

GOVERNMENT OF RAJASTHAN
Department of Personnel
(A-III)

No.F.4(6)Karmik/A-III/78

Dated: January 10, 2001

To,

1. All Principal Secretaries / Secretaries to Government
2. All Heads of Departments
3. All Divisional Commissioners
4. All District Collectors

C I R C U L A R

SUBJECT: Guidelines regarding suspension of officers and serving of charge sheets upon those officers who are placed under suspension.

Guidelines regarding suspension of officers and serving of charge sheets upon those officers who are placed under suspension have been issued from time to time in the past. Attention is invited to the following Circulars of this Department :-

1. F.4(6)Karmik/Ka-3/78 dated 11/08/2000
2. F.4(6)Karmik/Ka-3/78 dated 16/06/2000
3. F.9(2)Karmik/Ka-3/99 dated 28/10/1999
4. F.9(2)(1)Karmik/Ka-3/99 dated 30/04/199
5. F.9(51)Karmik/Ka-3/77/Pt.-1 dated 29/04/1999
6. F.9(51)Karmik/Ka-3/77/Pt.-1 dated 07/11/1998
7. F.8(1)(2)Karmik/Ka-3/94 Pt. dated 29/07/1995

Despite all the above mentioned Circulars, it has been observed that the instructions regarding suspension of officers are not being followed in several cases. This has been viewed adversely by the State Government. With a view to consolidating the instructions on this subject and reiterating the instructions on this subject, the following guidelines are hereby issued for the information of all concerned. All concerned are requested to ensure strict compliance of these guidelines.

It has been observed that in some cases officers are being placed under suspension in a routine manner on account of minor lapses and thereafter charge sheets are being served upon them under Rule 17 of the CCA Rules. This is not a proper practice. Suspension in such cases is neither conducive to Government functioning nor to the officer concerned. The State Government views this position seriously. The following instructions are hereby issued for compliance by all concerned:

Normally, Officers should be placed under suspension only in the following circumstances:-

- (i) Where an officer is caught red handed in a trap proceeding organised by the Anti Corruption Bureau, or
- (ii) Where a criminal case involving moral turpitude, embezzlement of funds or some other grievous offence is pending investigation or trial against an officer, or
- (iii) Where the officer concerned is prima facie guilty of some major lapse and departmental enquiry under Rule 16 of the CCA Rules is pending or contemplated against him and the gravity of the charge(s) is such that, if proved, it will most probably lead to his removal or dismissal from service, and
- (iv) Where the retention of the officer concerned in office is likely to hamper or frustrate the inquiry or it is otherwise inadvisable that he should continue to perform the duties of his office.

Before placing any person under suspension, the competent authority should personally study the facts and circumstances of the case and satisfy himself/herself that in the facts and circumstances of the case a

prima facie case is made out for initiating disciplinary action under Rule 16 of the CCA Rules and that the gravity of the charge is such that, if proved, it will most probably lead to his removal or dismissal from service. The competent authority should pass a speaking order stating that he/she has personally examined the facts and circumstances of the case and that he/she is personally satisfied that suspension is justified in the facts and circumstances of the case.

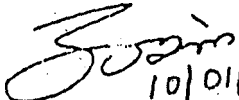
Contrary to normal belief, suspension is a very harsh step and, except in rare cases, suspension should not be resorted to except after chargesheet has been served upon the concerned officer and, to the extent possible, after giving an opportunity to the concerned officer to state his case with respect to the charges against him. However, it has been observed in several cases that after an officer has been placed under suspension, the charge sheet is not served upon the officer concerned for several months while he continues to remain under suspension. This is a matter of serious concern and it is enjoined upon all concerned to ensure that such a situation is avoided at all costs. Once an officer has been placed under suspension, it is the duty of the concerned authority to ensure that the charge sheet is served upon him without any delay. It is expected that normally the charge sheet should be served upon the concerned officer within a period of two months from the date of suspension. In future all concerned should ensure that charge sheet is served upon suspended officers within a period of two months from the date of suspension.

It has also been observed that at times officers belonging to the State Services are placed under suspension by the concerned Administrative Departments / Heads of Departments. In this connection it is clarified that under the Rajasthan Rules of Business the powers for disciplinary action against officers belonging to the State Services, including the power to suspend an officer, vest only in the Department of Personnel. Administrative Departments / Heads of Departments are not authorised to suspend an officer of the State Services. Therefore, officers belonging to the State Services can be placed under suspension only by the Department of Personnel. If in a rare and extraordinary case the concerned Administrative Department deems it necessary that an officer

should be immediately placed under suspension, the concerned Principal Secretary / Secretary to Government should necessarily consult the Chief Secretary and obtain his consent for placing the government servant under suspension. Thereafter, the case should be immediately referred to the Department of Personnel and the suspension order should be got confirmed by the Department of Personnel.

Keeping in view the above mentioned position, all concerned are requested to review the cases of officers who are presently under suspension. If any officer has been placed under suspension and chargesheet has been served upon him under Rule 17 of the CCA Rules, action should be taken to the immediately reinstate such Officers. If any officer has been under suspension for more than two months and charge sheet has still not been served upon him, the competent authority shall ensure that the charge sheet is served upon the concerned officer immediately.

All concerned are requested to ensure that these instructions are fully complied with in future. Non-compliance of these instructions shall be viewed seriously by the State Government.


10/01/2001
(Ashok Sampatram)
Secretary to Government