

Copy of Punjab Government Circular letter No. 3624-GS-61/14507, dated 21st April, 1961, from the Chief Secretary to Government, Punjab to all Heads of Departments, etc. etc.

Subject.—Speedy Disposal of cases of Government servants under suspension—Instructions regarding.

I am directed to invite attention to Punjab Government letter No. 1611-GII-59/5697, dated the 5th May, 1959, on the subject noted above and to point out that in spite of the fact that since its issue, further instructions have also been sent to you by the vigilance Department, it has been noticed that these instructions are not being scrupulously followed by the departments concerned with the result that the number of Government servants under suspension continues to be very large and many of them remain under suspension for a very long time, thereby causing great loss to Government on account of the payment of subsistence allowances. In addition to financial loss, such a state of affairs brings discredit to Government. The whole position has, therefore, been reviewed and with a view to remedy it and to ensure uniformity of procedure and overall co-ordination, Government have considered it necessary to issue a consolidated revised circular, and this letter accordingly embodies all instructions and fresh decisions taken on the subject.

2. Punjab Government letter No. 2626.ACC-54/722, dated the 23rd October, 1954. *Conduct of Departmental proceedings in disciplinary cases*—(i) In all cases, the immediate superior authority, on whom rests the responsibility for initiating formal disciplinary proceedings, should decide at the earliest possible moment, whether investigation is likely to be so complicated as to require a special investigating agency, either of the police or of the department itself, and should, throughout the investigation keep a close watch on its progress to ensure that no undue delay occurs at any stage. When formal disciplinary proceedings are undertaken in all big and complicated cases, the following time schedule should be observed as closely as possible :—

- a) The charge or charges should be handed over to the charged Government servant within 15 days from the date of taking the decision to start formal proceedings.

(At the same time, a decision should be taken whether the Government servant should be placed under suspension, pending enquiry.)

- b) The charged Government servants written statement of defence should ordinarily be required to be submitted within a period of a fortnight and in no case should a period of more than a month be allowed for the purpose.
- c) The inquiry including oral examination of the witnesses should be completed within a month of the submission of the written statement.
- d) The report of the inquiring officer where he is not himself the punishing authority should be submitted as expeditiously as possible and ordinarily within a fortnight of the closing of the enquiry.
- e) When the punishing authority is different from the inquiring officer, the punishing authority should pass final orders without delay. The following time schedule is suggested for various stages to be gone through before the passing of the final orders :—

I) *Calling upon the Government servant concerned to show cause against the proposed punishment where necessary.*—One week from the date of the receipt of the inquiring officer's report.

II) *Time to be allowed to the Government servant to show cause.*—A fortnight to a month according to the nature of the case.

III) *Final Orders.*—(i) Where reference to the Public Service Commission is necessary : Six weeks from the date of the receipt of the final explanation of the Government servant.

(ii) Where no such reference is necessary : A fortnight from the date of the receipt of the final explanation of the Government servant concerned.

(ii) Punjab Government letter No. 1611-GII-59/5697, dated 5th May, 1959. It should be a matter of firm principle, to be deviated from, only in cases of rare urgency, that no official is suspended until a proper charge-sheet is served upon him and his explanation obtained and found unsatisfactory. A departmental enquiry can only begin at this stage and at this stage should be started forthwith. Since it may not be possible to complete the inquiry in all cases in one month, Government has decided that the enquiry officer should complete all the proceedings and submit his report within a period of three months and the punishing authority should not take much longer to decide the case (obtaining the

(iii) *Punjab Government letter No. 12277-V(I)-59/13470, dated 10th December, 1959.* Government feel that officials are often harassed by the length of time it takes to complete the process of preliminary investigation and inquiry. Even in cases, which do not eventually result in a charge-sheet, the official concerned is often subjected to anxiety by the knowledge that an investigation is proceeding against him. Government have, therefore, decided that the whole process of investigation and inquiry should be completed within six months (excluding any period during which proceedings are stopped owing to a reference to a Court of Law). An extension of the period by another three months may be obtained under the orders of the Minister-in-charge. If extension beyond nine months is needed, full facts and justification must be placed before the Cabinet and their approval taken.

