

## CHAPTER 5

# **Department Enquiry, Punishment and Appeals**

- 1. Rajasthan Civil Services (Classification control and Appeal) Rules, 1958 to apply**
  - 1.1 The Rajasthan Civil Services (Classification, Control and Appeal) Rules 1958 are applicable to all Government Servants working in the forest department except:
    - 1.1.1. Persons who are on deputation from the Government of India or from any of the State or Union Territories
    - 1.1.2. Persons who are employed in such Industrial Organisations of Government as may be notified from time to time and who are workmen within the meaning of the Industrial Disputes Act;
    - 1.1.3. Persons in casual employment
    - 1.1.4. Persons subject to discharge from service on less than one month's notice; and
    - 1.1.5. Members of All India Services
- 2. Appointing Authorities (rule 12 of CCA)**
  - 2.1. All appointments to a State Service shall be made by the Government or by any authority specifically empowered by the Government in that behalf.
  - 2.2. All appointments to the subordinate and Ministerial Service shall be made by the Head of Department or by any authority specially empowered by the Head of Department with the approval of Government in that behalf.
  - 2.3. All appointments to Class IV service shall be made by the Head of Office subject to the rules and instructions issued by the Head of

Department in that behalf.

The table below shows various appointing authorities for various cadres in the forest department hereunder: -

| S.No. | Cadres   | Appointing Authority   | Govt.- order No.& Date                         |
|-------|--|--|--|
| 1     | State Services   | State Government   | F 6 (16) 62-63 / 4490-4503<br>Dated 31-01-1964 |
| 2     | Subordinate Services<br><br>RO Gr. I, RO Gr. II,<br>Soil Conservation Asstt.<br><br>Foresters, Asstt.<br>Foresters, Forest Guard,<br><br>Surveyor/Amin | PCCF, Raj, Jaipur<br><br>Dy. C F / D.F.O./ S.C.O. /<br>Dy.CWLW<br><br>Chief Conservator of Forests |  |
| 3     | Ministerial Services<br>OS/OA/UDC<br>L.D.C.<br><br>Driver  | PCCF (HoFF)<br>Dy. C F / D.F.O./ S.C.O. /<br>Dy.CWLW<br><br>Chief Conservator of Forests.          |  |
| 4     | Class IV Services  | Head of Office   |  |

### 3. Suspension (rule 13 of CCA)

- 3.1. The Appointing Authority or any authority to which it is subordinate or any other authority empowered by the Government in that behalf may place a Government Servant under suspension.
  - 3.1.1. Where a disciplinary proceedings against him is contemplated or is pending or
  - 3.1.2. Where a case against him in respect of any criminal offence is under investigation or trial
- 3.2. Providing that where the order of suspension is made by an authority lower than the Appointing Authority, such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.
- 3.3. The authority placing a delinquent under suspension is required to sanction the grant of subsistence allowance to the delinquent, subject to maximum of half of his pay and Dearness Allowance admissible thereon, upto a maximum period of six months. The subsistence allowance may be increased or decreased by 25 % of his pay after six months
- 3.4. Time schedule for Departmental enquiries against Government Officials under suspension:

- 3.5. In case of departmental enquiries against Government Officials under suspension, following time schedule has been prescribed

|   |   |                                     |
|---|---|-------------------------------------|
| 1 | Completion of Preliminary Enquiry and submission of its report to the Disciplinary Authority along with draft statements of allegations and charges | 3 Months                            |
| 2 | Examination of Preliminary Enquiry Report and service of charge sheet on the delinquents.   | 1 Month                             |
| 3 | Submission of Written Statements by the delinquents   | Minimum 3 Weeks<br>Maximum 2 Months |
| 4 | Examination of written statements and appointment of enquiry officer  | 2 Weeks                             |
| 5 | Completion of Departmental Enquiry  | 3 Months                            |
| 6 | Examination of Enquiry Report, and final order  | 2 Weeks                             |

#### 4. Penalties (rule 14 of CCA)

##### 4.1. Minor Penalties

4.1.1. Censure

4.1.2. Withholding of increments or promotions

4.1.3. Recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of any law, rule or order

For the minor penalties the procedures prescribed in Rule 17 is to be followed

##### 4.2. Major Penalties

4.2.1. Reduction to a lower service, grade or post, or to a lower time scale or to a lower stage in the time scale or in the case of pension to an amount lower than that due under the rules

4.2.2. Compulsory retirement on proportionate pension

4.2.3. Removal from service which shall ordinarily not be a disqualification for further employment

4.2.4. Dismissal from service, which shall ordinarily be disqualification for further employment.

For Major penalties the procedures prescribed in Rule 16 is to be complied with.

