

6.14 Initiation of departmental and criminal action against the misconduct - Final orders in departmental proceedings passed irrespective of the outcome of the criminal case

Personnel and Administrative Reforms (Per.N) Department

Letter No. 54473 / N / 2000 P&AR, Dated : 3.12.2001

Sir,

Sub: Tamil Nadu Civil Services (Discipline and Appeal) Rules disciplinary proceedings-Government Servants under suspension under Rule 17(C) for Criminal misconduct- Initiation of Criminal and Departmental Proceedings- Further clarification – Issued

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

I am directed to say that as per Para 2 (2) of the Government order cited, when both departmental as well as criminal action is initiated for any offence in which both administrative and criminal aspects are involved, in regard to departmental action, charges may be framed against the Government Servant for the lapse committed by him and final orders may be passed after obtaining the required registers/records/documents from the court in respect of the fact whether he is acquitted in the criminal case or not. It was also clarified there in that the departmental action thus would be confined to the irregularities or lapses committed by the accused officer with reference to the administrative aspect.

2. In spite of the above orders, instances have come to the notice of the government where charges are framed immediately on the criminal aspect when a criminal case has been initiated against a Government Servant for irregularities in which both administrative and criminal aspects are involved. The procedure embarrasses, the administration if the individual is acquitted by the court at a later date from the criminal aspect.

3. I am, therefore, directed to clarify that when a criminal action is proposed to be initiated, the disciplinary authority has to identify simultaneously whether in the said irregularities both administrative and criminal aspects are involved, so that action can be taken for initiating simultaneous departmental action, if possible, as already ordered in Para 2 (2) of the Government Order cited, Final orders may be passed if necessary records are available with the disciplinary authority. However if the necessary records are in the court, then final orders in such departmental proceedings shall be passed after receipt of the necessary records from the court irrespective of the outcome of the criminal case.

for SECRETARY TO GOVERNMENT (Trg.)