

GOVERNMENT OF TAMIL NADU

PERSONNEL & ADMINISTRATIVE
REFORMS (N) DEPARTMENT,
SECRETARIAT, Madras-600 009,
Letter No.73552/N/95-3,
dated 9-11-1995.

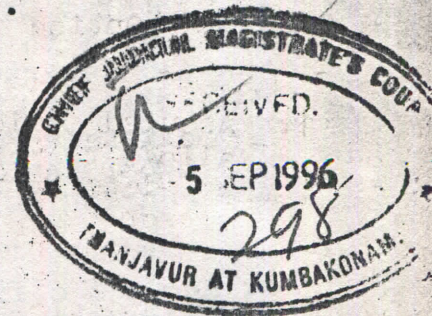
From

Thiru S.Sivasubramaniam, I, A.S.,
Secretary to Government,

To

The Registrar, High Court, Madras.

Sir,



Sub: Public Servants - Disciplinary cases against
Government Servants - placing them under
suspension on the verge of retirement -
avoidance of - Revitalising the Internal
Vigilance machinery of Departments.

Ref: 1. G.O. Ms. No. 768, Personnel & Administrative
Reforms (Per.N) dated 2-7-79.

2. Letter No. 14974/83-1, Personnel and Administrative
Reforms (N) dated 15-2-1983 read with letter
No. 9772/N/94-1, Personnel and Administrative
Reforms, dated 24-3-1995.

3. Government letter No. 94184/Per.N/83-5, dated
1-7-1983, read with letter No. 52789/Per.N/87-1,
dated 17-6-87.

4. Letter Ms. No. 1118/Per.N/87, dated 22-12-87
read with letter Ms. No. 371, Personnel and
Administrative Reforms (Per.N), dated 24-6-88.

5. Letter No. 75671/Per.N/92-1, Personnel and
Administrative Reforms, dated 9-12-1992 read
with letter No. 55316/Per.N/94-1, Personnel &
Administrative Reforms, dated 12-9-1994.

6. Letter No. 73913/Per.N/93-2, Personnel and
Administrative Reforms, dated 1-6-1994.

I am directed to state that elaborate instructions
have been issued in the Government Order/Letters cited
among others for the early disposal of disciplinary cases
pending against the Government Servants about to retire in
order to avoid placing them on suspension on the eve of their
retirement.

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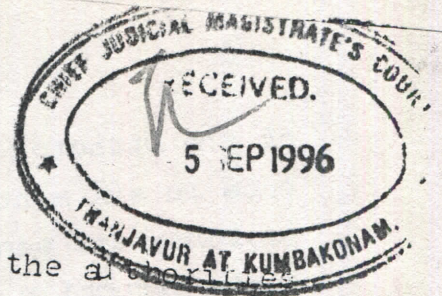
1/5/96

2. The Options available in handling a case in which an accused officer is due to retire in the near future are tabulated below:

S.No.	Option	scope of action possible against the accused officer	Date of delinquency liable for action
1.	Accused Officer is allowed to retire and departmental action is initiated after his retirement under the Tamil Nadu Pension Rules.	Dismissal or removal is not possible. Only cut in pension and recovery of pecuniary loss are possible.	Date of delinquency xx should be within 4 years of the date of service of charge memo. Rule 9(2)(b) of Tamil Nadu Pension Rules.
2.	Accused officer is allowed to retire, after service of charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.	Dismissal or removal is not possible. Only cut in pension and recovery of pecuniary loss are possible.	No time limit. Delinquency committed at any time in service can be dealt with.
3.	Accused Officer is suspended and is continued under suspension beyond the presumptive date of super-annuation.	Dismissal or removal is possible.	No time limit. Delinquency committed at any time in service can be dealt with.

3. The following instructions have been issued in G.O.Ms.No.768, Personnel & Administrative (Reforms) (Per.N) Department), dated 2-7-79 on the instances where above suspension on the eve of retirement would be justified.

"The person concerned may have to be kept under suspension only when the charges are so serious that a penalty of dismissal or removal is contemplated. In such cases, the competent authority should personally assess the situation and satisfy himself that the charges are serious enough to warrant a dismissal or removal and that it is prima facie possible to prove such charges. In such cases, the persons concerned may be kept under suspension. Even in



these cases, it should be possible for the authorities to undertake disciplinary action well in advance of the impending date of retirement, since it is very rare that a person commits such major irregularities during the last 2 or 3 months of his service. When such a lapse is noticed, the competent authority should pursue the disciplinary action against the person vigorously so that it may be completed as far as possible by the retirement date."

4. The Government again wish to reiterate that except where it is unavoidable it is not desirable to place Government servants who have put in service of more than three decades and above on suspension on the eve of retirement pending enquiry into allegations against them by the Director of Vigilance and Anti-corruption or disposal of disciplinary action (Non-Vigilance or Vigilance) initiated against them.