#### 5. Government of Rajasthan Instructions

Stoppage of increment with cumulative effect would be a major penalty. Procedure under Rule 16 must be followed. Cases of willful absence where break in service is contemplated shall also be dealt by following the procedure laid down for Rule 16 of CCA.

## 6. Disciplinary authorities (rule 15 of CCA)

6.1. In respect of the State Services, the Government or the authority specially empowered by the Government in that behalf, in respect of the Subordinate and Ministerial Services, the Head of Department or the authority specially empowered by the Head of the Department with the approval of the Government and in respect of Class IV Services, the Head of the Office shall be the disciplinary authority.

Note-

- (i) The authority specially empowered to make appointment to a Service under rule 12 of these rules shall have power to inflict any of the penalties specified in rule 14.
- (ii) The State Government or the Head of Department as the case may be shall not empower under this rule any other authority to impose penalties specified in clause (vi) of rule 14.

6.2. The Appointing Authority is the disciplinary authority having full powers to inflict any penalty prescribed by Rule 14 but any other authority appointed as disciplinary authority is competent to inflict only those penalties for which it has been specifically empowered.

6.3 Table showing various Disciplinary Authorities for the employees of Forest Department :

| S No | Cadres   | Disciplinary Authority  | Powers  | Govt.- order & date                                |
|------|--|---|---|--|
| 1    | State Services<br>DCF / Ex.En. /<br>SCO / ACF /<br>AEN / ASCO. | (a) State Government<br>(b) HOD in CCA Rules upto to stoppage of two grade increments without cumulative effect in respect of the state service officers of the lowest level or first entry level who are directly working under their control. | (a) Full Powers<br>(b) To impose minor penalties upto stoppage of two Grade increments (without cumulative effect) in respect of state Service officers of the lowest level or the first entry level who are directly working under their control and belonging to the respective services of which they are Head of Departments. | F-3 (1) DOP /<br>A-III / 85<br>dated<br>17-10-1986 |

|   |  |  |  |   |
|---|--|--|--|---|
| 2 | <b>Subordinate Services</b><br>(i) RO Gr. I,<br>RO Gr. II,<br>Soil<br>Conservati<br>on Asstt.                        | (a) PCCF (HoFF)<br>(b) HOD in CCA Rules  | (a) Full Powers<br>(b) To inflict any of<br>the penalties<br>specified in Rule<br>14 of CCA Rules<br>except Clause (vi)<br>and (vii) of Rule<br>14.  |   |
|   | (ii) Forester /<br>Asst Forester /<br>Forest Guard<br>(iii) Amin /<br>Surveyor /<br>Driver /<br>Fieldman /<br>Tracer | (c) Head of offices<br><br>DFO / DCF / SCO /<br>DyCWLW<br><br>(a) CCF<br>(b) DCF / DFO / SCO /<br>DyCWLW                           | (c) To impose<br>penalties upto the<br>stoppage of two<br>Grade increments<br>(without<br>cumulative<br>effect), who are<br>working under<br>them.<br><br>Full Powers<br><br>(a) Full Powers<br>(b) To impose<br>penalties upto the<br>stoppage of two<br>Grade increments<br>(without<br>cumulative<br>effect), who are<br>working under<br>them. | F-3 (1) DOP /<br>A-III / 85 dated<br>17-10-1986             |
| 3 | <b>Ministerial Services</b><br>(i) OS / OA /<br>UDC<br><br><br><br><br><br><br><br><br><br>(ii) LDC                  | (a) PCCF (HoFF)<br>(b) HoD in CCA Rules<br><br><br><br><br><br><br>(c) Heads of offices<br><br><br><br>DCF / DFO / SCO /<br>DyCWLW | (a) Full Powers<br>(b) To inflict any of<br>the penalties<br>specified in Rule<br>14 of CCA Rules<br>except Clause (vi)<br>and (vii) of Rule<br>14.<br><br>(c) To impose<br>penalties upto the<br>stoppage of two<br>Grade increments<br>(without<br>cumulative<br>effect), who are<br>working under<br>them.<br><br>Full Powers                   | F-3 (1) DOP /<br>A-III / 85<br>G.S.R. 79 date<br>17-10-1986 |
| 4 | <b>Class IV Services</b>   | Head Of offices  | Full Powers  |   |

## **7. Enquiry under CCA 16.**

- 7.1. Steps involved in conducting Enquiry under CCA 16.
  - 7.1.1. Charge sheet
  - 7.1.2. Written Statement of defense
  - 7.1.3. Enquiry & Evidence.
  - 7.1.4. Findings & Enquiry Report.
  - 7.1.5. Notice & copy of Enquiry Report for making representation.
  - 7.1.6. Consideration and findings by Disciplinary Authority.
  - 7.1.7. Advice of Commission where necessary
  - 7.1.8. Final order.

