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Ministry of Personnel, Public Grievances & Pensions

Department of Personnel and Training

ESTT.(Esst. A-II)

(Updated on 04 November, 2022)

Suspension

The provisions relating to suspension are scattered across several rules such as Central Civil Services (Classification, Control and Appeal) Rules, 1965, Fundamental Rules etc. In addition, a number of executive instructions, in the form of various modes of communications such as OMs etc., covering different aspects of suspension have been issued from time to time. Now, with a view to facilitate the Ministries/Departments and other stake holders in proper implementation of these provisions, a need has been felt to consolidate these provisions and place the same in the public domain for easy access as and when required. Accordingly, the said Rules/executive instructions have been compiled as under:

(A) SUSPENSION- Suspension, though not a penalty, is to be resorted to sparingly. Whenever a Government servant is placed under suspension not only does the Government lose his services but also pays him for doing no work. It also has a stigma attached to it. Therefore, the decision to place a Government servant under suspension must be a carefully considered decision and each case would need to be considered on merits.

[Para 3 of OM No 11012/17/2013-Esst.(A) dated 02.01.2014]

(B) CIRCUMSTANCES UNDER WHICH A GOVERNMENT SERVANT MAY BE PLACED UNDER SUSPENSION

(a) where, a disciplinary proceeding against him is contemplated or is pending;

or

(b) where, in the opinion of the competent authority, he has engaged himself in activities prejudicial to the interest of the security of the State;

or

(c) where, a case against him in respect of any criminal offence is under investigation, inquiry or trial.

[Rule 10(1) of the CCS (CCA) Rules, 1965]

(C) CIRCUMSTANCES UNDER WHICH A GOVERNMENT SERVANT SHALL BE DEEMED TO HAVE BEEN PLACED UNDER SUSPENSION [Deemed Suspension]

(a) If the Government servant is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours;

(b) If, in the event of a conviction for an offence, Government servant is sentenced to a term of imprisonment exceeding 48 hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION - The period of 48 hours referred to in clause (b) above shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

Linked OMs Number

Reference OMs

[Government servants arrested on criminal charge - Requirement regarding information to departmental superiors. \(OM No: No. 39/59/54-Ests - A Dated: 2/25/1955.\)](#)

[Headquarters of a Government servant under suspension- Clarification of. \(OM No: No.39/5/56-Esst\(A\) Dated: 9/8/1956.\)](#)

[ARCs recommendation No. 53\(2\) - Empowering Supervisory officers located in offices away from headquarters to place subordinate officers under suspension-Instructions regarding. \(OM No: No. 7/4/74-Ests A Dated: 8/9/1974.\)](#)

[CCS\(CCA\) Rules, 1965 - Scope of Rule 10\(4\) thereof. \(OM No: No. 11012/24/77-Esst \(A\) Dated: 3/18/1978.\)](#)

[Confidential Reports - Writing off by officers under suspension. \(OM No: No. 21011/2/78-Esst-A Dated: 8/1/1978.\)](#)

[CCS \(CCA\) Rules, 1965 - Opportunity to the suspended Government servant to appeal against suspension. \(OM No: No. 35014/1/81-Esst.\(A\) Dated: 11/9/1982.\)](#)

[Rule 10(2) of the CCS (CCA) Rules, 1965]

It shall be the duty of a Government servant who may be arrested for any reason to intimate the fact of his arrest and the circumstances connected therewith to his official superior promptly even though he might have subsequently been released on bail. On receipt of the information from the person concerned or from any other source the departmental authorities should decide whether the facts and circumstances leading to the arrest of the person call for his suspension. Failure on the part of the any Government servant to so inform his official superior will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from the action that may be called for on the outcome of the police case against him.