5. In this connection, it is felt that the suspension of officers of doubtful integrity and suspicious character on the eve of retirement can be avoided if only departmental Vigilance Officers have a watch on them regularly and liaise with the Director of Vigilance and Anticorruption in this regard, as laid down, as early as in Government D.O. Letter No. 12236A/74-6, dated 5-5-1975 from Public (Services - W) Department, laying down the duties of the Departmental Vigilance Officers. The following further instructions have also issued stressing the role of the departmental Vigilance Officers:

Government Memo No. 43383A/75-12, Personnel and Administrative Reforms (Per.N), dated 10-11-76 reiterated in Memo No. 96383A/77-2, dated 2-3-78.

Heads of Departments to instruct the Vigilance Officers to prepare points and places of corruption in association with the Superintendent of Police of the Directorate of Vigilance and Anti-corruption and to do surprise checks at such points himself or with the assistances

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of the Director of Vigilance and Anti-corruption officials, once in six months, record the results in a prescribed proforma and send a copy to Director of Vigilance and Anti-corruption.

Memo. No. 43393A/75-14, dated 7-2-77

Director of Vigilance and Anti-corruption could also initiate action for such surprise checks. The scope for such checks could be discussed between Vigilance Officers, and Officers of the Directorate of Vigilance and Anti-corruption.

Letter No. 322, Personnel & Administrative Reforms (Per.N)
dated 30-5-1988

Earlier instructions reiterated.

6. In spite of the above instructions on the functions and responsibilities of Vigilance Officers and provision for flow of information to Director of Vigilance and Anti-corruption from the internal Vigilance set up of various departments there seems to be ~~know~~ no flow of information at all to the Director of Vigilance and Anti-corruption from the Departmental Vigilance Officers. If the internal Vigilance set up functions effectively action can be taken in tune on officers of doubtful integrity, obviating the need to take action on the ~~xxx~~ eve of retirement and resort to suspension on the eve of retirement.

7. I am, therefore, directed to request that all Heads of Departments should review personally the work done by the Vigilance Officers every half year as instructed and send a copy of their review to Director of Vigilance and Anti-corruption also. This will also be reviewed by the Vigilance Commissioner as part of his discussions with the Secretaries to Government. A separate proforma for this will be prescribed by the Vigilance Commissioner and communicated to Secretaries.

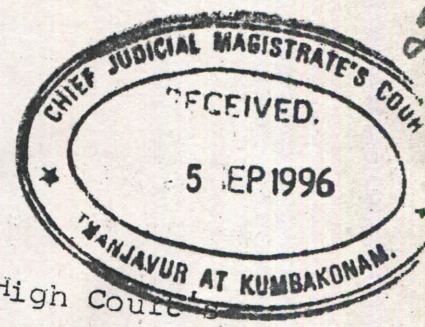
Yours faithfully,

Sd/-.....

for Secretary to Government.

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ROC.9548/95/C1.

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Copy communicated in continuation of High Court communication in R.Dis.473/94 Dated 19-7-1994.

High Court, Madras. 600104.

Dated: 5-3-1996.

S. Shanthi
10.7.96
SUB ASST. REGISTRAR (A.D.).

- To
1. The Presiding Officer, Labour Court, Madras/Madurai/Vellore/Coimbatore/Tirunelveli/Cuddalore/Tiruchirappalli/Salem.
 2. The Industrial Tribunal, Madras.
 3. The District Judge, Private Colleges Appellate Tribunal, Madras.
 4. The Presiding Officer, Spl. Court under E.C. Act cases, Madras/Madurai/Coimbatore/Salem/Thanjavur/Pudukkottai.
 5. The Administrator General & Official Trustee of Tamil Nadu, High Court, Madras.
 6. The Principal Judge, Family Court, Madras.
 - ~~7. The Chief Judge, High Court, Madras.~~
 7. The Principal Judge, City Civil Court, Madras.
 8. The Chief Judge, Court of Small Causes, Madras.
 9. The Official Assignee, High Court, Madras.
 10. The Chief Metropolitan Magistrate, Egmore, Madras.
 11. The Advocate General, High Court, Madras.
 12. The Government Pleader, High Court, Madras.
 13. The Public Prosecutor, High Court, Madras.
 14. The Editor, Indian Law Reports, High Court, Madras.
 15. The City Govt. Pleader, Madras.
 16. All the District Judges.
 17. All the Chief Judicial Magistrates.
 18. The Sub Assistant Registrar (A.D.), High Court, Madras.
 - ~~19. The Sub Assistant Registrar (Accounts), High Court, Madras.~~
 19. The Sub Assistant Registrar (Accounts), High Court, Madras.
 20. The Section Officer, Estt., B, C, and G Section, High Court, Madras.
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