the said Thiru/Tmt/ Selvi.....(here enter the name and designation of the Government Servant) with immediate effect.

2. A copy of the Tamil Nadu Public Service Commission's letter second cited, containing its views is enclosed herewith.

Disciplinary Authority

[To be signed by the officer authorised to authenticate on behalf of Government where

## 6. DISCIPLINARY PROCEEDINGS

the Government pass the orders. In other cases it is to be signed by the competent disciplinary authority who pass the order]

To

Thiru/Tmt/Selvi.....

Head of Department concerned

The Account-General, Chennai

The pay and Accounts Officers/ Treasury Officer concerned

The Secretary. Tamil Nadu Public Service Commission, Chennai-2

\* Consultation with Tamil Nadu Public Service Commission only where the Government are the disciplinary authority.

Note: In the above Form, portion not required should be struck out according to the circumstances of each case.

**ANNEXURE IV**

Standard Form of order for setting aside the penalty imposed when disciplinary proceedings were initiated under Rule 17 ( c ) ( i ) ( 1) of Tamil Nadu Civil Services (Discipline and Appeal ) Rules consequent on the acquittal in the Criminal Case.

[Rule17(c)(i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules]

**ABSTRACT**

G.O./..... Department  
Dated.....  
Proceedings of..... No..... Dated.....

Ref: 1.G.O.No./.....  
Dated..... Proceedings of .....No.....  
Dated.....

2. Order of the .....Court, dated.....

3. From the Tamil Nadu Public Service Commission, Chennai-2  
letter No..... dated.....

(applicable only in case where the Government pass the order)

WHEREAS the penalty of .....(here enter the name of the penalty) was imposed on Thiru/Tmt/Selvi.....(here enter the name and designation of the Government Servant) on the basis of the facts which led to his/her conviction on a criminal charge in the Government order/proceedings read above;

AND WHEREAS, the said conviction has been set aside by the.....Court in its order second cited and the said Thiru/Tmt/Selvi.....(here enter the name of the Government Servant) has been acquitted of the said charge:

NOW, THEREFORE, the Government/Undersigned in consultation\* with the Tamil Nadu Public Service Commission hereby set aside the order-----

(here enter the penalty imposed) imposed on Thiru/Tmt/Selvi.....in the reference first cited.

Disciplinary Authority

[To be signed by the Officer authorised to authenticate on behalf of Government where the Government pass the orders. In other cases, it is to be signed by the competent disciplinary authority who pass the orders]

To

Thiru/Tmt/Selvi.....  
(Name and designation of Government servant and the office where he/She is working)  
The Accountant-General, Chennai  
The Pay and Accounts Officer/Treasury Officer concerned.  
The Secretary, Tamil Nadu Public Service Commission Chennai-2

\* Only in case, where the Government pass the order.

Note: In the above Form, Portions not required should be struck out according to the circumstances of each case.

## 6. DISCIPLINARY PROCEEDINGS

### ANNEXURE- V

Standard Form of order for accompany sanction for institution of departmental proceedings by the Government under rule 9 of the Tamil Nadu Pension Rules, 1978

.....Department

#### Abstract

Disciplinary action Thiru/Tmt/Selvi.....Retired.....

(Designation, Office of the Retired Government Servant in which he/she was employed at the time of retirement) – Sanction to the institution of departmental Proceedings – Accorded – Orders - issued.

G.O.NO.....

Dated.....

#### Order:

WHEREAS it has been made to appear that Thiru/Tmt/Selvi.....  
.....While serving as.....in the.....  
Department from.....to.....was.....(here specify briefly the imputations of misconduct or misbehavior in respect of which it is proposed to institute departmental proceedings);

NOW THEREFORE, in exercise of the powers conferred by rule 9(2) (b) (i) of the Tamil Nadu Pension Rules,1978 the Government hereby accord sanction to the institution of departmental proceedings against the said Thiru/Tmt/Selvi.....

The Government further direct that the said departmental proceedings shall be conducted in accordance with the procedure laid down in rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by.....(here specify the authority by whom the departmental proceedings should be conducted) at.....(here specify the place at which the departmental proceedings would be conducted)

(By order of the Governor)

Name and Designation of the  
Competent Authority

[To be signed by the Officer authorised to authenticate the order on behalf of the Government]

To

.....

[Here specify the Head of the Department]

Copy to Thiru/Tmt/Selvi.....

(Name and designation of the Retired Government servant and the office in which he/she was employed at the time of retirement) through the Head of Department.



**ANNEXURE-VI**

Standard Form of Charge sheet for proceedings under Rule 9 (2)(b) (i) of the Tamil Nadu Pension Rules, 1978.

.....Department

Letter No.....

In Pursuance of the sanction accorded by the Government under rule 9(2)(b)(i) of the Tamil Nadu Pension Rules, 1978 for instituting departmental proceedings against Thiru/Tmt/Selvi.....vide G.O.....No.....

.....Department, dated.....it is proposed to hold an inquiry against the said Thiru/Tmt/Selvi.....in accordance with the procedure laid down in rule 17(b) of the Tamil Nadu civil Services (Discipline and Appeal) Rules. The inquiry will be conducted by.....(here specify the authority by whom the departmental proceedings are to be conducted in accordance with the Government sanction) at.....(here specify the name of the place where proceedings are to be conducted.)

2. The substance of allegations, namely, the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Charge(s) (Annexure I). A statement of the imputation of mis-conduct or misbehaviour in support of each charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the charge(s) are proposed to be sustained are also enclosed (Annexures III & IV).

3. Thiru/Tmt/Selvi.....is directed to submit within 15 days of the receipt of this Letter a written statement of his/her defence and also to state whether he/she desires an oral inquiry or to be heard in person or both.

4. He/She is informed that an inquiry will be held only in respect of those charge(s) as are not admitted. He/she should, therefore, specifically admit or deny each charge.

5. Thiru/Tmt/Selvi.....is further informed that if he/she does not submit his/her written statement of defence on or before the time limit specified in Para 3 above or does not appear in person before the inquiry Officer or otherwise fails or refuses to comply with the provisions of rule 17(b) of the Tamil Nadu Civil Services(Discipline and appeal) Rules or the orders or directions issued in pursuance of the said rules, the inquiry Officer may hold the inquiry against him/her ex-parte.

6. The receipt of this letter should be acknowledged.

Name and designation of the  
Competent authority

(To be signed by an officer authorised to authenticate on behalf of the Government)

To

Thiru/Tmt/Selvi.....

**6. DISCIPLINARY PROCEEDINGS**

**ANNEXURE-I**

Statement of charge(s) framed against Thiru/Tmt/Selvi..... (name of the retired Government Servant) formerly.....

**CHARGE I**

That the said Thiru/Tmt/Selvi.....while functioning as.....during the period.....

**CHARGE II**

That during the aforesaid period and while functioning in the aforesaid office, the said Thiru/Tmt/Selvi.....

**CHARGE III**

That during the aforesaid period and while functioning in the aforesaid office, the said Thiru/Tmt/Selvi.....

**ANNEXURE II**

Statement of allegations, namely, imputations of misconduct or misbehavior in support of the charge(s) framed against Thiru/Tmt/Selvi..... (name of the Retired Government Servant) formerly.....

**CHARGE I**

**CHARGE II**

**CHARGE III**

**ANNEXURE III**

List of documents by which the charge(s) framed against Thiru/Tmt/Selvi.....(name of the retired Government servant) formerly.....

are proposed to be sustained:

**ANNEXURE IV**

List of witnesses by whom the charge(s) framed against Thiru/Tmt/Selvi.....(name of the retired Government servant) formerly.....are proposed to be sustained.