[OM No. 39/59/54-Ests.(A) dated 25.02.1955]

- (c) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

[Rule 10(3) of the CCS (CCA) Rules, 1965]

- (d) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

[Rule 10(4) of the CCS (CCA) Rules, 1965]

- (e) Further inquiry contemplated in rule 10(4) of the CCS (CCA) Rules, 1965 should not be ordered except in a case when the penalty of dismissal, removal or compulsory retirement has been set aside by a Court of Law on technical grounds without going into the merits of the case or when fresh material has come to light which was not before the Court. A further inquiry into the charges which have not been examined by the Court can, however, be ordered by the departmental authorities under Rule 10(4) ibid depending on the facts and circumstances of the each case.

[OM No. 11012/24/77-Estt.(A) dated 18.03.1978]

- (f) A question whether the order of suspension in a case covered under Rule 10 (2) of the CCS (CCA) Rules, 1965 has limited operation for the period of detention and not beyond it, was considered by the Supreme Court in the case of Union of India V/s Rajiv Kumar (2003 (5) SCALE 297). Allowing the appeals of the Union of India in this case the Supreme Court has held that the order in terms of Rule 10 (2) is not restricted in its point of duration or efficacy to actual period of detention only. It continues to be operative unless modified or revoked under Sub-Rule 5(c) as provided in Sub-Rule 5(a) of the Rule 10 of the CCS (CCA) Rules, 1965.

[OM No. 11012/8/2003-Estt.(A) dated 23.10.2003]

(D) CIRCUMSTANCES UNDER WHICH THE COMPETENT AUTHORITY MAY CONSIDER TO PLACE A GOVERNMENT SERVANT UNDER SUSPENSION [FOR GUIDANCE AND SHOULD NOT BE TAKEN AS MANDATORY].

- (i) Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (e.g. apprehended tampering with witnesses or documents);
- (ii) Where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working;

[Period of suspension to be treated as duty if only a minor penalty is imposed after conclusion of the disciplinary proceedings - Recommendations of the Committee of the National Council \(JCM\) - \(OM No: No. 11012/15/85-Estt.\(A\) Dated: 12/3/1985.\)](#)

[CCS\(CCA\) Rules - Suspension of Government servants involved in cases of dowry deaths. \(OM No: No. 11012/8/87-Ests. \(A\) Dated: 6/22/1987.\)](#)

[Resignation from Service - Procedure in respect of \(OM No: No. 28034/25/87-Estt. \(A\) Dated: 2/11/1988.\)](#)

[Promotion of Govt. Servants against whom disciplinary /court proceedings are pending or whose conduct is under investigation - Procedure and Guidelines to be followed. \(OM No: No. 22011/4/91-Estt\(A\) Dated: 9/14/1992.\)](#)

[Acceptance of resignation- Procedure in respect of. \(OM No: No.28034/4/94-Estt\(A\) Dated: 5/31/1994.\)](#)

[Writing of ACRs by officers under suspension- Review of instructions regarding. \(OM No: No. 21011/8/2000-Estt\(A\) Dated: 10/25/2000.\)](#)

[Deemed Suspension under Rule 10 \(2\) of the CCS \(CCA\) Rules, 1965 - Supreme Court decision in the case of Union of India Vs. Rajiv Kumar. \(OM No: No. 11012/8/2003-Estt. \(A\) Dated: 10/23/2003.\)](#)

[Suspension of Government servants - Review of - Instructions reg. \(OM No: No. 11012/4/2003-Estt. \(A\) Dated: 1/7/2004.\)](#)

[Suspension of government servants - Review of - Instructions reg. \(OM No: No. 11012/4/2003-Estt. \(A\) Dated: 3/19/2004.\)](#)

- (iii) Where the continuance in office of the Government servant will be against the wider public interest [other than those covered by (i) and (ii)] such as there is public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption;
- (iv) Where allegations have been made against the Government servant and preliminary inquiry has revealed that a prima facie case is made out which would justify his prosecution or is being proceeded against in departmental proceedings, and where the proceedings are likely to end in his conviction and/or dismissal, removal or compulsory retirement from service.

NOTE: In the first three circumstances the disciplinary authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prima facie case has been established.