## **8. Enquiry under CCA 17.**

- 8.1. Steps involved in conducting Enquiry under CCA 17.
  - 8.1.1. Notice or information in writing of the proposal to take action, and Statement of allegation is to be supplied along with the notice asking the delinquent to make any representation.
  - 8.1.2. Representation to be made by the delinquent (i.e. Explanation to allegations)
  - 8.1.3. Enquiry if necessary,
  - 8.1.4. Personal hearing, if so desired by him where necessary.
  - 8.1.5. Consultation with Public Service Commission, where necessary
  - 8.1.6. Consideration of representation and Final orders with reasons therefor.

## **9. Joint Enquiry under CCA rule 18.**

- 9.1. Where two or more Govt. servants are concerned in any case the Govt. or any other authority competent to impose the penalty of dismissal from service on all such Govt.servants may make an order directing that disciplinary action against all of them may be taken in common proceeding.
- 9.2. Any such order shall specify: -
  - 9.2.1. The authority, which may function as the Disciplinary

Authority for the purpose of such common proceedings.

- 9.2.2. The penalties specified in rule 14 which such Disciplinary Authority shall be competent to impose; and
- 9.2.3. Whether the procedure prescribed in rules 16 or 17 may be followed in the proceedings.

## 10. Appeal, Review & Revision

- 10.1. A Government servant may seek the departmental remedies against the action taken against him under these Rules. The departmental remedies are of two kinds viz: -

10.1.1. Appeal to higher authorities (Rule 21 to 31), and

10.1.2. Review & Revision (Rule 32 to 34)

- 10.2. Rule 21. Orders made by Government not appealable.-

No appeal shall lie against any order made by the Government, imposing any of the penalties specified in rule 14.

- 10.3. Rule 22. Appeals against orders of suspension.-

A Government Servant may appeal against an order of suspension to the authority to which the authority, which made or deemed to have made the order, is immediately subordinate.

- 10.4. Rule 23. Appeals against orders imposing penalties.-

10.4.1. A member of the Subordinate Service, Ministerial Service or Class VI service may appeal against an order imposing upon him any of penalties specified in rule 14 to the Authority as shown below:-

| Services                                      | Punishing Authority  | Appellate Authority                      |
|---|--|--|
| State Services (other than Judicial Services) | Government (Personnel Department)  | No appeal                                |
| "   | By any authority other than Government   | Government (Personnel Department )       |
| Subordinate Services                          | Orders inflicting penalties upon the members of Subordinate Services passed by Head of Department. | Government in Administrative Department. |

|                      |  |  |
|----------------------|--|--|
|                      | Orders inflicting penalties upon the members of Subordinate Services passed by the authorities other than and subordinate to the heads of the Department in pursuance of the powers vested in them by virtue of their being the Appointing Authorities and in pursuance of the disciplinary power delegated to them. | Heads of the Departments concerned   |
| Ministerial Services | Orders inflicting penalties upon the members of Subordinate Services passed by Head of Department.   | Government in Administrative Department  |
|                      | Orders inflicting penalties upon the members of Ministerial Services passed by the authorities other than and subordinate to the Heads of the Department in pursuance of the powers vested in them by virtue of their being the Appointing Authorities & in pursuance of the disciplinary powers delegated to them.  | Heads of the Departments concerned.  |
| Class IV Services    | Orders inflicting penalties upon the members of Subordinate Services passed by Head of Department.<br><br>Orders inflicting penalties upon the members of Class IV Services or posts by the Head of Office / Appointing Authorities  | Government in Administrative Department.<br><br>Authority next higher to the authorities in whose direct subordination & control the Head of Office Appointing Authority is working. |

10.4.2. A member of the State Service against whom an order imposing any of the penalties specified in rule 14 is made by an authority other than the government may appeal against such order to the Government.

#### 10.5. Rule 25 Period of limitation for appeals

10.5.1. No appeal under this part shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a certified copy of the order appealed against.



