

**THINK ABOUT IT...**



# SPECIMEN FORMATS OF VIGILANCE DISCIPLINARY PROCEEDINGS

# VIGILANCE

KHADI AND VILLAGE INDUSTRIES COMMISSION

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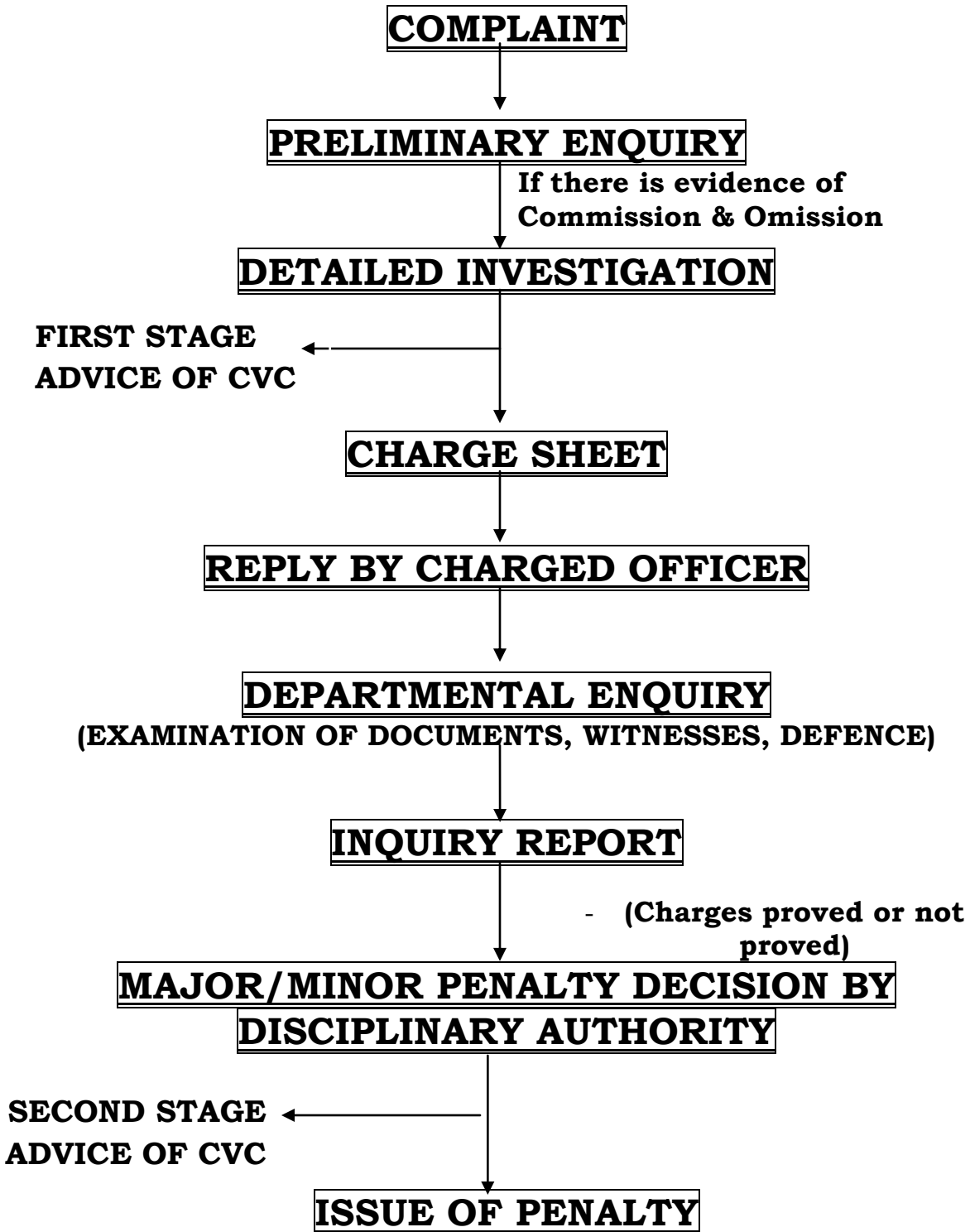
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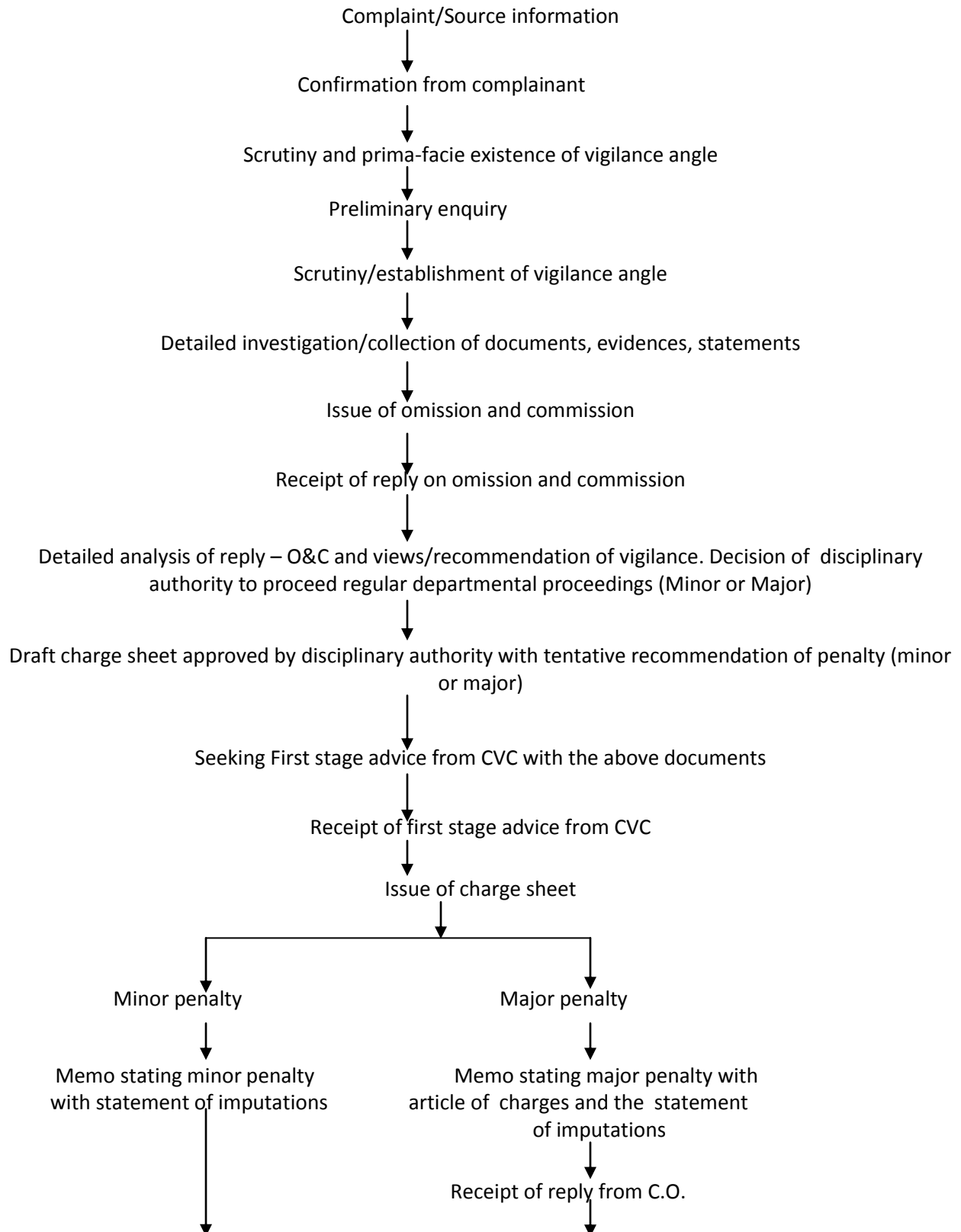
# CHAPTER- I

# DEPARTMENTAL PROCEEDINGS

**1. STAGES OF DEPARTMENTAL PROCEEDINGS**  
**(As per Vigilance Manual)**



## 2. FLOW CHART OF VIGILANCE PROCEEDINGS



Receipt of representation/reply



Scrutiny of the reply



Decision of the D.A.



Issue of speaking order

Appointment of I.O., P.O. by.A.



Inquiry Proceedings



Receipt of Report from I.O.



Examination of the I.O. Report .  
Disagreement of D.A., if any.



Copy of I.O. Report with  
disagreement to C.O.



Receipt of reply from C.O.



Decision of D.A. on tentative penalty



Seeking second stage advice from CVC



Decision of D.A. with reference to the Second Stage  
Advice of CVC.



Forwarding the second stage advice to C.O. with  
decision of D.A. for reply.



Examination of C.O. reply with reference to second  
stage advice of CVC and placing before D.A.



Confirmation of final decision of D.A.



Issue of speaking order.



Informing CVC about the decision of D.A.



# CHAPTER- II

## SUSPENSION

# **1. Order of Suspension in respect of Criminal Offence**

## **ADDRESS**

No. \_\_\_\_\_

Date: \_\_\_\_\_

## **ORDER**

WHEREAS a case against Shri \_\_\_\_\_ (Name & Designation) in respect of a criminal offence is under investigation/inquiry / trial.

Now, therefore, \_\_\_\_\_ (Authority competent to place under suspension), in exercise of powers conferred by sub-rule 1(c) of rule 8 of KVIC E (CCA) Regulation, 2003 (the rules in terms of which suspension is ordered), hereby places the said Shri \_\_\_\_\_ under suspension with immediate effect from the date on which this order is communicated to him.

AND WHEREAS during the period suspension, the said Shri \_\_\_\_\_ will be paid subsistence allowance, which shall be 50% of his basic pay and allowances as admissible.

It is further ordered that during the period that this order shall remain in force, the headquarters of Shri \_\_\_\_\_ shall be \_\_\_\_\_ and the said Shri \_\_\_\_\_ shall not leave the said headquarters without obtaining the permission of the undersigned.

AND WHEREAS Shri \_\_\_\_\_ will have to produce a certificate of non-payment every month to the Director, \_\_\_\_\_ to make a payment of subsistence allowance.

Signature \_\_\_\_\_  
(Name and Designation of the  
authority competent to suspend)

To,  
Shri \_\_\_\_\_

Through \_\_\_\_\_

Copy to : 1)  
2)

## 2. Order of Suspension in respect of Disciplinary Proceedings

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

WHEREAS a disciplinary proceeding against Shri \_\_\_\_\_ (name & designation) is contemplated/pending.