- (v) Suspension may be desirable in the circumstances indicated below:-
- any offence or conduct involving moral turpitude;
 - corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain;
 - serious negligence and dereliction of duty resulting in considerable loss to Government;
 - desertion of duty;
 - refusal or deliberate failure to carry out written orders of superior officers.

Note: In respect of the types of misdemeanor specified in sub clauses (c) and (e) discretion has to be exercised with care.

[\[Para 4 of the OM No. 11012/17/2013-Estt.\(A\) dated 02.01.2014\]](#)

(E) SUSPENSION OF GOVERNMENT SERVANTS INVOLVED IN CASES OF DOWRY DEATHS.

If a case has been registered by the Police against a Government servant under Section 304-B of the IPC [**Dowry death**], he shall be placed under suspension in the following circumstances by the competent authority by invoking the provisions of Sub-rule (1) of the Rule 10 of the CCS (CCA) Rules, 1965-

- If the Government servant is arrested in connection with the registration of the police case, he shall be placed under suspension immediately irrespective of the period of his detention.
- If he is not arrested, he shall be placed under suspension immediately on submission of the police report under sub-section (2) of section 173 of the Code of Criminal Procedure, 1973, to the Magistrate, if the report prime-facie indicates that the offence has been committed by the Government servant.

[\[OM No. 11012/8/87-Ests.\(A\) dated 22.06.1987\]](#)

(F) COMPETENT AUTHORITY

➤ AUTHORITY COMPETENT TO PLACE A GOVERNMENT SERVANT UNDER SUSPENSION

- Appointing Authority, or
- Any authority to which Appointing Authority is subordinate, or
- Disciplinary Authority, or
- Any other authority empowered in that behalf by the President, by general or special order.

[Guidelines regarding grant of vigilance clearance to members of the Central Civil Services/Central Civil Posts. \(OM No: No. 11012/11/2007- Estt\(A\). Dated: 12/14/2007.\)](#)

[Comprehensive review of instructions pertaining to vigilance clearance for promotion - regarding \(OM No: No. 22034/4/2012-Estt\(D\). Dated: 11/2/2012.\)](#)

[Consolidated instructions on suspension. \(OM No: No. 11012/17/2013-Estt. \(A\) Dated: 1/2/2014.\)](#)

[Fundamental \(First Amendment\) Rules, 2014. \(OM No: No. 25013/3/2010-Estt.\(A-IV\) Dated: 1/17/2014.\)](#)

[Central Civil Service \(Classification, Control and Appeal\) Rules, 1965 - Instruction regarding timely review of suspension. \(OM No: No. 11012/17/2013-Estt.A-III Dated: 11/18/2014.\)](#)

[Central Civil Services \(Classification, Control and Appeal\) Rules, 1965 instructions regarding timely issue of Charge-sheet - regarding. \(OM No: No. 11012/17/2013-Estt.\(A\). Dated: 7/3/2015.\)](#)

[Requirement of taking prior permission for leaving station/headquarters for going abroad while on leave. \(OM No: No. 11013/8/2015-Estt.A-III Dated: 7/27/2015.\)](#)

[Central Civil Services \(Classification, Control and Appeal\) Rules, 1965-instructions regarding timely issue of Charge-sheet - regarding. \(OM No: No. 11012/04/2016-Estt.\(A\). Dated: 8/23/2016.\)](#)

[Grant of vigilance clearance for obtaining passport. \(OM No: No. 11012/7/2017-Estt.A-III Dated: 2/18/2020.\)](#)

Provided that, except in case of an order of suspension made by the Comptroller and Auditor – General in regard to a member of the Indian Audit and Accounts Service and in regard to an Assistant Accountant General or equivalent (other than a regular member of the Indian Audit and Accounts Service), where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

[[Rule 10\(1\) of CCS \(CCA\) Rules, 1965](#)]

- Supervisory Officers in field offices located outside the Headquarters may, wherever necessary, be empowered to place officers subordinate to them under suspension, subject to the conditions mentioned below, by issuing special order in the name of President in pursuance of Rule 10 of the CCS (CCA) Rules, 1965:

Only Supervisory officers in offices located away from headquarters need be specially empowered to suspend a subordinate officer in case involving gross dereliction of duties. In order to prevent abuse of this power the suspending authority should be required to report the facts of each case immediately to the next higher authority, and all such orders of suspension should become ab initio void unless confirmed by the reviewing authority within a period of one month from the date of orders.