10.5.2. Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

10.6. Rule 32. REVISION:

10.6.1. This Rule deals with the revision of order by the Appellate Authority when no appeal has been preferred. It may be done on the application of the aggrieved Government Servant or suo moto.

10.6.2. No action under this rule shall be initiated more than 6 months after the date of order to be revised.

10.7. Rule 33. REVIEW of orders in disciplinary cases against members of the State Services.-

The Government may, of its own motion or otherwise, call for the records of the case in which an order imposing any of the penalties specified in rule 14 has been made against a member of the State Services, review any order passed in such a case and after consultation with the Commission where such consultation is necessary. The provisions in the Rule are similar to Rule 32 and 34, but the period of limitation is ONLY THREE months from the date of order to be reviewed.

10.8. Rule 34. Governor's powers to review.- The Governor may on his own motion or otherwise after calling for the records of the case, review any order which is made or is appealable under these rules and after consultation with the Commission where such consultation is necessary. No action under this rule shall be initiated more than three years after date of the order to be reviewed.

**GOVERNMENT OF RAJASTHAN**  
**Department of personnel**

No. F. 2(157)/Karmik/ka-3/97

Dated: August 08,2001

**C I R C U L A R**

**SUBJECT: Criminal proceedings and departmental enquiry whether both can go on simultaneously or the departmental enquiry must be stayed.**

With reference to the above-mentioned subject, your attention is invited to this department's circular of even No. dated April 10,2001 whereby it had been clarified that in all those cases where investigation is being conducted by the anti corruption Bureau or proceedings are pending in any criminal court on the basis of a challan filed by the Anti Corruption Bureau, the Departments would be free to issue a charge sheet for departmental enquiry without waiting for the completion of the investigation by the Anti Corruption Bureau or final decision by the court in the criminal proceedings as the case may be, but all further action on the charge sheet may remain suspended till such time as the Anti Corruption Bureau files a final report in the competent criminal Court or till the matter is finally decided by the concerned court, as the case may be.

This matter has been re-examined in consultation with the Law Department in the light of the various judgments of the Hon'ble Supreme Court of India. The issue as to whether criminal proceedings and departmental enquiry can go on simultaneously has been examined by the Hon'ble Supreme Court of India in several judgments and it has been clearly held by the Hon'ble Supreme Court of India that there is no legal bar for both proceedings to go on simultaneously. In fact, Hon'ble Supreme Court of India has observed "**stay of disciplinary proceedings cannot be, and should not be, a matter of course**". The staying of disciplinary proceedings is a matter to be determined having regard to the facts and circumstances of a given case. While clearly stating that it is neither possible nor advisable to evolve any hard and fast rules valid for the cases and of general application without regard to the peculiarities of each individual case, the Hon'ble supreme Court of India has made the following suggestions in its various judgments on this issue:-

1. A valid ground for staying the disciplinary proceedings is that the **defence of the employee in the criminal case should not be prejudiced**. Therefore, what is required to be seen is whether the departmental enquiry would

seriously prejudice the delinquent in his defence at the trial in a criminal case. However, after filing of reply /written statement to the charges, no question of prejudice arises.

2. There would be no bar to proceed simultaneously with departmental enquiry and trial of a criminal case unless the charges in the criminal trial are of grave nature involving complicated questions of fact and law. Not only **the charges must be grave but the case must involve complicated questions of law and fact.**
3. Staying of disciplinary proceedings pending criminal proceedings **should not be a matter of course but a considered decision.** Even if stayed at one stage, the decision may require reconsideration if the criminal case gets unduly delayed.

Keeping in view the above-mentioned position, it is hereby clarified that the above- mentioned principles enunciated by the Supreme Court of India and all the relevant factors, for and against, should be properly weighed by the concerned authority in each specific case before taking a decision as to whether or not a departmental enquiry should be stayed. The final decision in each case will have to be taken by the concerned competent authority.

These instructions are being issued in suppression of the Department's Circular of even No. Dated April 10,2001, and all other previous instructions on this subject. In case any departmental enquiry has been stayed in compliance of the instructions contained in this department's Circular of even No. dated April 10,2001, the same may be reviewed by the competent authority keeping in view the instructions contained in this Circular. Periodical monitoring of all departmental enquiries stayed by the competent authorities on the ground must be done.

These instructions may be brought to the notice of all concerned for ensuring compliance.

