



ABSTRACT

Public Services – Disciplinary Proceedings – Appointment of Inquiry Officer – Procedures to be followed – Orders - Issued.

Personnel and Administrative Reforms (N) Department

G.O. (Ms) No.47

Dated. 29.04.2011.

சித்திரை – 16

திருவள்ளூர் ஆண்டு- 2042

ORDER:

The Manual of Handbook on Disciplinary Procedures in Chapter-IV (Oral Inquiry) para 12 of the Government of Tamil Nadu 2005 edition deals with the appointment of Common Inquiry Officer. A Common Inquiry Officer is appointed where Government Servants and Employees of Public Undertakings / Boards are jointly involved. It states as follows:- “the Common Inquiry Officer shall be a Government Officer superior in rank to the Delinquent Officer”. This is usually followed in individual cases also.

2. It is the practice in Government that, where an inquiry has to be held against an Officer whether it is a preliminary fact finding inquiry or an inquiry under Disciplinary Proceedings especially under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the Officer who enquires against another Officer should be senior in rank to the Officer enquired against. This is based on the maxim “that justice would seem to be done only if an officer sufficiently senior to the Delinquent Officer enquires into the matter, so that he is able to give an impartial, fair and just report”.

3. The Fourth Lok Sabha Committee on Subordinate Legislation stated as follows:-

“The Committee on Subordinate Legislation (Fourth Lok Sabha) have recently examined the question of appointment of Inquiry Officers to conduct oral inquiry into the charges levelled against Delinquent Officers under CCS (CCA) Rules, 1965. The Committee has observed that though they agree that it may not be possible to always entrust inquiries against Delinquent Officers to Gazetted Officers, the inquiries should be conducted by an Officer who is sufficiently senior to the officer whose delinquency is being

inquired into, as the inquiry by a junior officer cannot command the confidence which it deserves". (vide Government of India, Cabinet Secretariat in Department of Personnel, O.M.No.7/12/70-Ests. (A), dated the 6th January 1971).

4. The practice followed hitherto in Government is that the officer against whom disciplinary inquiry is conducted should be junior in rank to the officer conducting the inquiry. Sometimes, officers of the same rank occupy the posts and one officer is an AIS Officer while another is a non AIS Officer. Even then, the Officer of the All India Service should not conduct an inquiry against the non All India Service Officer (non cadre officer), if they are occupying the post of the same cadre or designation (Eg. Additional Collector or District Revenue Officer, Sub-Collector or Deputy Collector, Additional Registrar or another Additional Registrar, etc.).

5. This is also to protect the Delinquent Officer from his/her feeling that he is being, somehow denigrated by having an Officer of the same rank or a junior officer as an Inquiry Officer, either in the case of any non statutory enquiry or in the case of disciplinary proceedings.

6. In view of the position indicated above, the Government direct that in disciplinary cases arising out of either Vigilance or Non-Vigilance cases, the Inquiry Officer should be appointed in the rank above the rank held by the Delinquent Officer(s) following the principles laid down above.


(BY ORDER OF THE GOVERNOR)

R. KANNAN
PRINCIPAL SECRETARY TO GOVERNMENT

To
All Secretaries to Government,
Departments of Secretariat, Chennai-600 009.
All Heads of Department including
All District Judges and Collectors,
The Secretary,
Tamil Nadu Public Service Commission, Chennai-6
The Registrar, High Court, Madras-104.
The Private secretary to Chief Secretary to Government, Chennai-9.
All Sections/ Officers in Personnel and Administrative
Reforms Department, Chennai-9.
S.F./S.Cs.

/Forwarded by order/


SECTION OFFICER


09/05/11