



Personnel and Administrative
Reforms (N) Department,
Secretariat,
Chennai-9.

Letter No.7845/N/2011-1, dated 25.3.2011

From
Dr. R. Kannan, I.A.S.,
Principal Secretary to Government

To
All Secretaries to Government, Chennai-9 (w.e.)
All Departments of Secretariat
Chennai-9 (w.e.)
The Secretary, Tamil Nadu Public Service Commission,
Chennai-6 (w.e.)

Sir,

Sub: Public Services – Disciplinary Cases – Checklist prescribed –
requested to follow scrupulously – Regarding.

- Ref: 1. Government Letter (Ms) No.24, Personnel and
Administrative Reforms (N) Department, dated 24.2.2005.
2. Government Letter No.51754/N/08-1, dated 28.10.2008.
3. From the Secretary, Tamil Nadu Public Service Commission,
D.O.Letter No. 3610/DCD-A2/2008-1, dated 14.02.2011.

I am to state that the Secretary, Tamil Nadu Public Service Commission has brought to notice that the records relating to disciplinary cases called for by the Tamil Nadu Public Service Commission from various Departments of the Government are not sent to the Commission within a prescribed time limit.

2. The Commission is of the opinion that if disciplinary cases are referred to the Commission with complete records as per the check list prescribed in Government Letter (Ms) No.24, Personnel and Administrative Reforms (N) Department dated 24.2.2005 and in Government Letter No.51754/N/08-1, dated 28.10.2008 within a reasonable time limit, the delay in finalising the disciplinary cases can be avoided.

3. I am therefore, to request you to furnish the relevant cases, that need to be referred to the Commission, with complete records, within a time limit of one month duly verifying the records by accompanying the list of records now enclosed for easy verification along with the Check lists already prescribed in the references first and second cited.

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4. I am also to request you to give necessary instructions to Deputy Secretaries / Joint Secretaries concerned to monitor the process of records/particulars as required by the Commission and to send them to the Commission within the time limit.

5. All the Secretaries to Government are also requested to issue suitable instructions in this regard to all the disciplinary authorities under their administrative control.

Yours faithfully,


for Principal Secretary to Government


02/04/11

Copy to:

Vigilance Commissioner, Chennai-9. (w.e.) (10 copies)

Personnel and Administrative Reforms (L) Department,

Chennai-9 (w.e.) (15 copies)

All officers / All Sections in Personnel and Administrative Reforms (N) Department,
Chennai-9.

SF/SC.

ANNEXURE

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Check-list to accompany the Disciplinary cases referred to the Tamil Nadu Public Service Commission by the Government.

PART-I

1. Details of Accused Officer(s) :

Sl. No.	Name and Designation of Accused Officer at the time of issue of Charge Memo.	Date of Superannuation	Next increment due on <input type="checkbox"/>
1	2	3	4

2. Priorities:

Is the case to be reviewed on a priority basis because of :

1. Retirement Due shortly, viz., on : _____

2. Already Retired on : _____

3. Empanelment for promotion imminent (within months) : _____

3. Rule under which delinquent officer's reply was sought (Score out the items not relevant against 2 and 3)

17(a)/17(b)/17(e)(i)(1)

PART-II

Write the Relevant Word

Yes No

1. Was the questionnaire enclosed to charge-memo under Rule 17(b)

2. Was request for perusal of Records complied with

3. Was request for examining witnesses complied with

4. Was the request for personal hearing, if asked for, complied with

5. Are papers relating to preliminary Inquiry, if any, enclosed,

6. Is suspension order, if any, enclosed?

7. Is Charge-memo with statement of allegation enclosed.

Write the relevant word :-

Yes / No

8. Is Explanation/Written Statement of defence enclosed.

9. Are Records of Oral Inquiry enclosed.

10. Is Inquiry Officer's Report on Oral Inquiry or / and or personal hearing enclosed.

**ON APPEALS OR REVISION PETITIONS
(FILL IN FOLLOWING IN ADDITION TO ABOVE)**

11. (i) Is order of punishing Authority enclosed.

(ii) Is the Appeal Petition/ Revision Petition enclosed.

(iii) Are the records relied upon by the Punishing authority enclosed.

REMARKS: 1. This check-list is to be enclosed with every case referred to the Commission.