(Ashok Sampatram)  
Secretary to Government

राजस्थान सरकार  
कार्मिक (क-3) विभाग

क्रमांक प.4(6)कार्मिक/क-3/78

दिनांक :- 3.3.2001

समस्त प्रमुख शासन सचिव/शासन सचिव  
समस्त विभागाध्यक्ष

## परिपत्र

**विषय :-** सेवानिवृत्त व सेवानिवृत्त होने वाले राजसेवकों के विरुद्ध अविलम्ब अनुशासनात्मक कार्यवाही सम्पादित करने तथा विलम्ब के लिये उत्तरदायित्व निर्धारित करने हेतु

राज्य सरकार के सेवानिवृत्त एवं सेवानिवृत्त होने वाले कर्मचारियों/अधिकारियों के विरुद्ध अनुशासनात्मक कार्यवाही अविलम्ब तथा प्राथमिकता के आधार पर सम्पादित करने के संबंध में राज्य सरकार द्वारा समय-समय पर दिशा निर्देश जारी किये गये हैं। परिपत्र दिनांक 30.4.99 तथा 16.6.2000 में विस्तृत रूप से दिशा-निर्देश दिये गये हैं। राज्य सरकार के ध्यान में इस प्रकार के मामले आये हैं जिनमें कार्मिक विभाग द्वारा जारी दिशा-निर्देशों के अनुरूप कार्यवाही नहीं की गई है तथा सेवानिवृत्त व सेवानिवृत्त होने वाले राजसेवकों के विरुद्ध अनुशासनिक कार्यवाही यथासमय प्रस्तावित नहीं करने के कारण आरोप पत्र जारी नहीं किये जा सके। इस प्रकार के प्रकरणों में विलम्ब के कारण अनावश्यक रूप से जटिलताएं पैदा होती हैं तथा कुछ मामलों में तो जाँच कार्यवाही ही सम्भव नहीं हो पाती है। राज्य सरकार ने ऐसे मामलों में हुए विलम्ब को गम्भीरता से लिया है।

राजसेवकों के सेवानिवृत्त हो जाने की स्थिति में उसके विरुद्ध किसी वित्तीय हानि व गम्भीर दुराचरण एवं लापरवाही के मामलों में कार्यवाही करने के संबंध में आपका ध्यान राजस्थान सिविल सेवा (पेंशन) नियम 1996 के नियम 7 (2) (ख) (11) की ओर आकर्षित किया जाता है जो निम्न प्रकार है:-

“7 (2) (ख) यदि विभागीय कार्यवाही, जब सरकारी कर्मचारी उसकी सेवानिवृत्ति के पूर्व या उसके पुनर्नियोजन के दौरान सेवा में था, संस्थित नहीं की गयी हो, तो वह

(11) ऐसी किसी घटना के संबंध में नहीं होगी जो उस कार्यवाही को करने से चार से अधिक वर्ष पहले हुई हो।”

इस प्रकार नियमों की उपरोक्त स्थिति के अनुसार यदि जाँच प्रारम्भ करते समय घटना को घटित हुए 4 वर्ष से अधिक का समय नहीं हुआ हो तो महामहिम राज्यपाल महोदय का अनुमोदन प्राप्त करके तत्काल जाँच कार्यवाही के प्रस्ताव कार्मिक विभाग को प्रस्तुत किये जाने चाहिये क्योंकि ऐसे प्रकरणों में निर्धारित 4 वर्ष की अवधि में ही आरोप पत्र प्रसारित किया जाना आवश्यक होता है। कुछ प्रकरणों में देखने में आया है कि घटनाक्रम से उक्त 4 वर्ष की अवधि के अंदर अंदर जाँच कार्यवाही नहीं की जाती है। अतः यह सुनिश्चित किया जाना जरूरी है कि ऐसे मामलों में जाँच कार्यवाही का प्रस्ताव भेजने में किसी भी प्रकार का विलम्ब नहीं हो।