Now, therefore, \_\_\_\_\_ (Authority competent to place under suspension), in exercise of powers conferred by sub-rule 1(a) of rule 8 of KVIC E (CCA) Regulation, 2003 (the rules in terms of which suspension is ordered), hereby places the said Shri \_\_\_\_\_ under suspension with immediate effect from the date on which this order is communicated to him.

AND WHEREAS during the period suspension, the said Shri \_\_\_\_\_ will be paid subsistence allowance, which shall be 50% of his basic pay and allowances as admissible.

AND WHEREAS It is further ordered that during the period that this order shall remain in force, the headquarters of Shri \_\_\_\_\_ shall be \_\_\_\_\_ and the said Shri \_\_\_\_\_ shall not leave the said headquarters without obtaining the permission of the undersigned.

AND WHEREAS Shri \_\_\_\_\_ will have to produce a certificate of non-payment every month to the Director, \_\_\_\_\_ to make a payment of subsistence allowance.

Signature \_\_\_\_\_  
(Name and Designation of the  
authority competent to suspend)

To,  
Shri \_\_\_\_\_

Through \_\_\_\_\_

Copy to : 1)  
2)

### 3. Order of Deemed Suspension in case of Detention of the Employee.

#### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

#### ORDER

WHEREAS a case against Shri \_\_\_\_\_ (Name and Designation of the employee) in respect of a criminal offence is under investigation/inquiry/trial.

AND WHEREAS the said Shri \_\_\_\_\_ was detained in custody on \_\_\_\_\_ for period exceeding forty eight hours;

NOW THEREFORE, the said Shri \_\_\_\_\_ is deemed to have been placed under suspension by an order of the Appointing Authority w.e.f. \_\_\_\_\_ in terms of sub-rule \_\_\_\_\_ of Rule \_\_\_\_\_ of KVIC E (CCA) Regulation, 2003 (the rules in terms which the deemed suspension takes effect) until further orders.

AND WHEREAS during the period suspension, the said Shri \_\_\_\_\_ will be paid subsistence allowance, which shall be 50% of his basic pay and allowances as admissible.

AND WHEREAS Shri \_\_\_\_\_ will have to produce a certificate of non-payment every month to the Director, \_\_\_\_\_ to make a payment of subsistence allowance.

Signature \_\_\_\_\_

Name and Designation of the  
Appointing Authority/Disciplinary Authority

To,  
Shri \_\_\_\_\_

Through \_\_\_\_\_

Copy to: 1)  
2)

#### 4. Order of Deemed Suspension in case of Imprisonment

##### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

##### **ORDER**

WHEREAS a case against Shri \_\_\_\_\_ (Name and Designation of the employee) has been convicted of the criminal offence under Section \_\_\_\_\_ of \_\_\_\_\_ (mentioned the enactment under which convicted) and has been sentenced to imprisonment for \_\_\_\_\_.

AND WHEREAS the said Shri \_\_\_\_\_ has undergone imprisonment for a period exceeding forty eight hours;

NOW THEREFORE, the said Shri \_\_\_\_\_ is deemed to have been placed under suspension by an order of the appointing authority w.e.f. \_\_\_\_\_ in terms of sub-rule \_\_\_\_\_ of Rule \_\_\_\_\_ of KVIC E (CCA) Regulation, 2003 (the rules in terms which the deemed suspension takes effect) until further orders.

AND WHEREAS during the period suspension, the said Shri \_\_\_\_\_ will be paid subsistence allowance, which shall be 50% of his basic pay and allowances as admissible.

AND WHEREAS Shri \_\_\_\_\_ will have to produce a certificate of non-payment every month to the Director, \_\_\_\_\_ to make a payment of subsistence allowance.

Signature \_\_\_\_\_

Name and Designation of the  
Appointing Authority/Disciplinary Authority

To,  
Shri \_\_\_\_\_

Through \_\_\_\_\_

Copy to: 1)  
2)

## 5. Form for Grant of Subsistence Allowance

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

Shri \_\_\_\_\_ (Name and Designation) in the Department of \_\_\_\_\_ who was placed under suspension/who is deemed to have been placed under suspension, with effect from \_\_\_\_\_ vide Order No. \_\_\_\_\_ dated \_\_\_\_\_ shall draw, for the first three months of the period of suspension, subsistence allowance equal to the leave salary which he would have drawn if he had been on leave on half average pay or half pay. In addition to the subsistence allowance, Shri \_\_\_\_\_ will also be entitled to draw dearness allowance on the basis of the amount of subsistence allowance, and other compensatory allowances which he was in receipt of on the date of his suspension.

2. The payment of subsistence allowance and other allowances will be in accordance with and subject to the conditions laid down in FR 53 and other rules / instructions governing these payments.

Signature \_\_\_\_\_

Name and Designation of the  
Appointing Authority/Disciplinary Authority

To,  
Shri \_\_\_\_\_

Through \_\_\_\_\_

Copy to: 1)  
2)

## 6. Form of Certificate by the Suspended Officer for payment of Subsistence Allowance

I, \_\_\_\_\_ (Name and Designation of the Suspended Employee) having been placed under suspension vide Order No. \_\_\_\_\_ dated the \_\_\_\_\_ while holding the post of \_\_\_\_\_ do hereby certify that I have not been employed in any business, profession or vocation for profit/remuneration /salary during the period from \_\_\_\_\_ to \_\_\_\_\_.

Signature \_\_\_\_\_  
Name and address of the  
suspended employee

## 7. Form for Revocation of Order of Suspension

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

WHEREAS an order placing Shri \_\_\_\_\_ (Name and Designation) under suspension was made / was deemed to have been made by \_\_\_\_\_ on \_\_\_\_\_.

NOW THEREFORE, the undersigned, in exercise of the powers conferred by Rule 8(5) of KVIC E (CCA) Regulation, 2003 (here mention the relevant rule) hereby revokes the said order of suspension, with immediate effect.

Signature \_\_\_\_\_  
Name and Designation of the  
authority competent to revoke the  
order of suspension



# CHAPTER- III

## MINOR PENALTY

# 1. Form of Minor Penalty Proceedings

## ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

## MEMORANDUM

Shri \_\_\_\_\_ (Name and Designation) \_\_\_\_\_ is hereby informed that it is proposed to take action against him under Rule 12 of the KVIC E CCA Regulation, 2003. A statement of the imputation of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.

2. Shri \_\_\_\_\_ is hereby given an opportunity to make such representation as he may wish to make against the proposed action.

3. If Shri \_\_\_\_\_ fails to submit his representation within 10 days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against him ex-parte.

4. The receipt of this Memorandum should be acknowledged by Shri \_\_\_\_\_

Signature \_\_\_\_\_  
Name and Designation of the  
Disciplinary Authority

To,  
Shri \_\_\_\_\_

Through \_\_\_\_\_

Copy to: 1)  
2)

## 2. Form for Final Order imposing a Minor Penalty

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

WHEREAS, Shri \_\_\_\_\_ (Name and Designation of the Charged employee) \_\_\_\_\_ was informed of the proposal to take action against him under Regulation 12 vide Memo No. \_\_\_\_\_ dated \_\_\_\_\_. The Statement of imputation of misconduct or misbehavior on which the action was proposed to be taken was also enclosed with the above said Memorandum dated \_\_\_\_\_, and Shri \_\_\_\_\_ was given an opportunity to make such representation as he may wish to make against the proposal. The misconduct on the part of Shri \_\_\_\_\_ related to \_\_\_\_\_ (mention the allegations briefly)

AND WHEREAS Shri \_\_\_\_\_ in his representation dated \_\_\_\_\_ submitted that the \_\_\_\_\_ (here bring out the defence made by the charged employee) The representation of Shri \_\_\_\_\_ has been considered carefully and it has been found that \_\_\_\_\_ (here to give your analysis of the points raised by the charged officer)

NOW THEREFORE, after taking into account the representation of Shri \_\_\_\_\_ and the facts and circumstances of the case, the undersigned is satisfied that the allegations against Shri \_\_\_\_\_ are correct. The undersigned has, therefore, decided to impose the penalty of \_\_\_\_\_ on Shri \_\_\_\_\_

The penalty of \_\_\_\_\_ is accordingly imposed on Shri \_\_\_\_\_.

A copy of this order shall be placed in the CR holder of Shri \_\_\_\_\_ (the charged officer)

Signature \_\_\_\_\_  
Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(name & designation of the Charged officer)

\_\_\_\_\_  
Copy to: 1) \_\_\_\_\_  
2) \_\_\_\_\_

# CHAPTER- IV

## MAJOR PENALTY

# 1. Form of Charge sheet for Major penalty Proceedings

## ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

## MEMORANDUM

The undersigned proposes to hold an inquiry against Shri \_\_\_\_\_ under Regulation 10 of KVIC E CCA regulation, 2003. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed Statement of Articles of Charge (Annexure-I) A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II) A list of documents by which and a list of witness by whom, the articles of charge/s are proposed to be sustained are also enclosed (Annexure-III & IV)

2. Shri \_\_\_\_\_ is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. Shri \_\_\_\_\_ is further informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri \_\_\_\_\_ is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiry authority or otherwise fails or refuses to comply with the provisions of Regulation 10 or the orders/directions issued in pursuance of the said Rule, the inquiry authority may hold the inquiry against him ex-parte.

5. Attention of Shri \_\_\_\_\_ is invited to Rule 26 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri \_\_\_\_\_ is aware of such a representation and that it has been made at his instance and action may be taken against him for violation of Rule 26.

6. The receipt of the memorandum may be acknowledged.

**Signature \_\_\_\_\_**  
**Name and Designation of the**  
**Disciplinary Authority**

**To,**  
**Shri \_\_\_\_\_**

**Through \_\_\_\_\_**

**Copy to : 1)**

**2)**

**Annexure – I**

Statement of Articles of Charge framed against Shri \_\_\_\_\_

**Annexure – II**

Statement of Imputation of Misconduct or misbehavior in support of the articles of charge framed against Shri \_\_\_\_\_

**Annexure – III**

List of documents by which the articles of charge framed against Shri \_\_\_\_\_ are proposed to be sustained

**Annexure – IV**

List of witnesses by whom the articles of charge framed against Shri \_\_\_\_\_ are proposed to be sustained

## 2. Form for Appointment of the Inquiry Officer

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

WHEREAS an inquiry under Regulation 10 of KVIC E CCA Regulation, 2003 is being held against Shri \_\_\_\_\_ (name and designation of the charged employee).

AND WHEREAS the undersigned considers that Inquiry Officer should be appointed to inquire into the charges framed against him.

NOW THEREFORE, the undersigned in exercise of the powers conferred by sub rule 2 of the said rule 10 hereby appoints Shri \_\_\_\_\_ (Name and Designation) as the Inquiring authority to inquire into the charges framed against Shri \_\_\_\_\_.

