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ADD-cum
3/2/97

GOVERNMENT OF TAMIL NADU

PERSONNEL & ADMINISTRATIVE
REFORMS (N) DEPARTMENT
SECRETARIAT, MADRAS-600 009.

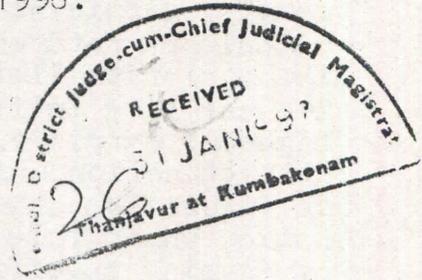
Letter Ms.No.124,
Dated: 27.2.1996.

FROM

THIRU. S. SIVASUBRAMANIAN, IAS.,
SECRETARY TO GOVERNMENT.

TO

All Secretaries to Government, Madras-9
All Departments of Secretariat, Madras-9
All Heads of Departments (including District Collectors)



Sir

A.26/97

Sub: Disciplinary Proceedings - 'Initiation of Proceedings under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules- Model form for framing of Charges-- Guidelines -Issued.

- Ref: 1) Government Letter Ms.No.1118, Personnel & Administrative Reforms (Per.N), dated 22.12.87.
- 2) Government Letter Ms.No.371, Personnel & Administrative Reforms (Per.N), dated 24.6.88.
- 3) Government Circular No.14353/Per.N/93-1 dated 11.3.93.
- 4) From Tamil Nadu Public Service Commission Letter No.7419/C1/94, dated 15.11.94.
- 5) From Director of Vigilance and Anti-Corruption, Letter No.8921/VAC.4/95, dated 1.6.95.

-oOo-

In the Government Letter (Ms)No.1118, Personnel and Administrative Reforms(Per.N), dated 22.12.87, it has already been reiterated that the choice of rule 17(a) or 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, under which disciplinary proceedings are to be initiated, is very important. In the Government Circular dated 11.3.93, instructions were issued that the disciplinary authority should frame charges under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, only when they are of the firm view that the charges, if framed and proved, would result in the imposition of any of the major penalties.

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namely, dismissal from service, removal from service, compulsory retirement or reduction to a lower rank in the seniority list, or to a lower post or time scale. The cases of indiscipline, moral turpitude, corruption, bigamous marriage, unauthorised absence, etc. would attract action under 17(b) of the said Rules. For the delinquencies other than the above, a simple show cause notice under rule 17(a) would be quite adequate instead of framing specific charges under rule 17(b) unless a major punishment is really warranted. (A model form of such a show cause Notice for use in 17(a) proceedings was given in annexure IV to the Government Circular dated 11.3.93).

2. In order to maintain uniformity and to avoid defects, a model format for framing of charge letter/memo. under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules has been prepared as suggested by the Tamil Nadu Public Service Commission on 16.11.94 and is appended. All the departments of Secretariat, the Heads of Departments etc. are requested to follow the model format while framing charges under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

3. While framing the charges such verbal modifications as might be necessitated by the special requirements of individual cases may be made provided the salient points are not omitted.

Yours faithfully,

sl./-

FOR SECRETARY TO GOVERNMENT.

Copy to:-

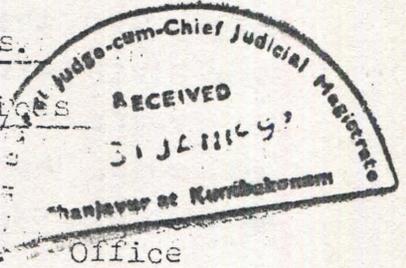
The Personnel & Administrative Reforms (Per.L)
Department, Madras-9
All Section in Personnel & Administrative Reforms
Department, Madras-9.

459

A P P E N D I X

Model Form of Charge Sheet for major penalties.

Under rule 17(B) of the Tamil Nadu Civil Services
(Discipline and Appeal) Rules.



Letter/Memo. dated

The undersigned proposes to hold an inquiry against Thiru under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The substance of allegations, namely, the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in Annexure-I. A statement of allegations namely, the imputations of misconduct or mis-behaviour in support of each charge is enclosed in Annexure-II. A list of documents by which, and a list of witnesses by whom the charges are proposed to be sustained are also enclosed in Annexures III and IV, respectively. Any witnesses and documents which are found necessary will be examined during the course of the enquiry.

