

GOVERNMENT OF RAJASTHAN
Department of Personnel (A-3)

No.F.2(157)/Karmik/Ka-3/97

Dated: April 10, 2001

To,

1. All Secretaries / Principal Secretaries to Government
2. All Heads of Departments
(including Divisional Commissioners and District Collectors)
3. All Special Secretaries / Deputy Secretaries to Government

C I R C U L A R

SUBJECT: Regarding departmental enquiries against government servants against whom cases are being investigated by the Anti Corruption Bureau or against whom cases have been Challenged by the Anti Corruption Bureau in the competent criminal courts.

Dear Madam / Sir,

Instructions on the above mentioned subject were previously issued vide Department of Personnel's Circular No. F.2(31)/Karmik/Ka-3/96 dated 31/12/96 and letter No. F.2(157)/Karmik/Ka-3/97 dated 01/09/97 issued under the signatures of the then Chief Secretary. The State Government has reconsidered the matter. It has been observed that the investigation of the cases by the Anti Corruption Bureau often takes a very long time. If the concerned government servant becomes due for any promotion during this period, he cannot be overlooked merely on account of the fact that the Anti Corruption Bureau is investigating a case. If, however, a chargesheet has been served upon him for departmental action, his case would be placed in a sealed cover. Furthermore, it has been observed that the criminal proceedings sometimes take a very long time and it is quite

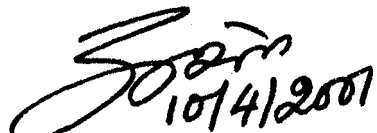
DE. in ACD Cases

possible that in the meanwhile the concerned government servant may retire on superannuation. In such a case it may not be possible to serve the chargesheet upon him after conclusion of the criminal proceedings.

Keeping in view the above mentioned facts, it has been decided that in all those cases where investigation is being conducted by the Anti Corruption Bureau or proceedings are pending in any criminal court on the basis of the Challan filed by the Anti Corruption Bureau, if the concerned Department is of the opinion that a case is made out for initiating departmental action against the concerned government servant, the Department will be free to issue a chargesheet for departmental enquiry without waiting for the completion of the investigation by the Anti Corruption Bureau or final decision by the court in the criminal proceedings, as the case may be. However, **all further action on the chargesheet may remain suspended till such time as either the Anti Corruption Bureau files a Final Report in the competent criminal court or till the matter is finally decided by the concerned court, as the case may be.**

If any departmental inquiry has already been initiated against any government servant and the Anti Corruption Bureau is also conducting an investigation on the same charges or proceedings are pending against him before a criminal court on the basis of a Challan filed by the Anti Corruption Bureau, it is hereby directed that no further action should be taken in the departmental enquiry and further action should be suspended till such time as the Anti Corruption Bureau files a Final Report in the competent criminal court / the pending criminal case is finally decided by the concerned court, as the case may be

These instructions are being issued **in supersession of all previous instructions on this subject.** These instructions may be brought to the notice of all concerned for ensuring strict compliance.


10/4/2001
(Ashok Sampatram)
Secretary to Government