Signature \_\_\_\_\_

Name and Designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_

(Name of the Inquiry Officer, Designation & Address)

\_\_\_\_\_  
\_\_\_\_\_

Copy to: 1) Shri \_\_\_\_\_

(Name of the Presenting Officer, Designation, Address)

2) Shri \_\_\_\_\_

(Name of the Charge Officer and Address)

3)

4)



### 3. Form for Change of the Inquiry Officer

#### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

#### ORDER

WHEREAS an inquiry under Regulation 10 of KVIC E CCA Regulation, 2003 is being held against Shri \_\_\_\_\_ (Name and Designation of the Charged Employee).

AND WHEREAS Shri \_\_\_\_\_ (Name and Designation of the Inquiry Officer) was appointed as the Inquiry authority to inquire into the articles of charge against Shri \_\_\_\_\_ vide Order No. \_\_\_\_\_ dated \_\_\_\_\_.

AND WHEREAS Shri \_\_\_\_\_ (Name of the previous Inquiry Officer) after having heard and recorded the part of the evidence has ceased to exercise jurisdiction consequent upon his (\_\_\_\_\_ here give reasons\_\_\_\_\_) and it is necessary to appoint another officer as Inquiry Officer to inquire into the charges against Shri \_\_\_\_\_.

NOW THEREFORE, the undersigned, in exercise of the powers conferred by sub rule 2 of the said rule 10 hereby appoints Shri \_\_\_\_\_ (name and designation) as the Inquiry authority to inquire into the charges against the said Shri \_\_\_\_\_ (Name and Designation of the Charged Employee vice Shri \_\_\_\_\_ (Name of the previous Inquiry Officer).

Signature \_\_\_\_\_  
Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(Name of the Inquiry Officer, Designation & address)

- \_\_\_\_\_
- Copy to : 1) Shri \_\_\_\_\_  
(Name of the previous Inquiry officer, designation, address)
- 2) Shri \_\_\_\_\_  
(Name of the charge officer and address)
- 3) Shri \_\_\_\_\_  
(Name of the presenting officer, designation & address)
- 4)

#### 4. Form for Appointment of the Presenting Officer

##### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

##### ORDER

WHEREAS an inquiry under Regulation 10 of KVIC E CCA Regulation, 2003 is being held against Shri \_\_\_\_\_ (Name and Designation of the Charged employee).

AND WHEREAS the undersigned considers it necessary to appoint Presenting Officer to present the case in support of articles of charge against the said officer before the inquiry officer.

NOW THEREFORE, the undersigned in exercise of the powers conferred by sub rule 5(a) of the said rule 10 hereby appoints Shri \_\_\_\_\_ (Name and Designation) as the Presenting Authority to present the case in support of the articles of charge against the said officer, before the inquiry authority.

**Signature \_\_\_\_\_**  
**Name and designation of**  
**the Disciplinary authority**

**To,**  
**Shri \_\_\_\_\_**  
**(Name of the Presenting Officer, Designation & Address)**

\_\_\_\_\_  
\_\_\_\_\_

- Copy to: 1) Shri \_\_\_\_\_  
(Name of the Inquiry Officer, Designation, Address)  
2) Shri \_\_\_\_\_  
(Name of the Charge Officer and Address)  
3)  
4)

## 5. Form for Change of the Presenting Officer

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

WHEREAS an inquiry under Regulation 10 of KVIC E CCA Regulation, 2003 is being held against Shri \_\_\_\_\_ (Name and Designation of the Charged Employee).

AND WHEREAS Shri \_\_\_\_\_ (Name and Designation of the previous Presenting Officer) was appointed as the Presenting authority to present the case in support of the articles of charge against the said officer Shri \_\_\_\_\_ before the Inquiry Officer.

AND WHEREAS the said Shri \_\_\_\_\_ (name of the previous presenting officer) is not available due to (\_\_\_\_\_ here give reasons \_\_\_\_\_) and it is necessary to appoint another presenting officer in the case.

NOW THEREFORE, the undersigned, in exercise of the powers conferred by sub rule 5(a) of the said rule 10, hereby appoints Shri \_\_\_\_\_ (name and designation) as the Presenting Officer to present the case in support of the articles of charges against the said Shri \_\_\_\_\_ (name and designation of the charged employee) before the Inquiry officer).

**Signature \_\_\_\_\_**  
**Name and designation of**  
**the Disciplinary authority**

To,  
Shri \_\_\_\_\_  
(name of the Presenting Officer, designation & address)

\_\_\_\_\_  
\_\_\_\_\_

- Copy to : 1) Shri \_\_\_\_\_  
(Name of the previous Presenting officer, designation, address)
- 2) Shri \_\_\_\_\_  
(name of the charge officer and address)
- 3) Shri \_\_\_\_\_  
(name of the Inquiry officer, designation & address)
- 4)

## 6. Form for conducting Inquiry Proceedings

### No. 1. Brief Details of Inquiry Proceedings

**INQUIRY UNDER REGULATION 10/14 OF K.V.I.C.E.(CCA)REGULATIONS 2003.**

<p><b>INSTRUCTIONS</b></p> <p>i) Separate Reports should be rendered for the respective days when proceedings are conducted.</p> <p>ii) If no proceedings are conducted during a week, a report should be submitted on the last working day of the week.</p> <p>The reasons for not progressing the inquiry during the week should be indicated.</p> <p>iii) The report will be rendered direct to the disciplinary authority.</p>	<p>Memorandum No.----- dt-----.</p> <p>Against _____ Dsign _____</p> <p>Dates</p> <p>First Hearing _____</p> <p>Last Hearing _____</p> <p>Present hearing _____</p> <p>Place of Present Hearing _____</p> <p>Brief Details of Inquiry proceedings</p> <p>Remarks of Presenting Officer.</p> <p>Signature of Presenting Officer/Date</p> <p>Name _____</p> <p>Designation _____</p> <p>Remarks of Inquiry Officer.</p> <p>Signature of Inquiry Officer</p> <p>Name _____</p> <p>Designation _____</p> <p>Date _____</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## No. 2. Order Sheet

### INQUIRY UNDER REGULATION 10/14 OF K.V.I.C.E (CCA)REGULATIONS, 2003. ORDER SHEET.

Memorandum No. \_\_\_\_\_ Date \_\_\_\_\_

Against Shri \_\_\_\_\_ Designation \_\_\_\_\_

Inquiry Officer Shri \_\_\_\_\_ Designation \_\_\_\_\_

Presenting Officer Shri \_\_\_\_\_ Designation \_\_\_\_\_

Defence Assistant Shri \_\_\_\_\_ Designation \_\_\_\_\_

Date	Business Transacted	Signature with dates, of above connected with and present during the inquiry.

### No. 3. Notice of First Hearing

#### INQUIRY UNDER. REGULATION 10/14 OF K.V.I.C.E(CCA)REGULATIONS,2003.

#### NOTICE OF FIRST HEARING.

No. \_\_\_\_\_

Date: \_\_\_\_\_

To  
(Name and address of Delinquent Govt. servant).

Ref: Memorandum No. \_\_\_\_\_ dated \_\_\_\_\_

Order No. \_\_\_\_\_ dated \_\_\_\_\_

- 1) Pursuant to the order quoted above the proceedings will commence at \_\_\_\_\_ hrs on \_\_\_\_\_ at \_\_\_\_\_ (Place).
- 2) The Presenting Officer is also being asked to attend the hearing along with all records.
- 3) Please note that if you fail to appear at the appointed time and place the inquiry will be proceeded within terms of Sl.No.20 of Regulation10 of KVIC E(CCA) Regulations,2003.
- 4) In terms of Regulation 10(8) of the KVIC E (CCA) Regulations,2003 you can take the assistance of any other KVIC E Govt. Servant to present the case on your behalf. You are therefore advised to give in writing immediately, the name of the Defence Assistant if any with designation and address. A letter of consent from him to assist you during the proceedings along with a declaration from him that he will be able to attend all the sittings whenever required and that he is presently assisting in not more than two such case including the present one should also be enclosed to your reply.
- 5) It is advisable in your own interest to submit a panel of three name in order of preference, whom you may wish to utilize as your defense assistant. This will enable the procurement of the next person in case the one on the top of the panel is not available.
- 6) If you have been allowed the assistance of a legal practitioner, a copy of the permission accorded by the Disciplinary Authority may please be sent.

Please acknowledge the receipt hereof immediately.

Inquiry Officer.

Name-----

Designation-----

Copy to: Presenting Officer, Shri \_\_\_\_\_ Designation \_\_\_\_\_ for information and necessary action vide para (2) above.

## No. 4. Recording of Proceedings/Hearing

### INQUIRY UNDER REGULATION 10/14 OF K.V.I.C.E(CCA)REGULATIONS,2003.

#### RECORD OF PROCEEDINGS/HEARING.

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Memorandum No. \_\_\_\_\_ Against  
Shri \_\_\_\_\_ (DGS) Designation \_\_\_\_\_. The first hearing of the inquiry was fixed for  
today, the \_\_\_\_\_ (date), at \_\_\_\_\_ (time). at \_\_\_\_\_ (venue) Notice  
No. \_\_\_\_\_ date \_\_\_\_\_ was issued to Shri  
\_\_\_\_\_ (DGS), referred to above by Regd.A/D or in person and the same has  
been received by him on \_\_\_\_\_ ( date)

The Court assembled accordingly and the following are were present:

- 1) Inquiry Officer Shri \_\_\_\_\_
- 2) Presenting Officer Shri \_\_\_\_\_
- 3) D.G.S. Shri \_\_\_\_\_
- 4) Defence Assistant Shri \_\_\_\_\_

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(The proceeding held during this Hearing should be recorded in continuation of the above.For sample minutes see Form KVIC/INQ/5.See para 9.5 to 9.7 of instructions).

Signature with dates of Inquiry Officer \_\_\_\_\_  
Presenting Officer \_\_\_\_\_  
D.G.S. \_\_\_\_\_  
Defence Assistant \_\_\_\_\_

## No. 5. Sample of Minutes of Proceedings

### SAMPLE OF MINUTES OF PROCEEDINGS \_\_\_\_\_ (This will be in continuation of Form KVIC/INQ/4).

i) Shri \_\_\_\_\_ Designation \_\_\_\_\_ Section \_\_\_\_\_  
Confirms that he is the charge sheeted employee in the matter.

