

Copy of Punjab Government Circular letter No. 1497-4GS-62/4059, dated 13th February, 1962 from the Chief Secretary to Government, Punjab to all Heads of Departments etc. etc.

Subject :—Procedure to be followed in cases where the turn of an officer, whose conduct is the subject of an enquiry, comes up for retirement or promotion to higher posts.

I am directed to refer you to the subject cited above and to state that at present there are no clear instructions as to how the cases of officials/officers whose conduct is subject of any enquiry, should be dealt with when they become due for promotion to higher posts or reach the date of superannuation.

2. It has been noticed by Government that when employees are about to retire or are due for promotion, quite often a number of complaints are received against them which are presumably inspired by interested persons and more often than not, on enquiry, are found baseless. With a view to ensure that honest and diligent officers are not unnecessarily harassed, it has been considered desirable that ways and means should be devised to safeguard their interests. After careful consideration of the whole matter, it has been decided by Government that the following procedure should be followed henceforth in dealing with complaints against officers/officials who are due for promotion/retirement :—

(a) Complaints under consideration at the time of promotion.—

- (i) Where anonymous and unsigned complaints are received against an officer on the eve of his promotion, they should be ignored.
- (ii) Promotion should not be withheld if no *prima facie* case has been established by the date the official/officer is due for promotion.
- (iii) Where it is suspected that an enquiry has been initiated *mala fide* because likely to affect the promotion of an officer, such an enquiry should be dropped and should not affect the promotion.
- (iv) Where a *prima facie* case has been established, i.e., on a preliminary investigation of the complaint, a actionable material under rule 7 or 8 of the Punishment and Appeal Rules, or any other relevant punishment rules applicable to the official/officer concerned has been brought out and it is intended to take action against him under the above mentioned rules, he should not be promoted. However, if on the completion of the enquiry he is found not guilty and is exonerated of all the charges, he should be given promotion with retrospective effect (i.e., the date from which he was due for promotion) and where there is no vacancy, a temporary post may be created for that period in consultation with Finance Department and the juniormost promoted official should be reverted, if necessary.

(Note.—The above instructions assume that the officer concerned is otherwise considered in every way fit for promotion).

(b) Complaints under consideration before retirement of officials/officers.—

- (i) All complaints should be settled as far as possible one month before the retirement of the Government servant concerned.
- (ii) In cases where *minor complaints* are pending at preliminary investigation stage and no final decision has been taken to proceed against the official/officer till the date of his retirement, he may be allowed to retire. His pension case, however, should be decided after taking into account the result of the investigation, and if any actionable material of minor nature comes to light, the question of cut in pension according to the gravity of the established default may be considered.
- (iii) In cases, where complaints alleging grave charges, which if established, would expose the official/officer to the penalty of dismissal, removal or reduction are pending in a preliminary investigation stage on the date of retirement the official should not be retired. He will be continued in service on extension till the settling of the investigation and later enquiry, if necessary and may be placed under suspension.
- (iv) In cases where a preliminary investigation has established a *prima facie* case, i.e., the material brought out in the investigation is such as is considered damaging enough to expose the official/officer to the penalty of dismissal, removal or reduction, but it is not possible to complete the enquiry before the date of his retirement, he should not be allowed to retire till the completion of the enquiry and an all out effort should be made to complete it as early as possible. If he is not already under suspension, he may be suspended and not permitted to retire as provided in rule 3.26 (a) of the Punjab Civil Services Rules, Volume I, Part I.

3. I am to request that the above instructions may please be brought to the notice of