[[OM No. 7/4/74-Ests.\(A\) dated 9.08.1974](#)]

- **AUTHORITY COMPETENT TO ISSUE ORDER REGARDING DEEMED SUSPENSION-**

Appointing Authority

[[Rule 10\(2\) of CCS \(CCA\) Rules, 1965](#)]

(G) TIME LINE FOR COMMUNICATING THE REASONS FOR SUSPENSION-

Reasons for Suspension, if not indicated in the suspension order itself, should be communicated within three months.

[[Para 5 of OM No. 11012/17/2013-Estt.A dated 02.01.2014](#)]

(H) REVIEW OF SUSPENSION

- (i) An order of suspension made or deemed to have been made may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

[[Rule 10\(5\) \(c\) of CCS\(CCA\) Rules, 1965](#)]

- (ii) An order of suspension made or deemed to have been made shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of 90 days from the effective date of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding 180 days at a time.

- (iii) An order of suspension made or deemed to have been made shall not be valid after a period of 90 days unless it is extended after review, for a further period before the expiry of 90 days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension, if the Government servant continues to be under detention and in such case the ninety days' period shall be computed from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later:

[Central Civil Services \(Classification, Control and Appeal\) Amendment Rules, 2022 \(OM No: No. 11012/04/2016-Estt. A-III Dated: 10/19/2022.\)](#)

Previous Versions

Provided further that in a case where no charge sheet is issued under these rules, the total period under suspension or deemed suspension, as the case may be, including any extended period in terms of sub-rule (6) shall not exceed,—

- (a) two hundred seventy days from the date of order of suspension, if the Government servant is placed under suspension in terms of clause (a) of sub-rule (1); or
- (b) two years from the date of order of suspension, if the Government servant is placed under suspension in terms of clause (aa) or clause (b) of sub-rule (1) as the case may be; or
- (c) two years from the date the Government servant detained in custody is released or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later, in the case of deemed suspension under sub-rule (2).

[Rule 10(6) & (7) of CCS(CCA) Rules, 1965]

[Notification No. GSR 156 dated 19.10.2022]

- (iv) In cases of prolonged suspension period, the courts have pointed out that the suspension cannot be continued for long and that inspite of the instructions of DOP&T, the Disciplinary Authorities are not finalizing the disciplinary proceedings within the stipulated time. Also, in such cases the Government is unnecessarily paying subsistence allowance without extracting any work and if, on the culmination of the disciplinary proceedings, the charged officer is exonerated from the charges, the Government has to unnecessarily pay the full salary and treat the period of suspension as on duty etc. It is, therefore, desirable that timely review of suspension is conducted in a just and proper manner and that the disciplinary proceedings are finalized expeditiously.

[OM No. 11012/17/2013-Estt.A-III dated 18.11.2014]

(I) REVIEW COMMITTEE

- (i) An order of suspension made or deemed to have been made under this Rule shall be reviewed by the competent authority on recommendation of the Review Committee constituted for the purpose.
- (ii) **Composition of Review Committee:**
 - (a) The disciplinary authority, the appellate authority and another officer of the level of disciplinary/appellate authority from the same office or from another Central Government office (in case another officer of same level is not available in the same office), in a case where the President is not the disciplinary authority or the appellate authority.
 - (b) The disciplinary authority and two officers of the level of Secretary/Addl. Secretary/Joint Secretary who are equivalent or higher in rank than the disciplinary authority from the same office or from another Central Government office (in case another officer of same level is not available in the same office), in a case where the appellate authority is the President.
 - (c) Three officers of the level of Secretary/Addl. Secretary/Joint Secretary who are higher in rank than the suspended official from the same Department/Office or from another Central Government Department/Office (in case another officer of same level is not available in the same office), in a case where the disciplinary authority is the President.