He also identified Shri \_\_\_\_\_ Designation \_\_\_\_\_ as the Defence Assistant.

ii) Shri \_\_\_\_\_ confirms that he has received charge Memo No. \_\_\_\_\_  
\_\_\_\_\_ date \_\_\_\_\_ and that he replied the same vide his  
written statement of defence date \_\_\_\_\_, the original of which is hereby shown to him.

iii) INQUIRY OFFICER TO THE DGS.

The following are the articles of charge against you vide Memo No. \_\_\_\_\_  
\_\_\_\_\_ date \_\_\_\_\_ referred to above viz.

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

you have admitted the following charges in your written statement of defense referred to  
above, namely \_\_\_\_\_ and you have not admitted the following charges \_\_\_\_\_.

This Inquiry will relate only to the above charges which you have not admitted. Please state, in  
respect of those charges not so far admitted by you, whether you admit these charges or you have  
any defense to make

Shri \_\_\_\_\_ (DGS to the IO ) ( here, record the reply of the DGS to the above  
question).

iv) IO to DGS:-

Would you like to explain why you have admitted these charges while you  
have denied the same earlier.

v) DGS to IO :-

( Here record the reply).

Signature with dates IO \_\_\_\_\_ DGS \_\_\_\_\_

Defence Assistant.-----



vi) From the above it will be seen that Shri \_\_\_\_\_ had admitted the following articles of charges vide charge memo No. \_\_\_\_\_ dated \_\_\_\_\_. It is therefore concluded that these charges hereby found stand established.

vii) Shri \_\_\_\_\_ however, denies the following charges namely, \_\_\_\_\_. The Presenting Officer is therefore hereby required to produce the evidence by which he proposes to prove these articles of charge at \_\_\_\_\_ hrs on \_\_\_\_\_ (date) at \_\_\_\_\_ (venue). The case is accordingly adjourned to the said date.

However in the meantime Shri \_\_\_\_\_ DGS is hereby informed that he may if he so desires apply orally or in writing now or at the appropriate stage during this inquiry, for the inspection, discovery or production of any documents relevant to the articles of charge under Inquiry, indicating the relevance thereof. Such request if any will be considered in accordance with Sub-Rules 11,12 and 13 of Regulation 10 KVIC E (CCA) Regulations, 2003.

(here record the reply of the DGS under his and his DA's signature).

## No. 6. Sample of Adjournment of Proceedings

### INQUIRY UNDER REGULATION 10/14 OF K.V.I.C.E (CCA) REGULATIONS,2003.

Ref: Memorandum No. \_\_\_\_\_ Date \_\_\_\_\_  
against Shri \_\_\_\_\_ Designation \_\_\_\_\_

Order under Regulation 10(2).

Place:

Date:

1. First Hearing of the Inquiry was held at \_\_\_\_\_ hours on \_\_\_\_\_ at \_\_\_\_\_ (venue)
2. The same was attended by Shri \_\_\_\_\_ the DGS named above,  
  
Shri \_\_\_\_\_ his Defence Assistant and  
  
Shri \_\_\_\_\_ Presenting Officer.
3. Shri \_\_\_\_\_ the Govt. Servant named above failed to appear as specified in notice No. \_\_\_\_\_ dt. \_\_\_\_\_ issued to him in person/ by Registered post with Acknowledgement due which has been received by him on \_\_\_\_\_.
4. Shri \_\_\_\_\_ the DGS refused to admit the charges.
5. The PO is therefore, in accordance with Regulation-10 ibid, required to produce the evidence by which he proposes to prove the articles of charge on behalf of the Disciplinary Authority at \_\_\_\_\_ hrs. on \_\_\_\_\_ at \_\_\_\_\_ (Venue). The case is accordingly adjourned to the said date.\*\*..

It is therefore hereby ordered, in terms of Regulation 10 ibid that Shri \_\_\_\_\_  
\_\_\_\_\_ DGS may for the purpose of preparing his defence.

- (i) inspect within five days of this Order, the documents specified in the list referred to Annexure III to the Memorandum dated \_\_\_\_\_.
- (ii) Submit a list of witnesses to be examined on his behalf.

- (iii) give a notice within 10 days of the Order for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in Sub-Rule 3 of Rule 14 *ibid*.

Note:- The Govt. Servant shall indicate the relevance of the documents required by him to be discovered or produced by the Govt.

(Inquiry Officer).

To

Shri \_\_\_\_\_  
(DGS)

Shri \_\_\_\_\_

Copy to:

- 1) Defence Assistant.
- 2) Presenting Officer.

---

Note: \* Strike out portions not applicable.

\*\* This should be a date not earlier than the fifth day and later than 30<sup>th</sup> day after the date of this order.

## No. 7. Record of Examination of Witness

### INQUIRY UNDER REGULATION 10/14 OF KV.I.C.E. (CCA) REGULATIONS 2003.

#### RECORD OF EXAMINATION OF WITNESS

(Instructions as indicated after this form)

Memorandum No. \_\_\_\_\_ date \_\_\_\_\_ against Shri \_\_\_\_\_  
Designation \_\_\_\_\_ Witness No. \_\_\_\_\_ of Prosecution/Defence  
examined on \_\_\_\_\_

Name of Witness \_\_\_\_\_

Designation \_\_\_\_\_

PRESENT

DATE OF PROCEEDINGS \_\_\_\_\_.

1. Inquiry Officer	Shri _____
2. Presenting Officer	Shri _____
3. D.G.S.	Shri _____
4. Defence Assistant	Shri _____

---

#### (INSTRUCTIONS).

- 1) (i) The DGS, his DA or the Presenting Officer is not present, the same should be recorded alongwith the reasons if any, before proceeding to record the evidence.  
  
(ii) If the DGS is agreeable to proceed with the examination of the witness in the absence of his DA, the same should also be recorded.  
  
(iii) If the DGS is absent and has authorized his DA to proceed with the examination of the witness in his absence, the same should be recorded and the authorisation taken on record.
- 2) The record of evidence should be given appropriate headings as below:
  - i) Examination in Chief by Presenting Officer/DGS/DA.
  - ii) Cross examination by Presenting Officer DGS/DA.  
Note: If the DGS/DA does not want to examine the PWS, the same should be specifically indicated.
  - iii) Re-examination by Presenting Officer/DGS/DA.

Note: If the DGS/DA does not want to re-examine the Defence Witness after cross examination by the Presenting Officer, the same should be specifically indicated.

- iii) Questions by the IO.

3. Blank sheets will be used in continuation of the first page.
4. The witness and IO should sign/affix LTI and date below every page of the deposition. If the Witness refused to sign, the IO should record this fact at the end of deposition.
5. At the end IO will read out the deposition of the witness in the presence of the DGS Verbal mistakes will be corrected in their presence and initialled by the Witness. If the witness denies any part of the record, unless the IO thinks that there has been a mistake in the recording, will record the objections of the witness.
6. The following 'certificates' will be suitably appended at the end.
  - i) Read over to the witness in the presence of DGS and admitted correct/objection of witness recorded.
  - ii) The deposition translated and explained to the witness in Hindi or any known language.
7. The DGS/DA and PO will sign with date at the end of the deposition.

## No. 8. Processing of the case for Disciplinary Authority – Defence Statement

### INQUIRY UNDER REGULATION 10/14 OF K.V.I.C.E. (CCA)REGULATIONS 2003. PROCESSING OF THE CASE FOR DISCIPLINARY AUTHORITY-DEFENCE STATEMENT.

DATE OF PROCEEDING-----

---

Memorandum No. \_\_\_\_\_ Dt. \_\_\_\_\_ Fy. \_\_\_\_\_

against Shri \_\_\_\_\_ Design. \_\_\_\_\_ T.No. \_\_\_\_\_ Fy. \_\_\_\_\_

PRESENT:

1. Inquiry Officer Shri \_\_\_\_\_
2. Presenting Officer Shri \_\_\_\_\_
3. Delinquent Govt. Servant Shri \_\_\_\_\_
4. Defence Assistant Shri \_\_\_\_\_

The Presenting Officer/DGS proposes to produce the following witnesses/ documents, not included in Annexure (IV/III) of the memorandum cited above/recall and examine Prosecution Witnesses/Defense Witnesses Shri \_\_\_\_\_ already examined and the same is permitted by the IO after taking into account the circumstances of the request.

The Presenting Officer/DGS is hereby directed to supply the DGS/Presenting Officer immediately a copy of the list of the further evidence proposed to be produced. The DGS/Presenting Officer may inspect the documents, if any, specified in the list within the date specified below, by previous arrangement with the undersigned.

The Inquiry is hereby adjourned to \_\_\_\_\_(date) when to said evidence will be produced by the Presenting Officer/DGS in accordance with relevant Rules.

To  
Shri \_\_\_\_\_(DGS)

Sd/- \_\_\_\_\_  
(Inquiry Officer).  
Name & Designation.

Shri \_\_\_\_\_ (Defense Assistant) Sd/ \_\_\_\_\_

Shri \_\_\_\_\_ (Presenting Officer) sd/- \_\_\_\_\_

# No. 9. Processing of the case for Disciplinary Authority – Defence Statement

## INQUIRY UNDER REGULATION 10/14 OF K.V.I.C.E. (CCA) REGULATIONS 2003. PROCESSING OF THE CASE FOR DISCIPLINARY AUTHORITY-DEFENCE STATEMENT.

DATE OF PROCESSING - \_\_\_\_\_

---

Memorandum No. \_\_\_\_\_ Dt. \_\_\_\_\_

against Shri \_\_\_\_\_ Design. \_\_\_\_\_

### PRESENT:

1. Inquiry Officer Shri \_\_\_\_\_
  2. Presenting Officer Shri \_\_\_\_\_
  3. Delinquent Govt. Servant Shri \_\_\_\_\_
  4. Defence Assistant Shri \_\_\_\_\_
- 

The following documentary and oral evidence has been produced on behalf of the Disciplinary Authority.

### DOCUMENTS.

P.1 }  
P.2 } Indicate their reference number and date if any and a concise description of  
P.3 } the documents.  
Etc. }

### WITNESSES

(1) PW 1 }  
(2) PW 2 } Give names and designations clearly.  
(3) etc. }

With the above the case for the prosecution is completed.

### INQUIRY OFFICER TO DELINQUENT GOVERNMENT SERVANT.

Now you have an opportunity to make a statement of your defence, either orally or in writing as you may prefer.

### ANSWER BY THE DGS.

- (1) I do not want to make a statement at this stage.
- (2) I would like to submit a written statement. ( The written statement should be received and recorded by the IO. This should also be recorded in the order sheet).
- (3) The DGS gave the following oral statement.

## No. 10. Production of Defence Evidence

INQUIRY UNDER REGULATION 10/14 OF K.V.I.C.E.(CCA)REGULATIONS 2003.

