

## 6. DISCIPLINARY PROCEEDINGS

### 6.4 Initiation of proceedings under rule 17(a) or 17(b) of Tamil Nadu civil services (CCA) rules 1953 - Framing of charges - Guidelines

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Personnel and Administrative Reforms (Per.N) Department

Lr.No. 98225/Per/93-1, Dated : 14.12.1993

Ref : Govt. Circular No.14353/Per.N/93-1, dt. 11.3.93.

In the Government circular cited, detailed guidelines were issued about the initiation of disciplinary action under rule 17(a) & 17(b) of Tamil Nadu Civil Services (CCA) Rules so as to avoid cases. Of late, repeated references are received by the Government about delays in the disposal of departmental proceedings against delinquent Govt., servants. Quashing of cases due to technical and procedural flaws which would lead the accused persons ultimately to go scot free are also brought to notice frequently. If the prescribed procedure is correctly followed, the above kind of happenings may not occur.

2. In this connection, I would like to draw your specific attention to para 6 of the circular cited, according to which charges under rule 17(b) of the said rules may be framed only when a major penalty is warranted based on the gravity of the allegations if proved. In all other cases, action may be pursued under rule 17(a) only. In fact only rule 17(a) would lead to quick and effective results where major penalty is not warranted.

3. Further framing of charges under rule 17(a) of the Tamil Nadu Civil Services (CCA) rules would have adverse effect on the promotion of the Officer concerned. The procedure for enquiry is elaborate and a lot of man power and stationery would be spent on the enquiry. Generally the proceedings under rule 17(b) take considerable time in enquiring, witnesses analyzing evidence etc. Therefore action under rule 17(b) should be resorted to only when really warranted. It would not be under taken in a routine fashion, as observed in many cases now, should be strictly avoided. Routine framing of charges under rule 17(b) when only a minor punishment is warranted would cause unnecessary harassment to Government Servants affecting their morale in addition to needless expenditure to Government and wastage of office time and energy. Rule 17(b) should not be resorted to except where, after a careful consideration of the allegations by the disciplinary authority, a conscious view is taken that if the allegations are established, major punishment (dismissal/removal/compulsory retirement from service or reduction in rank/seniority) should be warranted. Once action is taken under rule 17(b) and the charges are proved, the conclusion also should be logical. At the same time, a case really warranting a major punishment should not be watered down and dealt with under rule 17(a).

#### Unnecessary delay etc. in processing the disciplinary.

4. I am further to point out that disciplinary action, where should be prompt. If action is unduly delayed, the effect of such action as a corrective mechanism to the individual as well as to the others similarly placed would be considerably belittled. Disciplinary action, while proper, should also be as prompt in initiation as it should be fast in disposal.

5. In the above circumstances, the Government would like to reiterate the strict observance of the instructions issued in the circular cited. All the Departments of Secretariat and heads of Department are requested to scrupulously follow the instructions issued in the Government circular cited and the further instructions contained herein, while initiating and processing disciplinary cases.

for SECRETARY TO GOVERNMENT