The administrative ministry/department/office concerned may constitute the review committees as indicated above on a permanent basis or ad-hoc basis.

- (iii) The Review Committee(s) may take a view regarding revocation/continuation of the suspension keeping in view the facts and circumstances of the case and also taking into account that unduly long suspension, while putting the employee concerned to undue hardship, involve payment of subsistence allowance without the employee performing any useful service to the Government. Without prejudice to the foregoing, if the officer has been under suspension for one year without any charges being filed in a court of law or no charge-memo has been issued in a departmental enquiry, he shall ordinarily be reinstated in service without prejudice to the case against him. However, in case the officer is in police/judicial custody or is accused of a serious crime or a matter involving national security, the Review Committee may recommend the continuation of the suspension of the official concerned.

[OM No. 11012/4/2003-Estt.(A) dated 07.01.2004]

(J) PAY AND ALLOWANCES DURING THE SUSPENSION PERIOD

❖ SUBSISTENCE ALLOWANCE

A Government servant under suspension is not paid any pay but is allowed a Subsistence Allowance at an amount equivalent to the leave salary which the Government servant would have drawn if he had been on leave on half average pay or half pay and in addition dearness allowance, if admissible on the basis of such leave salary.

Where the period of suspension exceeds 3 months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:

- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50% of the subsistence allowance admissible during the period of the first 3 months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant;
- (ii) the amount of subsistence allowance, may be reduced by a suitable amount, not exceeding 50% of the subsistence allowance admissible during the period of first 3 months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government servant;
- (iii) the rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above.

[FR 53 (1)(ii)(a)]

❖ ANY OTHER COMPENSATORY ALLOWANCES

A Government servant under suspension is also entitled for:

Any other compensatory allowances admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension subject to the fulfillment of other conditions laid down for the drawal of such allowances.

[FR 53 (1)(ii)(b)]

- ❖ No payment shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

[FR 53 (2)]

❖ **Recoveries from subsistence allowance-**

Compulsory Deductions to be enforced	Deductions at the option of the suspended officer	Deduction NOT to be made
(i) Income Tax (ii) House Rent (Licence Fee) and allied charges (iii) Repayment of loans and advances taken from Government – rate of recovery to be determined by Head of Department (iv) CGHS contribution (v) CGEGIS subscription	(i) PLI premia (ii) Amounts due to Co-op stores/Societies (iii) Refund of GPF advance	(i) GPF subscription (ii) Amounts due to court attachments (iii) Recovery of loss to Government

[\[Para 14 of the OM No. 11012/17/2013-Estt.\(A\) dated 2.01.2014\]](#)

(K) PROMOTION DURING THE SUSPENSION

Officer under suspension shall be considered by the DPC along with others. However, the recommendations in respect of those under suspension shall be placed in a sealed cover. The sealed cover shall be opened/ not opened (i.e. recommendation contained in the sealed cover shall not be acted upon) depending on the outcome of the disciplinary/ criminal proceedings.

If an officer is suspended subsequent to the meeting of the DPC but before he is actually promoted, then the recommendations would be deemed to have been placed in the sealed cover.

[\[OM No. 22011/4/91-Estt\(A\) dated 14.09.1992\]](#) &

[\[Para 11 of the OM No. OM No. 11012/17/2013-Estt.\(A\) dated 02.01.2014\]](#)

(L) WRITING OF ACR/APAR BY OFFICERS UNDER SUSPENSION

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If the reporting/ reviewing officer is under suspension when the Confidential Report has become due to be written/ reviewed, it may be got written/ reviewed by the officer concerned within two months from the date of his having been placed under suspension or within one month from the date on which the report was due, whichever is later. An officer under suspension shall not be asked to write/ review Confidential Reports after the time limit specified above.