### PRODUCTION OF DEFENCE EVIDENCE.

---

Memorandum No. \_\_\_\_\_ date \_\_\_\_\_

Against Shri \_\_\_\_\_ Design \_\_\_\_\_

PRESENT:

1. Inquiry Officer                      Shri \_\_\_\_\_
  2. Presenting Officer                      Shri \_\_\_\_\_
  3. Delinquent Govt. Servant      Shri \_\_\_\_\_
  4. Defence Assistant                      Shri \_\_\_\_\_
- 

INQUIRY OFFICER TO THE DGS/DA.

Now you can produce your evidence witnesses/documents on your own behalf. You can also examine yourself on your own behalf as your witness if you so prefer. Please state whether you wish to produce any witnesses/documents for this purpose.

ANSWER BY THE DGS/DA

DGS  
(Signature)

DA  
(Signature)

PO  
(Signature)

IO  
(Signature)



# No. 11. General Examination of Delinquent Government Servent

## INQUIRY UNDER REGULATION 10/14 OF KV.I.C.E.(CCA) REGULATIONS 2003. **GENERAL EXAMINATION OF DELINQUENT GOVERNMENT SERVANT**

DATE OF PROCEEDING \_\_\_\_\_

---

Memorandum No. \_\_\_\_\_ date \_\_\_\_\_ against

Shri \_\_\_\_\_ Design \_\_\_\_\_

1. Inquiry Officer Shri \_\_\_\_\_
  2. Presenting Officer Shri \_\_\_\_\_
  3. Delinquent Govt. Servant Shri \_\_\_\_\_
  4. Defence Assistant Shri \_\_\_\_\_
- 

In terms of Regulation 10(18) of the KVIC E (CCA) Regulations, 2003

Shri \_\_\_\_\_ DGS was generally examined by the undersigned and

the following is the record thereof:-

---

DGS \_\_\_\_\_ TO \_\_\_\_\_

DA \_\_\_\_\_ PO \_\_\_\_\_

## No. 12. Arguments/Written Briefs Regulation 10(16)

### INQUIRY UNDER REGULATION 10/14 OF KV.I.C.E.(CCA) REGULATIONS 2003.

#### ARGUMENTS/WRITTEN BRIEFS REGULATION 10(16)

DATE OF PROCEEDING \_\_\_\_\_

Memorandum No. \_\_\_\_\_ date \_\_\_\_\_ Against  
Shri \_\_\_\_\_ Design \_\_\_\_\_

1. Inquiry Officer Shri \_\_\_\_\_
2. Presenting Officer Shri \_\_\_\_\_
3. Delinquent Govt. Servant Shri \_\_\_\_\_
4. Defence Assistant Shri \_\_\_\_\_

Production of Evidence in these proceedings was completed on \_\_\_\_\_.

The following documentary and oral evidence has been produced on behalf of the DGS.

#### DOCUMENTS.

D.1 }  
D.2 } } Indicate their reference number and date if any and a concise description  
D.3 } } of the documents.  
Etc. }

#### WITNESSES.

(1) DW 1 }  
(2) DW 2 } } Give names and designations clearly.  
etc. }

The PO and the DGS/DA were informed that they may submit their arguments orally or by way of a written brief.

Written briefs dt. \_\_\_\_\_ and dt. \_\_\_\_\_ were submitted on \_\_\_\_\_  
Which have been taken on record.

They submitted their arguments orally on \_\_\_\_\_  
The inquiry was accordingly concluded.

DGS \_\_\_\_\_ -

INQUIRY OFFICER-----

DA-----

PRESENTING OFFICER-----

## No. 13. Summons of Witness

### INQUIRY UNDER REGULATION 10/14 OF KV.I.C.E.(CCA) REGULATIONS 2003.

#### SUMMONS OF WITNESS

No. \_\_\_\_\_ Dt. \_\_\_\_\_

Shri \_\_\_\_\_ Memorandum No. \_\_\_\_\_ date  
\_\_\_\_\_ against Shri \_\_\_\_\_ Design \_\_\_\_\_ Order No. \_\_\_\_\_  
Date \_\_\_\_\_

WHEREAS an Inquiry into certain charges against the said officer vide the reference cited above, is being held by the undersigned.

And WHEREAS it is considered that your evidence is material to the said inquiry.

You are therefore requested to appear before the undersigned \_\_\_\_\_ (Date)  
\_\_\_\_\_ (time) at \_\_\_\_\_ (venue) \_\_\_\_\_

You are requested to bring with you the documents specified below:

(Inquiry officer)  
(Name & Designation)

To,  
-----

Copy to: Shri \_\_\_\_\_ (CSO)(only in respect of defence witness).

Through: Proper Channel.

If the addressee of the summon is an employee of the Commission, necessary arrangements may be made so that the summons is complied with. The acknowledgement for the receipt hereof by the witness may be forwarded back.

OR

If the summons is addressed to Central Government servant who is not an employee of the Commission, necessary arrangements may be made through the concerned Controlling Authority to enable the witness to comply with the summons. A brief report on the action taken alongwith the acknowledgement for the receipt hereof by the witness may be sent back.

OR

If the Witness is an outsider, the summons may be served on him by Regd. Post with A.D. The acknowledgement may be forwarded back for recording in the proceedings.

## No. 14. Inquiry Report

### INQUIRY UNDER REGULATION 10/14 OF KV.I.C.E.(CCA) REGULATIONS 2003.

#### INQUIRY REPORT.

Memorandum No. \_\_\_\_\_ date \_\_\_\_\_ against Shri \_\_\_\_\_  
Design \_\_\_\_\_

#### I

#### PREAMBLE

The undersigned was appointed vide order No. \_\_\_\_\_ dated \_\_\_\_\_ to inquire into the charges framed against the said Shri \_\_\_\_\_ vide the said Memorandum, in pursuance thereof, the inquiry was conducted in accordance with Regulation 10 of KVIC E (CCA) Regulation 2003. The order sheets are at Annexures. The records of the proceedings conducted are at the Annexures.

Shri \_\_\_\_\_ Desig \_\_\_\_\_ was appointed as the Presenting Officer by the Disciplinary Authority vide order No \_\_\_\_\_ dated \_\_\_\_\_.

Shri \_\_\_\_\_ Design \_\_\_\_\_ was associated by Shri \_\_\_\_\_ (CSO) as his DA.

#### II

#### IMPUTATIONS AND CHARGES.

(Define the facts and imputations vis a vis the charges and defence of the CSO against such charge. If there has been a shift in the defense, indicate that also).

#### III

The prosecution produce documentary and oral evidence vide Annexure-II and IV. The defense produced documentary and oral vide Annexure III and V. The CSO was given an opportunity to state his defense at the close of the prosecution evidence vide his statement at Sl.No.4 of Annexure-I. The examination of the CSO by the IO has been recorded vide item No. \_\_\_\_\_ Annexure-V.

#### IV

#### ASSESSMENT OF EVIDENCE AND FINDINGS.

(enclosed)

Place:

Date :

Inquiry Officer

Name \_\_\_\_\_

Designation \_\_\_\_\_

To: CEO/Dy.CEO,  
Khadi & V.I.Commission,  
Mumbai.

## 7. Annexures to be attached

### I. Charges and Defense

1. Memorandum of charges No. \_\_\_\_\_ date with enclosures thereof.
2. Reply of CSO to the above dated-----
3. Order Appointing IO No. \_\_\_\_\_ dated \_\_\_\_\_
4. Statement of Defense recorded on \_\_\_\_\_
5. Written brief submitted by the PO Date \_\_\_\_\_
6. Written brief submitted by the CSO date \_\_\_\_\_

\*\*\*\*\*

### II. Documentary Evidence for Prosecution

- P1 }  
P2 } (Indicate the reference No. and Date if any.)  
P3 } (Certified copies of documents should also be enclosed).

\*\*\*\*\*

### III. Documentary Evidence for Defence

- D1 }  
D2 } (indicate the reference number if any).  
D3 } (certified copies of the documents should also be enclosed).

\*\*\*\*\*

#### **IV. Oral Evidence for Prosecution**

- i) PW 1
  - ii) PW 2
  - iii) PW 3
- Give names and designation clearly.  
Also enclose the deposition in this.  
Order to this list.

\*\*\*\*\*

#### **V. Oral Evidence for Defence**

- 1) DW 1
  - 2) DW 2
  - 3) DW 3
- (Give Name and Designation clearly).  
(Also enclose the depositions in this order to this list.).

\*\*\*\*\*

#### **VI. Daily Order Sheet**

Daily Order Sheets enclosed

\*\*\*\*\*

#### **VII. Office Copies Notices and Other Processes**

- 1)
  - 2)
  - 3)
- ( Give Reference Numbers and Dates and Enclose copies).

\*\*\*\*\*

## **VIII. Chronology of the Proceedings**

- 1) Misconduct Alleged.
- 2) Charge Sheet dated
- 3) Reply dated.....
- 4) Appointment of IO dt.....
- 5) Dates Inquiry held.....
- 6) Date of submission of Inq. Report.

## **8. Form of Certificate by Inquiry Officer to the Presenting Officer/Defence Assistant**

This is to certify that Shri \_\_\_\_\_ (name, designation, office, etc.), attended the proceedings in the departmental inquiry against Shri (name, designation, etc.) to present the case in support of the charges/to assist the said Shri (name).....in presenting his case on.....at (Place).....

Nothing has been paid to him on account of his traveling and other expenses.

Place:

Date :

(Signature)  
Disciplinary Authority/Board of Inquiry  
Inquiry Officer

Copy forwarded for information to the Ministry of/Department of.....



## 9. Form of Certificate by Inquiry Officer for Witnesses

This is to certify that Shri (name, designation, office, etc.), appeared before me as a witness on.....at (place).....in the departmental inquiry against Shri (name, designation, etc.), and was discharged on .....at (time).....

Nothing has been paid to him on account of his traveling and other expenses.

Place :

Date :

(Signature)  
Disciplinary Authority/Board of Inquiry  
Inquiring Officer

Copy forwarded for information to the Ministry/Department of..... Secretary to the Government of (name and state government).....department.

## 10. Form for summoning public servant/private individual as witness

No.  
Government of India  
Ministry of.....

(Place of issue.....)

Dated.....)

**To**

\_\_\_\_\_

Sir,

I am the Inquiring Authority in the proceedings against Shri..... Your evidence is considered material. I request you to appear before me on.....at .....(time and place).....

Your are/are not likely to be required to stay at the place for more than a day.

Yours faithfully,

(Inquiring Officer)

Copy to.....with the request to permit the official mentioned above to attend the enquiry on these dates.

