

No.DOPT-1675343662426
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AVD(AVD-IB)

North Block, New Delhi
Dated 02 February, 2023

OFFICE MEMORANDUM

Subject:- Reviewing of guidelines for timely disposal of departmental proceedings against the officers of All India Services serving in connection with the affairs of the State Government / UTs - reg.

The undersigned is directed to refer to the subject cited above and to say that the timelines for departmental proceedings against the officers of All India Services were last reviewed vide DoPT's Letter No. 106/7/2015-AVD.I (Part) dated 15/03/2017 in amendment of All India Services (Discipline and Appeal) Rules, 1969. With a view to streamline the processing of disciplinary proceedings (DP) against the officers of All India Services working in connection with the affairs of the State Government / UT, the following timelines/time frames are being stipulated:

S. No.	Stages involved in Disciplinary proceedings cases	Time-frame
I	After obtaining approval of the Disciplinary Authority (DA) and serving of the Charge Memorandum on the Charged Officer (CO), CO to submit his Written Statement of Defence (WSD), if any	Within the period of 30 days, extendable by another 30 days at a time and not exceeding 90 days from the date of receipt of the Charge Memorandum as per Rule 8(5) of AIS (D&A) Rules, 1969.
II	Conduct of Inquiry Proceedings by the Inquiry Authority / Presenting Officer after receiving the approval of the DA and submission of Inquiry Report	6 months, extendable by another 6 months at a time with the approval of State Disciplinary Authority (SDA) and for the reasons to be recorded in writing by the Inquiry Authority as per Rule 8(25) (a), (b) & (c) of AIS (D&A) Rules, 1969.
III	Comments of the concerned State Government on the Report of Inquiry Authority and submission of the Disagreement Note if any (reasons of disagreement), on the Inquiry Report	Within 14 working days
IV	After sharing the Inquiry Report and disagreement note, if any, CO to submit his written representation, if any	15 working days, as per Rule 9(2) of AIS (D&A) Rules, 1969.

V	Comments of the concerned State Government on written representation of the CO, if any	Within 15 working days
VI	Submission of the matter by State Government to DoPT for the tentative decision/approval of the Disciplinary Authority	Through Single window System (SWS) within 14 working days, with prior appointment in DoPT
VII	Acceptance or return of DP Proposals received from representatives of State Government under Single Window System (SWS) in DoPT	Same Day
VIII	Examination of DP Proposal accepted from State Government in DoPT	Within 21 working days
IX	If found incomplete/shortcomings noticed- return of proposals to the State government concerned	Within 07 working days
X	If found complete- submission for tentative decision of Competent Authority in DoPT	Within 14 working days
XI	Process to send to UPSC for quantum of penalty after obtaining tentative approval of Competent Authority in DoPT	Within 07 working days
XII	On receipt of UPSC's advice, processing to send it to State Governments (for further forwarding it to CO seeking his representation if any, and comments of State Government thereof).	Within 14 working days
XIII	After receiving the advice of the UPSC and sharing the same with the CO by State Government, CO to submit his written representation to State Government, if any.	Within 15 days, extendable by 15 days for reasons to be recorded in writing. Under no circumstances, the extension shall exceed 45 days from the date of receipt of the UPSC's advice as stipulated in AIS (D&A) Rules, 1969
XIV	On receipt of requisite inputs/comments from State Government, processing in DoPT for submission to Disciplinary Authority	Within 14 working days
XV	Issue of final orders, after receipt of decision of Disciplinary Authority in DoPT.	Within 07 working days

2. In view of the introduction of time frames as elaborated above, all State Governments/UTs are advised to adopt the following measures, as contained in DoPT's letter dated 15/03/2017 that was issued after amendment to All India Service (Discipline & Appeal) Rules, 1969 and re-iterated herewith, so that the time frames can be strictly adhered to and the inquiry process can be completed expeditiously:-

- i. All listed documents on the basis of which the proposed disciplinary proceeding is to be initiated must be in the Custody of the DA.
 - ii. In case disciplinary proceedings are initiated simultaneously with criminal proceedings on the same set of charges, a copy of all the documents and files should be kept in the custody of the DA prior to handing over the records, in case the said records are to be submitted in a court of law. In this regard, CVC OM No. 3(v)/99/7 dated 6th September, 1999 may be referred to.
 - iii. Care may be taken to ensure that all listed documents are provided to the charged officer along with charge-sheet to enable him to submit his representation within the stipulated time.
 - iv. The charge-sheet/ advice of UPSC served on the CO may clearly indicate that in the absence of a Statement of Defence or comments on the advice from the CO within the stipulated time frame as mentioned in Rule 8(5) and Rule 9(5) or a request from CO for extension of time, it would be assumed that the CO has no views to offer.
 - v. During the course of inquiry, where the CO seeks additional documents, the IO may decide on the relevance of the documents so sought expeditiously. The IO may be advised to procure the permitted additional documents from the custodian Departments in State Governments/UTs and supply of copies of documents to CO within one month. In case of delays at the level of the Departments in State Governments/UTs, the same may be brought to the notice of the DA by the IO to resolve the issue expeditiously and DA should issue a non-availability certificate with regard to the documents which are not available.
 - vi. The time taken during the inquiry process may be regularly monitored and a register of all pending inquiries may be maintained. The IO should be advised to complete inquiry within six months. However, if he is unable to do so for any good and sufficient reasons, he should make a request for extension in terms of new sub-rule 8(25) to the DA well within the stipulated time frame. Every such extension must be approved by the State Disciplinary Authority (SDA) before expiry of the six months time period.
 - vii. The State Governments/UTs should appoint a Nodal Officer of the rank of Under Secretary, Government of India with contact details (mobile/ e-mail/fax) for effective coordination between the Central and the State Government/UT.
3. This issues with the approval of Competent Authority.

(Sign of Authority)

Subodh Verma

Under Secretary to the Govt. of India

To

I. The Chief Secretaries of all the State Governments/Union Territories.

Copy to (for information):-

- i. Prime Minister's Office
- ii. Cabinet Secretariat
- iii. Central Vigilance Commission
- iv. Union Public Service Commission