[\[OM No. 21011/2/78-Estt.\(A\) dated 01.08.1978\]](#)

No officer under suspension should be allowed to write/ review the ACRs of his subordinates if during major part of writing/ reviewing he is under suspension as he might not have full opportunity to supervise the work of his subordinate.

[\[OM No. 21011/8/2000-Estt.\(A\) dated 25.10.2000\]](#)

(M) LTC DURING THE SUSPENSION

A Government servant under suspension cannot avail of LTC as he cannot get any leave including casual leave during the period of suspension. As he continues to be in service during the period of suspension, members of his family are entitled

to LTC.

[\[Para 12 of the OM No. OM No. 11012/17/2013-Estt.\(A\) dated 02.01.2014\]](#)

(N) LEAVE DURING THE SUSPENSION

Leave may not be granted to a Government servant under suspension.

[\[FR-55\]](#)

(O) HEADQUARTERS DURING THE SUSPENSION

An officer under suspension is regarded as subject to all other conditions of service applicable generally to Government servants and cannot leave the station without prior permission. As such, the headquarters of a Government servant should normally be assumed to be his last place of duty. The order placing an officer under suspension should clearly indicate what his headquarters would be.

However, where an individual under suspension requests for a change of headquarters, there is no objection to a competent authority changing the headquarters if it is satisfied that such a course will not put Government to any extra expenditure like grant of T.A. etc. or other complications.

[\[Para 10 of the OM No. OM No. 11012/17/2013-Estt.\(A\) dated 02.01.2014\]](#)

(P) WITHHOLDING OF VIGILANCE CLEARANCE DURING THE SUSPENSION

Purpose	Instructions/ Guidelines
Promotion	OM No. 22034/4/2012-Estt(D) dated 02.11.2012
(i) Empanelment (ii) Any deputation for which clearance is necessary (iii) Appointment to sensitive posts (iv) Assignments to training programme (except mandatory training)	OM No. 11012/11/2007-Estt.(A) dated 14.12.2007 , as amended from time to time.
Obtaining Passport	OM No. 11012/7/2017-Estt.A-III dated 18.02.2020
Private Visit to abroad	OM No. 11013/8/2015-Estt.A-III dated 27.07.2015

(Q) FORWARDING OF APPLICATIONS DURING THE SUSPENSION

Application of a Government servant for appointment, whether by Direct Recruitment, transfer on deputation or transfer, to any other post should not be considered/ forwarded if he is under suspension.

[\[Para 15 of the OM No. 11012/17/2013-Estt.\(A\) dated 02.01.2014\]](#)

(R) ACCEPTANCE OF RESIGNATION OF A SUSPENDED OFFICER

Where a Government servant who is under suspension submits his resignation, the competent authority should examine, with reference to the merit of the disciplinary case pending against the Government servant, whether it would be in the public

interest to accept the resignation. Normally, as officers are placed under suspension only in cases of grave delinquency, it would not be correct to accept the resignation from an officer under suspension. Exceptions to this rule would be where the alleged offence does not involve moral turpitude or where the evidence against the officer is not strong enough to justify the assumption that departmental proceedings, if continued would result in removal from service/dismissal, or where the departmental proceedings are like to be so protracted that it would be cheaper for the exchequer to accept the resignation.

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[\[OM No. 28034/4/94-Estt.\(A\) daed 31.05.1994\]](#).or

[\[Para No. 16\(c\) of the OM No. 11012/17/2013-Estt.\(A\) dated 02.01.2014\]](#)

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(S) RETIREMENT DURING THE SUSPENSION

- ❖ A Government servant who retires while under suspension is entitled to provisional pension equal to the maximum pension on the basis of qualifying service upto the date immediately preceding the date on which he was placed under suspension.