(Inquiring Officer)

**11. Notice giving opportunity to the Charged Officer for making his submission on the report of Inquiry**

**ADDRESS**

No. \_\_\_\_\_

Date :

**M E M O**

Shri \_\_\_\_\_, (name & designation), was charge sheeted vide Memo No. \_\_\_\_\_ dated \_\_\_\_\_, for initiating disciplinary proceeding for Major Penalty under Regulation 10 of KVIC E (CCA) Regulations, 2003 for his omissions and Commissions committed while working as \_\_\_\_\_.

Since Shri \_\_\_\_\_ denied the charges, Shri \_\_\_\_\_, was appointed as Inquiry Officer vide order dated \_\_\_\_\_ to inquire into the charges framed against Shri \_\_\_\_\_ and on completion of the departmental inquiry proceedings the Inquiry Officer has submitted the Inquiry Report.

A copy of Inquiry Report, is hereby forwarded to Shri \_\_\_\_\_ for his representation/reply, if any, in terms of Regulation 11 (2) of KVIC E (CCA) Regulations 2003, with the direction to submit reply within 15 days of receipt of this Memo failing which it will be construed that he has nothing to say and appropriate action as deemed fit will be taken.

Encl: as above

Signature \_\_\_\_\_  
Name and designation of  
the Disciplinary authority

To  
Shri \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 12. Form for remitting the case for further inquiry

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

WHEREAS disciplinary proceedings in terms of Regulation 10 of KVIC E CCA Regulation , 2003 was initiated against Shri \_\_\_\_\_ (name and designation) in the Office of the \_\_\_\_\_ on the charge based on the allegations set out in the Department of \_\_\_\_\_ vide Memorandum No. \_\_\_\_\_ dated \_\_\_\_\_.

AND WHEREAS Shri \_\_\_\_\_ having denied the charges, Shri \_\_\_\_\_ was appointed vide Order No. \_\_\_\_\_ dated \_\_\_\_\_ as the Inquiry Officer to inquire into the charges. The Inquiry Officer Shri \_\_\_\_\_ has completed the inquiry and submitted his report \_\_\_\_\_.

AND WHEREAS, the undersigned, having carefully gone through the records of inquiry, finds that the inquiry against Shri \_\_\_\_\_ has not been held in accordance with the prescribed procedure, in as much as \_\_\_\_\_ (here mention the defects which have been crept in)

NOW THEREFORE, the undersigned hereby directs, in terms of Regulation No. 11(1) that a further inquiry in the case may be held by Shri \_\_\_\_\_ (name and designation ) from the stage of \_\_\_\_\_.

Signature \_\_\_\_\_  
Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(name & designation of the Inquiry Officer)

\_\_\_\_\_  
Copy to: 1) Shri \_\_\_\_\_  
(name of the charge officer and address)  
2) Shri \_\_\_\_\_  
3)

### 13. Form of Final Order imposing a Major Penalty

#### I. Final Order in Common

##### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

##### ORDER

WHEREAS, disciplinary proceeding under Regulation No 10 KVIC E CCA Regulation, 2003 were instituted against Shri \_\_\_\_\_ (name and designation) vide. This Office/Department Memo No \_\_\_\_\_ dated \_\_\_\_\_ on the following articles of charge.

Article I \_\_\_\_\_

Article II \_\_\_\_\_

A statement of imputations of Misconduct or Misbehavior on which the Articles of charge were based, together a list of Documents by which, and a List of Witnesses by whom, the charges were proposed to be sustained, were also forwarded to him alongwith the above said Memorandum dated \_\_\_\_\_

2. Shri \_\_\_\_\_ (name and designation of the Charged Officer) denied the charge(s) and requested to be heard in person vide, his letter dated \_\_\_\_\_ Accordingly, Shri \_\_\_\_\_ (name and designation of the Inquiry Officer) was appointed as the Inquiring authority to inquire into the charges vide Order No \_\_\_\_\_ dated \_\_\_\_\_

3. AND WHEREAS the Inquiring authority vide. His report No. \_\_\_\_\_ dt \_\_\_\_\_ gave a finding that \_\_\_\_\_ (here mention the findings of the Inquiry Officer briefly).

4. AND WHEREAS a copy of the report of inquiry, along with a copy of advice of C.V.C., was sent to Shri \_\_\_\_\_ (name and designation of the Charged Officer) vide, this Office/Department Memo No \_\_\_\_\_ date \_\_\_\_\_ and he was given an opportunity of making such submission on the report of inquiry as he desired. His submissions on the Report of inquiry were received vide his letter dtd \_\_\_\_ The said representation of Shri \_\_\_\_\_ has been carefully considered. The various points raised by him examined in the light of records of the case are given below:

: 2 :

5. AND WHEREAS the Union Public Service Commission who were consulted in the matter, vide, their letter No\_\_\_\_\_ dtd\_\_\_\_\_ have advised that\_\_\_\_\_(here mentioned advice of the Commission briefly). A copy of the advice of the Commission is enclosed.

6. AND WHEREAS on carefully consideration of the report of the Inquiry Officer and other records of the case in the light of the submissions made by Shri\_\_\_\_\_ in his observations on report of the inquiry and during his personal hearing, together with the advice of the Commission, the undersigned has decided –

# to accept the findings of the Inquiry Officer and the advice of the Commission.

#not to accept the findings of the Inquiry Officer in respect of the Article(s) of charge No\_\_\_\_\_ and holds that these charges also stand proved/ disproved due to the reasons \_\_\_\_\_ (here mentioned the reasons briefly).

7. NOW, THEREFORE, after considering the record of the inquiry and the facts and circumstances of the case, the President/undersigned has come to the conclusion that Shri\_\_\_\_\_(name and designation)\_\_\_\_\_ (here sum up the gravity of the misconduct)\_\_\_\_\_ The President/undersigned is of the view that ends of justice would be met if the penalty of \_\_\_\_\_is imposed on him. Accordingly, the abovesaid penalty is hereby imposed on Shri\_\_\_\_\_

8. A copy of this order may be added to the Confidential Rolls of Shri\_\_\_\_\_(name and designation).

Signature \_\_\_\_\_  
Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(name & designation of the Charged officer)

\_\_\_\_\_  
Copy to : 1) Shri \_\_\_\_\_  
2) Shri \_\_\_\_\_  
3)

\*[ ]here quote the relevant rule.

\$ here discuss briefly the points raised in the representation.

# strike out, if not applicable

## II. Form for the operative part of an Order imposing the penalty of Reduction to a lower stage in a Time Scale of Pay.

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

“It is, therefore, order that the pay of Shri \_\_\_\_\_ be reduced by \_\_\_\_\_ stages from Rs \_\_\_\_\_ to Rs \_\_\_\_\_ in the time scale of pay for a period of \_\_\_\_\_ years/months with effect from \_\_\_\_\_.

It is further directed that Shri \_\_\_\_\_ will/will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will/will not have the effect of postponing his future increments of pay”.

[ DG P&T Letter No.6/8/70-Disc.I, dated 16-12-1970 ]

Note: For the three shapes in which the penalty can be imposed, and illustrations, please refer to Chapter ‘Penalties which can be imposed’.

Signature \_\_\_\_\_

Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(name & designation of the Charged officer)

\_\_\_\_\_  
\_\_\_\_\_

Copy to: 1) Shri \_\_\_\_\_  
2) Shri \_\_\_\_\_  
3)

**III. Form for the operative part of an Order imposing the penalty of Reduction to a lower Post/Grade/Time Scale/Service, where the penalty is imposed for an indefinite period.**

**ADDRESS**

No. \_\_\_\_\_

Date: \_\_\_\_\_

**ORDER**

'A' is reduced to the lower post/grade/Service of \_\_\_\_\_ until he is found fit by the competent authority to be restored to the higher post/grade/Service of \_\_\_\_\_

Where it is intended that the fitness of the Government Servant for re-promotion or restoration to the original post will be considered only after a specified period.

'A' is reduced to the lower post/grade/Service of \_\_\_\_\_ until he is found fit, after a period of \_\_\_\_ years from the date of this order, to be restored to the higher post of \_\_\_\_\_

[ GI MHA O.Ms.No.9/13/62-Estt.(D), dated 10-10-1962 and No.9/30/63-Estt.(D), dated 7-02-1964 ]

The following clauses may also be added whenever considered necessary

'The period of reduction will also operate/will not operate to postpone his future increments in the time scale of his original post, on his restoration to that post'.

'He shall/shall not on his re-promotion to his original post regain his original seniority in the higher post, grade, Service of \_\_\_\_\_ which has been assigned to him prior to the imposition of the penalty.

Signature \_\_\_\_\_

Name and designation of the  
Disciplinary authority

To,  
Shri \_\_\_\_\_  
(name & designation of the Charged officer)

\_\_\_\_\_  
Copy to: 1) Shri \_\_\_\_\_  
2) Shri \_\_\_\_\_



#### IV. Standard form for Order to hold further inquiry where conviction has been set aside on technical grounds

##### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

##### ORDER

WHEREAS the penalty of \_\_\_\_\_ was imposed on Shri \_\_\_\_\_ w.e.f. \_\_\_\_\_ vide Order No. \_\_\_\_\_ dated \_\_\_\_\_ on the ground of conduct which led to his conviction on a criminal charge.

AND WHEREAS the said conviction has been set aside by the court of \_\_\_\_\_ in Appeal No. \_\_\_\_\_ by the judgment delivered on \_\_\_\_\_ and the said Shri \_\_\_\_\_ has been acquitted of the said charge.

AND WHEREAS in consequence on such acquittal, the undersigned has decided that the said order, dated \_\_\_\_\_ imposing the penalty of \_\_\_\_\_ on Shri \_\_\_\_\_ should be set aside.

AND WHEREAS the undersigned finds that Shri \_\_\_\_\_ has been acquitted of charges on technical grounds, and on a consideration of the circumstances of the case, has decided that a further inquiry should be held against Shri \_\_\_\_\_ in terms of Rule \_\_\_\_\_ on the ground of conduct on which the punishment was originally imposed;

AND THEREFORE, the undersigned hereby:

(i) sets aside the said order dated \_\_\_\_\_ imposing the penalty of \_\_\_\_\_ on Shri \_\_\_\_\_; and

(ii) directs that further inquiry in terms of Regulation \_\_\_\_\_ be held against Shri \_\_\_\_\_ on the allegation on which the penalty of \_\_\_\_\_ was originally imposed on Shri \_\_\_\_\_.