2. If 'No' is written against any query, the case is not complete for reference. Please check again

ANNEXURE

CHECK LIST FOR DISCIPLINARY CASES

[In disciplinary cases initiated under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules]

PART A

For all Departments of Secretariat and all other departments under the Government:

1. Name of the charged Officer
2. Designation and Office in which he is / was working
3. Group to which he belongs (i.e. A, B, C or D)
4. His present pay and scale of pay
5. Date of accrual of annual increment
6. Whether the Charged Officer comes under State Service or Subordinate Service
7.
 - (i) Date of Birth
 - (ii) Date of Superannuation
8.
 - (i) Date of entry into Government Service and the post in which he was appointed first.
 - (ii) The name of the service in which the said post referred to in item (i) above was included.
 - (iii) Details of posts held by the Charged Officer so far (Name of Service in which the posts included, method of appointment viz Direct recruitment/ recruitment by transfer/ promotion/ transfer, the period for which he was holding the post, etc. should be furnished.

9. Whether the case involves more than one Government servant, if so, state-
- (i) Whether they belong to the same department or different departments
 - (ii) Whether charge was issued by the competent authority as specified in rule 9A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules
10. In the case of members of State Services whether head of Department is competent to frame charge under rule 12(2) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules except those cases coming under rule 9A of the said Rules.
11. Nature of charges framed (in brief)
12. (a) whether placed under suspension or not. If so, date of suspension
- (b) Whether suspension orders were issued by the Competent Authority.
13. Whether definite and specific charges have been framed.
14. Whether a statement of allegations on which each charge is based has been communicated.
15. Date on which the charge Memo/ letter was served on the Charged Officer.
16. Whether the Charged Officer has been asked to
- (i) Put in his written statement of defense
 - (ii) state whether he wants an oral inquiry and

- (iii) State whether he wants to be heard in person.

Note:- The Charged Officer should be allowed a personal hearing before or after inquiry, if so desired by him. A personal hearing must also be given, if desired before issue of final orders.

17. Date of submission of explanation by the Charged Officer.
18. Date of appointment of Inquiry Officer
19. Whether the inquiry officer informed the exact time and venue of the Inquiry to the officer of the Directorate of Vigilance and Anti-Corruption who conducted the investigation to be present at the time of Inquiry. (This will apply in respect of cases arising out of enquiry report of the Directorate of Vigilance and Anti-corruption)
20. Whether the Inquiry Officer has prepared the Inquiry Report as per the guidelines in the "Hand Book on Disciplinary Procedures"
21. Date of submission of the Inquiry Report by the Inquiry Officer.
22. If the Charged Officer does not want an oral Inquiry, whether such an inquiry was directed by the authority concerned.
23. Whether evidence has been recorded at the oral inquiry in the presence of the person charged.
24. Whether the witnesses examined at the preliminary Inquiry, if any were recalled during the oral inquiry to prove the charges.

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25. Whether copies of the evidence such as the complaints and statements made by witnesses during preliminary Inquiry etc. on which the competent authority proposes to rely upon have been furnished to the charged officer as early as possible before the prosecution witnesses are to be cross examined.
 26. Whether the documentary evidence including inspection reports, statements by witnesses recorded by the Vigilance and Anti-corruption Department etc., relied upon have been furnished both by prosecution and defence, have been filed as exhibits and properly proved.
 27. If any witness was examined at the preliminary Inquiry in the absence of the person charged, was his presence considered necessary at the oral inquiry by the charged officer and if so, was he examined in the presence of the person charged?
 28. Whether the person charged was allowed to cross-examine the witnesses produced by the prosecution, to give evidence in person and to call witnesses on his behalf.
 29. Was any witness asked for by the person charged, refused to be allowed and if so, was sufficient reason recorded to that effect?
 30. Did any contingency arise where the request of the Charged Officer for furnishing certain records could not be conceded or disclosed to him in Public interest or for any other substantial and justifiable reason? If so, whether the Charged Officer was informed accordingly and the fact of such refusal together with the reasons therefor recorded in writing.
 31. Was there any request to be heard in person in addition to the oral Inquiry, and if so, was it complied with?

32. Does the proceedings of the oral inquiry contain a sufficient record of the evidence and statement of the findings of the grounds thereof?
33. Was a report of the inquiry and / or the personal hearing with findings recorded by the inquiring authority even in cases where he is himself the punishing authority?
34. Whether the Inquiry report was communicated to the Directorate of Vigilance and Anti-Corruption immediately after its receipt and its reaction awaited for two months. (This will arise in respect of cases arising out of enquiry report of the Directorate of Vigilance and anti-Corruption.)
35. Authority competent to impose the penalty (In respect of cases falling under rule 9A of Tamil Nadu Civil Services (Discipline and Appeal) Rules, the authority competent specified therein should also be indicated)
36. Whether the competent authority to impose the penalty agreed/ disagreed with the findings of the Inquiry Officer.
37. Whether the further representation of the Charged Officer on the report of the Inquiry Officer obtained by communicating the said report to him together with the reasons for disagreement by the disciplinary authority,
38. Whether the Tamil Nadu Public Service Commission was consulted for its opinion on the punishment proposed (This will arise only in respect of the cases where the Government are the punishing authority)
39. Whether the charges framed explanation of the Charged Officer, report of the Inquiry Officer, further representation of the Charged Officer of the findings on the Inquiry Officer and all other relevant records including the views of the Tamil Nadu Public Service Commission

independently and carefully examined by the punishing authority and whether the fact recorded in the final orders.