2. Thiru. is directed to submit within 15 days of the receipt of this letter/memorandum, a written statement of his defence and also to state whether he desires oral inquiry or to be heard in person or both. If the written statement of defence is not received within the stipulated time, it will be presumed that he has nothing to offer in his defence and further action will be pursued.

3. He is informed that an oral inquiry will be held and oral evidence shall be heard only in respect of such charges as are not admitted by him. He should, therefore, specifically admit or deny each charge.

4. Thiru. is further informed that if he does not submit his written statement of defence on or before the date specified in paragraph 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or the orders or directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Thiru is invited to rule 18 of the Tamil Nadu Government Servants Conduct Rules, 1973, 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 Thiru is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 18 of the Tamil Nadu Government Servants Conduct Rules, 1973.

6. The receipt of this letter/Memorandum may be acknowledged.

* By Order and in the name of the Governor)

()
** Name and designation of Competent authority.

To
Thiru.

*Where the Governor is the disciplinary authority.
** The Officer in the appropriate Department authorised under Article 166(2) of the Constitution to authenticate orders on behalf of the Governor OR the Disciplinary authority, as the case, may be.

461

ANNEXURE-I.

Statement of the substances of allegations, namely, imputations of misconduct or misbehaviour based on which charges are proposed to be framed against Thiru

(Name and designation of the Government Servant)

Charge-I.

That the said Thiru while functioning as during the period

Charge- II.

That during the aforesaid period and while functioning in the aforesaid office, the said Thiru.....

Charge-III

That during the aforesaid period and while functioning in the aforesaid office, the said Thiru

AND SO ON

ANNEXURE-II.

Statement of allegations, namely imputation of misconduct or misbehaviour in support of the charge(s), framed against Thiru(Name and designation of Government Servant):-

- Charge- I
- Charge-II
- Charge- III

AND SO ON

ANNEXURE-III.

List of documents by which the charge(s) framed against Thiru (Name and designation of Government Servant) are proposed to be sustained:-

ANNEXURE-IV.

List of witnesses by whom the charge(s) framed against Thiru (Name and designation of the Government Servant) are proposed to be sustained:-

sd./- S. SIVASUBRAMANIAN,
~~xxxxx~~ SECRETARY TO GOVERNMENT

R.O.C.2266/96/C1.

P. Dist.No.129/96.

Copy Communicated in continuation of the High Court's Communication in P Dis.No.27/93 dated 12.4.93.

S. Shanmuga
9.12.96
Sub-Assistant Registrar(A.D.)

To

Ry

p.t.o.

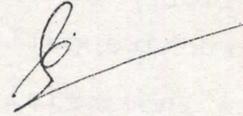
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To

1. The Presiding Officer, Labour Courts, 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 Principal Judge, City Civil Court, Madras.
 8. The Official Assignee, High Court, Madras.
 9. The Chief Judge, Court of Small Causes, Madras.
 10. The Chief Metropolitan Magistrate, Egmore, Madras.
 11. The public Prosecutor, Madras.
 12. The Advocate General, High Court, Madras.
 13. The Government Pleader, High Court, Madras.
 14. The Editor, Indian Law Report, High Court, Campus, Madras.
 15. The City Govt. pleader, Madras.
 16. All the District Judges.
 17. All the Chief Judicial Magistrates.
 18. The Assistant Registrar (Admn.), High Court, Madras.
 19. The Sub-Assistant Registrar (Accounts) & A.D., High Court, Madras.
 20. The Section Officer, Estt., Section, B, C and G-Sections, High Court, Madras.
 21. The Librarian, High Court, Madras - 5 Copies.
 22. The Record Keeper, A.D. Records, High Court, Madras - 5 Copies.
- + Spare- 10 copies.

A 26/97 d/ -2-97.

Copy communicated to all the Judicial
Magistrates in this Unit for information

(cc) 
A.D.J. - Civ. - G. J. M.
3290

1769 to 1774
24/3/97