Shri \_\_\_\_\_ shall be under deemed suspension in terms of rule \_\_\_\_\_

Signature \_\_\_\_\_

Name and designation of the  
Disciplinary authority

To,

Shri \_\_\_\_\_

(name & designation of the Charged officer)

\_\_\_\_\_

\_\_\_\_\_

Copy to : 1) Shri \_\_\_\_\_

2) Shri \_\_\_\_\_

3)

**V. Standard form for Final Order where inquiry was dispensed with as it was not reasonably practicable to hold it.**

**ADDRESS**

No. \_\_\_\_\_

Date: \_\_\_\_\_

**ORDER**

WHEREAS Shri \_\_\_\_\_ (name and designation of the employee) in the office of the \_\_\_\_\_ has \_\_\_\_\_ (here mentioned briefly allegations against the employee)

AND WHEREAS the undersigned, having the powers to dismiss or remove him from service, is fully satisfied that for the reasons which have been recorded in writing, it is not reasonably practicable to hold an inquiry in the manner provided in the Regulation \_\_\_\_\_

AND WHEREAS on the consideration of the relevant facts and circumstances of the case, it is considered that the conduct of Shri \_\_\_\_\_ in such as to warrant the imposition of the penalty of \_\_\_\_\_ on him as \_\_\_\_\_ (here give reasons briefly)

NOW THEREFORE, in exercise of the powers conferred by Regulation \_\_\_\_\_ of the above KVIC E CCA Regulation read with clause (b) of the second proviso to article 311(20 of the constitution) the undersigned has decided to impose the penalty of \_\_\_\_\_ on him. The penalty of \_\_\_\_\_ is accordingly, hereby imposed on Shri \_\_\_\_\_.

Signature \_\_\_\_\_

**Name and designation of the  
Disciplinary authority**

To,  
Shri \_\_\_\_\_

**(Name & designation of the Charged officer)**

\_\_\_\_\_

Copy to : 1) Shri \_\_\_\_\_

2) Shri \_\_\_\_\_

3)

# CHAPTER- V

## COMMON PROCEEDINGS

# 1. Order for instituting Common Proceedings

## ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

## ORDER

WHEREAS the Officers specified in the margin are jointly concerned in a disciplinary case.

NOW, THEREFORE, in exercise of the powers conferred by \*(sub-rule (1) and (2) of rule 18 of the Central Civil Services (Classification, Control & Appeal) Rules 1965], the President/undersigned hereby directs:

i) that the disciplinary action against all the said officers be taken in a Common Proceeding;

ii) that Shri \_\_\_\_\_ (name and designation) shall function as the Disciplinary authority for the purpose of the Common Proceedings and shall be competent to impose the penalties, namely,...specify the penalties...

iii) that the procedure prescribed in \*[Rules 14 and 15 or Rule 16] shall be followed in the said proceedings.

Signature \_\_\_\_\_  
Name and Designation of the  
Disciplinary Authority

To,  
Shri \_\_\_\_\_  
(Name & Designation of the Charged Officer)

\_\_\_\_\_  
\_\_\_\_\_

Copy to: All concerned Officer

## 2. Appointment of Inquiring Authority in Common Proceedings

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

WHEREAS an inquiry under Regulation \_\_\_\_ of KVIC E CCA Regulation, 2003 is being held against the officers specified in the margin.

AND WHEREAS Common Proceedings have been ordered against the said officers.

AND WHEREAS the President/undersigned considers that a Board of inquiry/inquiry officer should be appointed to inquire into the charges framed against the said officers.

NOW THEREFORE, the President undersigned, in exercise of the powers conferred by \*[sub-rule(2) of the said rule], hereby appoints the Board of Inquiry consisting of ...../Shri..... (name and designation) as the Inquiring authority to inquire into the charges framed against the said officers.

Signature \_\_\_\_\_

Name and designation of the  
Disciplinary authority

To,  
Shri \_\_\_\_\_  
(Name & Designation of the Charged officer)

\_\_\_\_\_  
\_\_\_\_\_

- Copy to : 1) Shri \_\_\_\_\_ (Name & Designation of the Charged Employee)  
2) Shri \_\_\_\_\_ (Name & Designation of the Inquiry Officer)  
3) Shri \_\_\_\_\_ (Name & Designation of Presenting Officer)  
4) The Central Vigilance Commission (wherever applicable)  
5) The Lending authority, in case of a borrowed officer.

### 3. Appointment of the Presenting Officer in Common Proceedings

#### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

#### ORDER

WHEREAS an inquiry under Regulation \_\_\_\_ of KVIC E CCA Regulation, 2003 is being held against the officers specified in the margin.

AND WHEREAS Common Proceedings have been ordered against the said officers.

AND WHEREAS the President/Undersigned considers it necessary to appoint a Presenting Officer to present the case in support of articles of charge against the said officers before the inquiring authority.

NOW THEREFORE, the President/undersigned, in exercise of the powers conferred by \*[sub-rule (5)(c) of the said rule], hereby appoints Shri \_\_\_\_\_ (Name and Designation) as the presenting officer to present the case in support of the articles of charge against the said officers, before the inquiring authority.

Signature \_\_\_\_\_

Name and designation of the  
Disciplinary authority

To,  
Shri \_\_\_\_\_  
(Name & Designation of the Charged officer)

\_\_\_\_\_  
\_\_\_\_\_

- Copy to : 1) Shri \_\_\_\_\_ (Name & Designation of the Charged Employee)  
2) Shri \_\_\_\_\_ (Name & Designation of the Inquiry Officer)  
3) Shri \_\_\_\_\_ (Name & Designation of Presenting Officer)  
4) The C.V.C./the C.B.I. (wherever applicable).

# CHAPTER- VI

## COURT MATTERS

# 1. Show Cause Notice for Action consequent upon Conviction by a Court of Law

## ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

## MEMORANDUM

WHEREAS, the Court of \_\_\_\_\_ vide its Judgment dated \_\_\_\_\_ in the criminal case State Vs \_\_\_\_\_ has convicted Shri \_\_\_\_\_ (Name and Designation) on a criminal charge under section \_\_\_\_ of the IPC \_\_\_\_ Act on the charge of \_\_\_\_ and Shri \_\_\_\_\_ has been awarded the sentence of \_\_\_\_\_.

AND WHEREAS the undersigned has carefully considered the ground of the conduct of Shri \_\_\_\_\_ which has led to his conviction, as aforesaid, and is of the opinion that because \_\_\_\_ (here briefly mention reasons for taking departmental action) the circumstance of the case warrant the imposition of the penalty of \_\_\_\_\_ on him. It is, therefore, proposed to impose the said penalty on him, in terms of Regulation \_\_\_\_\_.

NOW THEREFORE, Shri \_\_\_\_ is hereby given an opportunity of making representation on the penalty proposed above. Any representation which he may wish to make on the penalty proposed will be considered by the undersigned. Such representation, if any should be made in writing and submitted so as to reach the undersigned not later than the fifteenth days from the date of receipt of this Memorandum by Shri \_\_\_\_\_

The receipt of this Memorandum may please be acknowledged.

Signature \_\_\_\_\_

Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(name & designation of the Charged officer)

Copy to : 1) Shri \_\_\_\_\_  
2) Shri \_\_\_\_\_  
3)



## 2. Standard form for imposing penalty consequent upon Conviction on a criminal charge

### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

### ORDER

WHEREAS Shri \_\_\_\_\_ (Name and Designation of the employee) has been convicted on a criminal charge, to wit, under Section \_\_\_\_\_ of the \_\_\_\_\_ (enter the name of the statute concerned).

AND WHEREAS the conduct of the said Shri \_\_\_\_\_ which led to his conviction as aforesaid was considered by the undersigned and it was provisionally decided to impose the penalty of \_\_\_\_\_ on him.

AND WHEREAS the said Shri \_\_\_\_\_ was issued a show cause notice on \_\_\_\_\_ giving him an opportunity to make a representation as he may which to make against the proposed penalty. Shri \_\_\_\_\_ submitted a representation on \_\_\_\_\_ in which he stated \_\_\_\_\_ (here bring out the salient points made by the employee). This representation has been carefully considered by the undersigned and it is found \_\_\_\_\_ (here give your analysis of the points made by him and reasons for the imposing the particular penalty).

NOW, THEREFORE, in exercise of the powers conferred by \*[Rule 19(1) of the C.C.S (C.C.A.) Rules, 1965], # [and in consultation with the Union Public Service Commission], the undersigned hereby imposes the penalty of \_\_\_\_\_ on the said Shri \_\_\_\_\_

A copy of this order may be added to the Confidential Rolls of Shri \_\_\_\_\_

Signature \_\_\_\_\_  
Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(Name & Designation of the Charged officer)

Copy to: 1) Shri \_\_\_\_\_  
2) Shri \_\_\_\_\_

\*[ ] here quote the relevant rule.

#[ ] wherever applicable

### 3. Standard form for setting aside the Order of Penalty on Acquittal of the employee in the criminal case, on appeal

#### ADDRESS

No. \_\_\_\_\_

Date: \_\_\_\_\_

#### ORDER

WHEREAS the penalty of \_\_\_\_\_ was imposed on Shri \_\_\_\_\_ w.e.f. \_\_\_\_\_ vide this Office/Department Order No \_\_\_\_\_ dated the \_\_\_\_\_ on the ground of conduct which led to his conviction on a criminal charge;

AND WHEREAS the said conviction has been set aside by the Court of \_\_\_\_\_ in Appeal No \_\_\_\_\_ by the judgment delivered on \_\_\_\_\_, and the said Shri \_\_\_\_\_ has been acquitted of the said charge;

NOW, THEREFORE, the undersigned hereby sets aside the said order, dated the imposing the penalty of \_\_\_\_\_ on Shri \_\_\_\_\_.

Signature \_\_\_\_\_  
Name and designation of  
the Disciplinary authority

To,  
Shri \_\_\_\_\_  
(Name & Designation of the Charged officer)

\_\_\_\_\_  
\_\_\_\_\_

Copy to : 1) Shri \_\_\_\_\_  
2) Shri \_\_\_\_\_  
3)

# CHAPTER- VII

## CHECK LISTS

# **1. Check List/Hints for conducting Court of Inquiry**

## **DOCUMENTS:**

1. Order of appointment of Inquiry Officer.
2. A copy of Charge sheet and enclosures.
3. A copy of written statement of Presenting Officer.
4. Order of appointment of Presenting Officer.

## **INQUIRY PREPARATIONS:**

1. Date of inquiry within 10 days from the date of appointment of Inquiry Officer.
2. Fix the date, place and time for First hearing.
3. Issue Notice in Form No.KVIC/INQ/3.
4. Open the Order Sheet Form KVIC/Inq/2 and obtain signatures of all concerned on day to day basis.
5. Record Postal Receipt, Acknowledgements etc.
6. Watch for Postal ack. If sent by post.
7. Intimate in writing any changes in the hearing dates.
8. Next hearing should be fixed at the end of current hearing. Record the same.
9. Record all entries and obtain signatures.
10. Separate progress Report in Form KVIC/Inq/1 for each day required.
11. Summons of witnesses in form No.KVIC/Inq/13.

