

6.13 Appointment of Departmental Enquiry Officers - Guidelines

G.Choodamani B.A.
Deputy Secretary to Government
Rural Development Department

D.O.Lr.No.35016/E2/2000- Dated. 25.08.2000

Dear Sir,

Sub: Appointment of Departmental Enquiry Officers – Issued - Certain guidelines – Date on officers fit to be appointed as Enquiry Officers called for by 01.10.2000

I am directed to state that Enquiry Officers are the most important link in the chain of the disciplinary proceedings, which start with framing of charges and end up with either awarding major/minor punishment or dropping of charges. The Enquiry Officer occupies a middle level position in this chain. Once an Enquiry officer is appointed, he cannot be changed or removed unless he dies in office or retires before completing the enquiry entrusted to him. It is therefore a matter of utmost importance that the appointment of Enquiry officers is made keeping in mind the Supreme court's pronouncement in K.R. Deb. VS Collector of Central Excise to the effect that once appointed, an Enquiry Officer cannot be changed.

1. Therefore the Enquiry Officer once appointed has to continue with the inquiry. If the inquiry report is found to be defective, then it can be sent back to the Enquiry Officer to rectify the defects at the stage where the mistake had crept in. But there is no provision in the rules to change the Enquiry Officer.

2. Therefore the appointment of Enquiry Officers assumes added significance and is a matter of great consequence to the competent completion of the enquiry. The following guidelines may be kept in mind while appointing an Enquiry Officer.

1. He must necessarily be superior to the Accused Officers (AOs) concerned.
2. He must have sufficient years of service left to enable him to complete the Disciplinary proceedings inquiry well before his due date of retirement. Normally 6 months period should be enough for an Enquiry Officer to complete the inquiry, if there are 4 or 5 accused officers (AOs) and about 20 witnesses. In the cases involving a larger number of Accused Officers and consequently a larger number of prosecution and defence witness to be examined, the remaining service for the Enquiry Officer should be at least one year.
3. The most important qualification of Enquiry officer is that he should not be an accused officer in any pending inquiry either from Director of Vigilance and Anti corruption or departmental inquiry.
4. He should not be a witnesses to the instances which are inquired into;
5. He should not be a complainant also.
6. He should not be a close relative or a known friend of the accused Officer.

You may consult your department's Vigilance officers whose duty it is to identify people of high integrity, not so high integrity and out right corrupt officers while appointing the Enquiry Officer.

3. I am to request you to appoint the Enquiry Officer with clean service record. If you do not have any officer with clean record to be appointed as Enquiry Officer, you may seek services from a sister department, which has a larger man power base. For example DGP could be approached by smaller sister departments such as Director of prosecution, Inspector General of Prisons and

6. DISCIPLINARY PROCEEDINGS

Director of Fire Services for lending an Enquiry Officer to do the departmental enquires if it is inevitable to do so.

4. I am also to request you to draw a panel of Enquiry Officers for various Heads of Departments /PSUs under your control and submit to Government the list of Enquiry Officers by 15th September 2000 positively. The Performa for furnishing the list is enclosed as Annexure to this D.O. letter. An Enquiry officer's panel will be valid for 2 years. Kindly let me have your reply by 15.9.2000.

DEPUTY SECRETARY TO GOVERNMENT

To

Thiru. K. Shanmugham, I.A.S.,
Director of Rural Development,
Chennai-600015.

ANNXURE

NAME OF THE DEPARTMENT:

S.No	Name of the EO	Present Designation	Presumed date of retirement	Whether recommended by the Vigilance Officer of the department
(1)	(2)	(3)	(4)	(5)
1				
2				
3				