

GOVERNMENT OF RAJASTHAN
Department of Personnel (A-3)

No.F.4(6)/Karmik/Ka-3/78

Dated: August 03, 2001

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

C I R C U L A R

SUBJECT: Penalty of reduction in rank – whether a person can be reduced to a post lower than the one to which he was directly recruited.

A question has been raised as to whether a penalty can be inflicted upon a government servant whereby he is reduced to a post lower than the one to which he was directly recruited. Under Rule 14 (iv) of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 the following penalty has been prescribed: “reduction to a **lower service**, grade or post, or to a lower time scale or to a lower stage in the time scale or in the case of pension to an amount lower than that due under the rules”. From a plain reading of this provision in the rules it would appear that a person can be reduced to a **lower service**.

This issue has been considered by the Hon’ble Supreme Court of India¹ and it has been clearly held that a person

¹ Nyadar Singh Vs. Union of India AIR 1988 SC 1979
Hussain Sasansaheb Kaladgi Vs. State of Maharashtra AIR 1987 SC 1627

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initially recruited to a higher time-scale, grade or service or post cannot be reduced by way of punishment to a post in a lower time-scale, grade, service or post which he never held before. Therefore, notwithstanding the language of the penalty specified in Rule 14 (iv) of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 the power of reduction in rank is available to reduce the civil servant to a lower time-scale, grade, service or post from which he had previously earned his promotion i.e. **he must have held the post earlier**. In view of the settled position of law it is hereby clarified that a government servant cannot be reduced to a post below the post on which the government servant was initially recruited.


(Ashok Sampatram)
Secretary to Government