(iv) *Punjab Government letter No. 1611-GII-59/5697, dated 5th May, 1959.* The cases of Government servant involved in criminal cases should be dealt with in accordance with the provisions of rules 7.5 and 7.6 of the Punjab Civil Services Rules, Volume I, Part I.

3. *Punjab Government letter No. 7042-V-3-60/8740, dated 29th July, 1960, and Punjab Government letter No. 9840-V(3)-60/13541, dated 25th November, 1960.* Cases under investigation or pending in Courts—Sub-mission of reports to the vigilance Department.—The cases of Government servants under suspension which are under investigation or pending in Courts should not be allowed to drag on for inordinately long periods. A monthly progress report showing the disposal of the pending cases should be forwarded to Government in the Vigilance Department in the two enclosed statements regularly so as to reach in the first week of the following month. The quarterly statements prescribed in Punjab Government letter No. 919-ACC-50/353, dated the 4th April, 1950, have been discounted and should no longer be sent to the Vigilance Department.

4. *Punjab Government letter No. 1880-V-3-61/3091, dated the 16th March, 1961.* It has been decided that the monthly reports as indicated in para 3 should be examined in the Vigilance Department. They would review the position of the outstanding cases and put continued pressure on the Departments concerned to get those cases expedited. In other words, the Vigilance Department would play the role of the co-ordinating authority for that purpose. In order to ensure satisfactory progress, cases more than 18 months old would be reviewed and placed by the Vigilance Department before the Council of Ministers once a month.

The Copies of these monthly reports should also be furnished to the Administrative Department concerned. It is their responsibility as well to scrutinize these reports and to bring to the notice of the Minister-in-charge cases which are not registering sufficient progress.

5. It is needless to emphasize again that these instructions should be strictly followed. You are requested to pay personal attention to such cases and take every possible step to speed up their disposal within the prescribed time limit. Proper care should be taken to ensure that the monthly progress report is punctually sent to the Vigilance Department as also to the Administrative Department by the 7th of the month following at the latest so that review by the Minister-in-Charge and the Council of Ministers is not held up. Government will take serious notice of any default in this regard.

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

Yours faithfully,
P. L. CHHABRA,

Deputy Secretary, General Administration,
for Chief Secretary to Government, Punjab

Copy is forwarded for information and necessary action to the—

1. Financial Commissioner, Development, Punjab
2. Financial Commissioner, Punjab.
3. Financial Commissioner, Revenue, Punjab.
4. All Administrative Secretaries to Government Punjab.

2. It is retired that the Administrative Department concerned should scrutinize the monthly reports received by them from their Heads of Departments in this connection very carefully and bring to the notice of Minister-in-charge of the Departments the cases which are not making adequate progress so that he may be in a position to discuss those cases in the Council of Ministers when they come up there for review.

3. For Secretary to Government, Punjab Vigilance Department.

He should please note para 4 of these instructions for strict compliance.

STATEMENT I

List of Government Servants under suspension whose cases are pending in Courts

Name of Department	Name of the Government servants with designation	Nature of allegations	Date of suspension	Date of challan	Whether suspended by the Department itself or at the instance of the Vigilance Department	Present position of the case
1	2	3	4	5	6	7

STATEMENT II

List of Government Servants under suspension whose cases are under investigation

Name of Department	Name of the Government servants with the designation	Nature of allegations	Date of suspension	Rank of officer carrying on investigation	Whether suspended by the Department itself or at the instance of the Vigilance Department	Present position of the case— Whether pending with the Department or with the Vigilance Department giving the date of entrustment of enquiry to the Vigilance Department.
1	2	3	4	5	6	7