## **HEARING**

1. Record Attendance/Absence if any with reasons in Form No.KVIC/Inq/4. Obtain signatures.
2. Ask the DGS to identify himself.
3. Confirm and Record receipt of charge sheet,
4. Confirm and Record reply if any given by D.E. to charge-sheet.
5. Read out the charges framed against D.E.
6. Confirm acceptance/denial of charges each one by one and Record Form No.KVIC/Inq/5.

### **IF ACCEPTANCE OF CHARGES:-**

- a) Obtain and Record written statement.
- b) Obtain signatures in documents.
- c) Forward findings to Disciplinary Authority.

### **IF DENIAL OF CHARGES:-**

- a) Record denial and obtain signatures of CSO, P.O.
- b) Request Presenting Officer to produce evidence mentioned in the charges.
- c) Adjourn the hearing giving not exceeding 30 days and not earlier than 15 days.
- d) Record the Proceedings and obtain signatures.
- e) In case of request for inspection of documents, show the original listed in Annexure-III in the presence of Presenting Officer and record entry.
- f) Ask the accused to submit list of witness.
- g) Copies of proceeding can be given to CSO if asked for.
- h) Record and obtain signatures.

### **EXAMINATION OF WITNESS.**

#### **PROSECUTION WITNESS FIRST:**

1. Examination of each witness by P.O.
2. Cross Examination if any by CSO/Defense.
3. Record Examination and Cross-Examination in Form KVIC/Inq/7 and use plain paper by continuation.
4. Disallow tricky, misleading cross-examination.
5. Disallow question on any matter not relevant or no knowledge to witness.
6. Ensure that the witness understood the question.
7. Ensure that the proceedings are generally held in the language known to the CSO.
8. Record the entire proceedings and obtain signatures.
9. When of the Prosecution Witnesses are over, Record a minute in the order sheet and specify that the case for the prosecution is closed and completed by the Disciplinary Authority is closed: Form No.KVIC/Inq.9
10. Obtain counter signature from P.O., CSO, Defence Assistant, if any.
11. Form No.KVIC/Inq/8 for witness not included in Annexure IV/III.

### **STATEMENT OF DEFENSE:-**

1. Ask the CSO to make oral/written statement and record in Form KVIC/Inq/9.
2. If no oral/written statement, record the same.
3. Oral statement to be recorded and signed by CSO and Defence Assistant if any. No cross examination of CSO is permitted at this stage.

### **EVIDENCE OF DEFENSE:-**

1. Ask the CSO to produce his evidence.
2. Record the same in Form KVIC/Inq/10.

### **EXAMINATION OF DEFENCE:-**

1. The CSO can present himself as his own witness.
2. CSO/DA will examine his witness and PO will cross examine.
3. When all the witnesses are over, the fact to be recorded and countersigned by IO, PO, CSO and DA.
4. Form KVIC/Inq/8 for witness not included in Annex.IV/III.
5. If the CSO has not examined himself as defence witness, Inquiry Officer should ask question on the circumstances of charges appearing generally against him and record KVIC/Inq/11. THIS SHOULD BE DONE WITHOUT FAIL.

Presenting officer should not be allowed to question the CSO and the CSO should not be allowed to consult his DA.

6. With the General Examination of the CSO, the evidence for defence is completed.
7. Ensure to serve a written brief of Presenting Officer to CSO without fail and also record the same and ask for the written brief from the CSO Form KVIC/Inq/12 within one week.

Thus concludes the Inquiry.

### **INQUIRY REPORT:-**

1. Arrange Annexures.
2. Assess and analyse the Evidence of each side.
3. Findings in Form KVIC/Inq/14.
4. No recommendation of Penalty/quantum to be imposed.

## **PROCEDURE FOR HOLDING EX-PARTE INQUIRY.**

1. Open Order Sheet KVIC/Inq/2 and record all proceedings on day to day basis including daily progress report.
2. Fix date, place and time for first Hearing.
3. Issue Notice in Form No KVIC/Inq/3.
4. Send the Notice by Registered A.D. if the CSO is absent or under suspension.
5. Record Postal Receipt and watch Acknowledgement.
6. If acknowledgement is not received confirm from Main Office or ask them to confirm delivery from Postal Authorities.
7. If the Notice received undelivered or Notice delivered but CSO failed/refused to attend the Inquiry on the specified date,
  - a) Again issue fresh Notice by Registered A.D. for First hearing and specify that inquiry will continue from day to day.
  - b) Changes if any should be intimated in writing again.
  - c) Record Postal Receipt and watch acknowledgement.
8. If the same is repeated as mentioned in Sl No.7 above conduct the entire inquiry proceedings in the usual manner as mentioned in the checklist from Sl.No1 to 4.
9. The brief of the Presenting Officer should invariably be posted by Registered A.D./ to the CSO without fail and recorded.
10. Record Postal receipt and watch acknowledgement.
11. The entire proceedings should carefully be entered in all the documents and signatures obtained from the PO/Witnesses as the case may be.
12. Submit Inquiry Report as mentioned in Sl.No.8 of check list.
13. In case the DGS present himself at any stage of the proceeding, admit him to participate in the inquiry from that stage.
14. Proceedings already transacted earlier need not be repeated unless the CSO has justifiable reasons for not participating earlier to the satisfaction of Inquiry Officer.
15. EX-PARTE PROCEEDINGS SHOULD GENERALLY BE AVOIDED AS FAR AS POSSIBLE AS IT VITIATES THE PRINCIPLE OF NATURAL JUSTICE AND THE LAW COURTS VIEW IT AS A SERIOUS LAPSE.

## 2. Check List for processing Inquiry Report for Disciplinary Authority's Decision.

### **I. PROFILE OF THE DELINQUENT GOVT. EMPLOYEES**

- a) Full Name of the employee with permanent T. No. Section Token No. : \_\_\_\_\_
- b) Date of entry into service : \_\_\_\_\_
- c) Present grade
  - (i) Officiating : \_\_\_\_\_
  - (ii) Substantive : \_\_\_\_\_
- d) Basic Pay and Scale : \_\_\_\_\_
- e) Past disciplinary record : \_\_\_\_\_

### **II. BRIEF DETAILS OF CHARGESHEET**

- a) Date of commission of misconduct : \_\_\_\_\_
- b) Date of issue of Charge sheet : \_\_\_\_\_
- c) Charges in brief : \_\_\_\_\_
- d) Date of Charge sheet (if no reply was received, this may also be indicated.) reply to : \_\_\_\_\_
- e) Charges accepted or denied : \_\_\_\_\_

### **III. DETAILS REGARDING COURT OF INQUIRY**

- a) Date of GM's Order nominating IO, PO : \_\_\_\_\_
- b) Name of Inquiry Officer : \_\_\_\_\_
- c) Name of Presenting Officer : \_\_\_\_\_
- d) Date of first hearing : \_\_\_\_\_
- e) Date of further hearings : \_\_\_\_\_
- f) Last date of hearings : \_\_\_\_\_
- g) Total number of hearing : \_\_\_\_\_
- i) Date of submission of Inquiry Report by the I.O. : \_\_\_\_\_



- j) Total period taken for completion of Inquiry : \_\_\_\_\_
- k) If unduly long time has been taken brief : \_\_\_\_\_  
reasons as may be seen from the record

**IV. IN SUSPENSION CASES**

- a) Date of suspension Order issued : \_\_\_\_\_
- b) Date of Chargesheet : \_\_\_\_\_
- c) If the suspension is lifted before completion : \_\_\_\_\_  
of Disciplinary proceedings, the date

**V. SPECIAL POINTS WHILE PROCESSING THE INQUIRY REPORT**

(The following procedure should have been gone through as per the record).

- a) Were the charges read out by the Inquiry Officer? : Yes/No
- b) Has the DGS given his specific unambiguous reply, agreeing : Yes/No  
or not agreeing to each charge?
- c) Were there any dilatory tactics noticed while nominating : Yes/No  
Defence Assistant and later by Defence Assistant at any  
stage? (if so brief details)
- d) Is the Defence Assistant from local Hqrs. or from outside : Yes/No  
HQ. If Outside, reasons recorded by I.O. in writing
- e) Is the Defence Assistant a legal practitioner? (if so reference : Yes/No  
and date of sanction by O.F. Board)
- f) Has the facility of inspection of documents been correctly : Yes/No  
afforded to the DGS?
- g) Is the procedure regarding examination and reexamination, : Yes/No  
cross examination and re-cross examination found in order?
- h) Were the prosecution witnesses examined before the : Yes/No  
defence witnesses?
- i) Is there any dispute about the language in which the Inquiry : Yes/No  
was conducted? If so, with what result?
- j) Has any representation against I.O. regarding 'BIAS' been : Yes/No  
received in this case? If so, with what result?
- k) Has the I.O. at any stage cross examined any witnesses? : Yes/No

- l) After closing of the prosecution side,
  - i) Has the I.O. offered to the DGS to avail of offering himself as a D.W. : Yes/No
  - ii) Whether the DGS offered himself as Defence witness or not? : Yes/No
  - iii) Has the I.O. examined the DGS in general on circumstances appearing against DGS? : Yes/No
- m) Has the I.O. handed over signed daily proceedings to the DGS? : Yes/No
- n) Has the I.O. handed over a copy of the written brief of the P.O. to the DGS for submitting his final defence brief? : Yes/No

## **VI. ANALYSIS AND ASSESMENT OF EVIDENCE**

- a) Has the I.O. systematically and cogently correlated all the evidence orally presented to him and drawn as assessment regarding each charge against the DGS? : Yes/No
- b) Has the I.O. incorporated any unwarranted remarks or suggestions or quantum of punishment? : Yes/No

## **VII. PROCEDURAL LACUNAE**

Where procedural lacunae in conducting the court of Inquiry were noticed the Vigilance Section Officer to specify the same for consideration of the disciplinary authority.

## **VIII. DIVISIONAL OR GROUP OFFICER'S RECOMMENDATIONS**

Divisional or Group Officer's Recommendations to the Disciplinary Authority. (It is advisable that the senior most Admn. Officer Incharge of Vigilance only should be recommend the quantum of penalty so that there is only one level before the Disciplinary Authority to decide the final penalty as, otherwise there will be lot of confusion in decision making.)

## **IX. ORDERS OF THE DISCIPLINARY AUTHORITY: -**