

GOVERNMENT OF RAJASTHAN
Department of Personnel (A-3)

No.F.9(5)(53)/Karmik/Ka-3/2001 Dated: February 06, 2002

All Principal Secretaries / Secretaries to Government
All Heads of Departments (including District Collectors)
All Special Secretaries / Deputy Secretaries to Govt.

C I R C U L A R

SUBJECT: Departmental enquiries pending against those government servants who are compulsorily retired from service.

Several queries are being received in the Department of Personnel as to what would happen to the departmental enquiries which are pending against those government servants who are given compulsory retirement under the provisions of Rule 53(1) of the Rajasthan Civil Services (Pension) Rules, 1996. The matter has been examined in consultation with the Law Department. It is hereby clarified that there is no difference between the employees who retire on attaining the age of superannuation and the employees who are given compulsory retirement on pro-rata pension under Rule 53(1) of the Rajasthan Civil Services (Pension) Rules, 1996. Therefore, there is no legal bar to continuance of the departmental enquiries against them. The enquiries which are pending against them under the provisions of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 will continue and in accordance with the provisions of Rule 7 (2) (a) of the Rajasthan Civil Services

Departmental enquiries pending against those government servants who are compulsorily retired from service.

(Pension) Rules, 1996 shall be deemed to be enquiries under the Rajasthan Civil Services (Pension) Rules, 1996.

However, it is further clarified that once a person has been given compulsory retirement the only punishment that can be inflicted upon him is that of withholding of his pension and/or gratuity. Therefore, it follows that there is no point in continuing the enquiries against such government servants under Rule 17 of the CCA Rules. Therefore, if enquiries are being conducted under Rule 17 of the CCA Rules, these should be dropped. In so far as the departmental enquiries under Rule 16 of the CCA Rules are concerned, there cannot be any hard and fast rule and the competent authority should examine the charges to ascertain as to whether the nature of the charges is such that, if proved, the charges would justify withholding of pension and/or gratuity. If the competent authority comes to the conclusion that the nature of the charges is not such as to justify the withholding of pension and/or gratuity, then the enquiries under Rule 16 of the CCA Rules should also be dropped.

As there is no difference between the government servants who retire on attaining the age of superannuation and those who are given compulsory retirement under the provisions of Rule 53 (1) of the Rajasthan Civil Services (Pension) Rules, 1996, the principles enumerated above will also be applicable in the matter of the departmental enquiries pending against the government servants who retire on attaining the age of superannuation.



**(Ashok Sampatram)
Secretary to Government**