[\[Rule 8\(4\)\(a\) of the CCS \(Pension\) Rules, 2021\]](#)

(T) COUNTING OF PERIODS OF SUSPENSION AS QUALIFYING SERVICE FOR THE PURPOSE OF PENSION:

"Counting of periods of Suspension-

- (1) Time passed by a Government servant under suspension pending inquiry into conduct shall be counted as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or only a minor penalty is imposed and the suspension is held to be wholly unjustified.*
- (2) In cases not covered under sub-rule (1), the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the Competent Authority may declare.*
- (3) In all cases of suspension, the competent authority shall pass an order specifying the extent to which, if any, the period of suspension shall count as qualifying service and a definite entry shall be made in the service book of the Government servant in this regard."*

[\[Rule 23 of the CCS \(Pension\) Rules, 2021\]](#)

(U) ACCEPTANCE OF VRS (VOLUNTARY RETIREMENT SCHEME) APPLICATION OF A SUSPENDED OFFICER.

It shall be open to the Appropriate Authority to withhold permission to a Government Servant under suspension who seeks to retire under FR 56(k) or FR-56(m) or Rule 43 (3) of CCS (Pension) Rule 2021.

[\[FR-56\(k\) and FR-56\(m\)\]](#)

[\[Rule 43\(3\) of the CCS \(Pension\) Rules, 2021\]](#)

(V) PAY AND ALLOWANCE AFTER REVOCATION/ REINSTATEMENT FROM SUSPENSION

When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement (including premature retirement) while under suspension, the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement (including premature retirement), as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty"

[FR-54(B)(1)]

(W) ON CONCLUSION OF PROCEEDINGS

❖ If Exonerated

a) where the Competent Authority is of the opinion that the suspension was wholly unjustified, the Government servant may be paid full pay and allowances.

b) Where the Competent Authority is of the opinion that the proceedings were delayed for reasons directly attributable to the Government servant, it may after notice to the Government servant and considering the representation-if any, order a reduced amount to be paid.

c) The period of suspension will be treated as period spent on duty for all purposes.

[FR 54-B (3) & (4)]

❖ Minor Penalty is imposed

Where the proceedings result only in minor penalty being imposed, then the suspension is treated as wholly unjustified and the employee concerned may be paid full pay and allowances for the period of suspension by passing a suitable order under FR 54-B.

[O.M. No.11012/15/85-Estt.(A) dt. 03.12.1985]

❖ Other than exoneration/ minor penalty

(a) The competent authority shall determine the amount to be paid, after notice to Government servant and considering his representation, if any.

[FR 54-B(5)]

(b) The period of suspension shall not be treated as duty unless the competent authority specifically directs that it shall be so treated for any specified purpose.

(c) If the Government servant so desires, the period of suspension may be converted into leave of the kind due and admissible. (Note: Such leave can be in excess of 3 months in case of temporary Government servants or 5 years in case of permanent Government servants)

[FR 54-B(7)]

NOTE: As per FR 54-B(9) wherever the amount allowed is less than full pay and allowances it shall not be less than the Subsistence Allowance already paid.

(X) DEATH WHILE UNDER SUSPENSION

Where a Govt servant under suspension dies before the disciplinary proceedings or the court proceedings against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances to which he would have been entitled had he not been suspended, for that period subject to adjustment of subsistence allowance already paid.

[FR 54-B(2)]

(Y) SERVING OF CHARGE SHEET ETC.

a) Suspension order should normally indicate the grounds for suspension.

b) Where the suspension is on grounds of contemplated proceedings, charge sheet should be served upon the Government servant within 3 months

c) Where charge sheet is not served within 3 months, the reasons for suspension should be communicated to the Government servant immediately on expiry of 3 months from the date of suspension.

[\[DoPT O.M. No.35014/1/81-Estt.\(A\) dated 9th November, 1982\]](#)

(Z) APPEAL

Order of Suspension is appealable under [Rule 23 \(i\) of CCS \(CCA\) Rules, 1965](#).

Note: In case any reference to the relevant OM is required, the same may be accessed by clicking on the hyperlink or from the DOPT's website.