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- (a) Penalty proposed to be imposed
 - (b) Whether penalty of recovery from pay of the loss in addition to any other penalty is proposed
 - (c) Is the final order proposed to be issued self-contained and speaking?
 - (d) Whether the copy of the Tamil Nadu Public Service Commission's letter containing its views is enclosed with the final orders to the charged officer unless the Chief Minister otherwise directs in the Public interest under rule 25 of the Tamil Nadu Public Service Commission Rules of Procedure.
41. Whether the Vigilance Commission was consulted through administrative Department of Secretariat for dropping of charges (This will arise in respect of cases arising out of the enquiry report of the DVAC).
42. Has the acknowledgement of the person been obtained in token of having received the copy of the final orders or alternatively, was the order sent by registered post acknowledgement due or rendered to an adult member of his family or affixed it in some conspicuous part of his last known place of residence?

Part-B


(For all Departments of Secretariat only)


1. Name and Designation of Charged Officer
2. Whether a Check list as in Part A prepared and put up in the file
3. Date on which the file originated
4. Whether the file relates to imposition of penalty at Government level or whether it relates to Appeal/ Revision Petition/ Review Petition / Ordinary Petition.

5. Whether time limits prescribed from time to time are being followed, in cases relating to imposing original orders of penalty at Government level.
6. Whether any proceeding is pending on the subject before a Court Law.
- 7.(a) If so, whether Counter Affidavit has been filed and the date on which the counter was filed.
- (b) If not, the reasons for delay should be recorded.
8. The date on which the file was circulated.
9. Whether the return of the file from circulation is being periodically watched.

Secretary to Government

/True copy/


Section Officer


07/04/11

ஒழுங்கு நடவடிக்கை நேர்வுடன் தேர்வாளையத்திற்கு அனுப்பப்பட வேண்டிய ஆவணப்பட்டியல்

திரு/திருமதி.

வ.எண்	பொருளடக்கம்	நாள்	பக்கம்	கொடி
1.	குற்றக்குறிப்பாணை			
2.	விளக்கம்			
3.	பூர்த்தி செய்யப்பட்ட விளாப்படிவம்			
4.	விசாரணை அலுவலர் நியமனம்			
5.	விசாரணையின்போது பதியப்பட்ட வாக்குமூலங்கள்			
6.	விசாரணை அறிக்கை			
7.	விசாரணை அறிக்கையின் மீது கூடுதல் விளக்கம் கோரப்பட்டது			
8.	கூடுதல் விளக்கம்			
9.	இறுதி ஆணை			
10.	மேல்முறையீடு			
11.	அரசின் உத்தேச தண்டனை			

12.	உத்தேச தண்டனை மீது குற்ற அலுவலரின் விளக்கம்			
13.	பகுதி 'ஆ' அறிக்கை			
14.	பணி பற்றிய விவரம்			
15.	தற்காலிக பணி நீக்கம் செய்யப்பட்ட ஆணை			
16.	ஒய்வு பெற அனுமதி மறுக்கப்பட்ட ஆணை			
17.	தற்காலிக பணி நீக்கம் விலக்கிக் கொள்ளப்பட்ட ஆணை			
18.	உடல் குற்ற அலுவலர்கள் குறித்த விவரம்			

List of Records to be forwarded to the Commission along with the case

Thiru.Tmt.

SI. No	CONTENT	DATE	REF.IN FILE
1.	Charge memorandum		
2.	Explanation		
3.	Filled in questionnaire form		
4.	Appointment of Inquiry Officer		
5.	Inquiry Depositions		
6.	Inquiry Report		
7.	Communication of Inquiry Report		
8.	Further representation on the Inquiry Report		
9.	Final orders		
10.	Appeal		
11.	Show Cause Notice under TNPR		
12.	Reply		
13.	Service Particulars		
14.	Suspension order		
15.	Not permitted to retire		
16.	Revocation of Suspension		
17.	Particular regarding Co-delinquents		

Part B Report for Directorate Vigilance Anti Corruption Cases