सेवानिवृत्त होने वाले राजकर्मियों के संबंध में उक्त पेंशन नियम 1996 के नियम 78 तथा उसके नीचे उद्धृत राजस्थान सरकार के निर्णय के अनुसार प्रतिवर्ष 1 जनवरी व 1 जुलाई को आगामी एक वर्ष में सेवानिवृत्त होने वाले कर्मचारियों की लिस्ट तैयार कर पेंशन के लिये संबंधित विभाग को सूचित करते हुए प्रकरण निदेशक पेंशन विभाग को भेजा जाना होता है जिसमें यदि कोई जॉच विचाराधीन है तो उसका भी उल्लेखित करना आवश्यक होता है। इसी क्रम में नियमों की उक्त स्थिति के संदर्भ में सेवानिवृत्ति के प्रसारित आदेश में यही भी निर्देश आवश्यक रूप से अंकित करना सुनिश्चित किया जाये कि संबंधित प्राधिकारी को आगामी वर्ष में सेवानिवृत्त होने वाले राजसेवकों के विरुद्ध लम्बित प्राथमिक जॉच तथा अनुशासनिक कार्यवाही के प्रस्ताव, सम्पूर्ण सूचनाएं अभिलेख एकत्रित कर, संबंधित राजसेवक को कम से कम 9 माह पूर्व आरोप पत्रादि को अंतिम रूप देकर प्रसारित करवा देना चाहिये। अतः पेंशन के प्रकरण तैयार करने हेतु आगामी 1 वर्ष में सेवानिवृत्त होने वाले कर्मियों की सूची बनाने के साथ-साथ यह सुनिश्चित कर लेना चाहिये कि कोई विभागीय जॉच/प्राथमिक जॉच के प्रस्ताव लम्बित तो नहीं है जिसमें आरोप पत्रादि जारी किये जाने हैं। इन प्रस्तावों को तत्काल अंतिम रूप देकर उसी समय आरोप पत्रादि कार्मिक विभाग को भेजे जाने की कार्यवाही की जाये। राज्य सरकार इस स्थिति को भी गम्भीर मानती है कि यथा समय कार्यवाही न कर सेवानिवृत्ति से कुछ समय पूर्व अथवा सेवानिवृत्ति के दिन ही आरोप पत्र प्रसारित करने की कार्यवाही की जाती है।

इसके अतिरिक्त राज्य सरकार के ध्यान में ऐसे अनेक प्रकरण भी आये हैं जिनमें पूर्वकाल की घटना के लिये विभागीय जॉच कार्यवाही अनेक वर्षों के उपरांत प्रस्तावित की जाती है जबकि घटना को घटित हुए 10-12 वर्ष और उससे भी अधिक समय हो गया होता है। वर्तमान में न्यायालयों का रुख इस बिन्दु के प्रति अति कठोर है और विलम्ब से विभागीय जॉच कार्यवाहियां प्रस्तावित करने के लिये यदि न्यायोचित एवं संतोषप्रद कारण उपलब्ध नहीं हैं तो सम्पूर्ण विभागीय जॉच कार्यवाही को इसी आधार पर न्यायालय निरस्त करते रहे हैं। अतः प्रथमतः अनियमितताओं की जैसे ही सूचना प्राप्त हो, बिना किसी विलम्ब के अनुशासनात्मक कार्यवाही प्रस्तावित की जावे। द्वितीय, जिन प्रकरणों में विलम्ब से कार्यवाही प्रस्तावित की जाती है उनके संदर्भ में न्यायोचित एवं संतोषप्रद कारणों का उल्लेख किया जाना आवश्यक होगा।

अतः समस्त संबंधितों को व्यादिष्ट किया जाता है कि सेवानिवृत्त होने वाले राजसेवकों के विरुद्ध उनके द्वारा कारित अनियमितताएं एवं दुराचरण इत्यादि के लिये उनकी सेवानिवृत्ति के 9 माह पूर्व तथा सेवानिवृत्त राजसेवकों के मामलों में घटनाक्रम से उक्तानुसार 4 वर्ष की निर्धारित अवधि के अंदर अंदर ही प्राथमिक जॉच कार्यवाहियां सम्पादित करवाकर विभागीय जॉच कार्यवाही आवश्यक रूप से प्रारम्भ करवा देनी चाहिये। जो अधिकारी/कर्मचारी सेवानिवृत्त अथवा सेवानिवृत्त होने वाले दोषी राजसेवकों के विरुद्ध यथासमय प्रारम्भिक जॉच कार्यवाही प्रारम्भ करके अनुशासनिक कार्यवाही प्रस्तावित नहीं करते हैं, उन अधिकारी/कर्मचारी के विरुद्ध तत्काल प्रभावी कार्यवाही करके उत्तरदायित्व निर्धारण किया जावे एवं उनके विरुद्ध भी नियमानुसार अनुशासनिक कार्यवाही की जाय।

कृपया अनुशासनिक कार्यवाही के प्रकरणों में कार्मिक विभाग के दिशा-निर्देशों की कठोरता से पालना सुनिश्चित करे।

**(अशोक सम्पतराम)**  
शासन सचिव, कार्मिक



राजस्थान सरकार  
कार्मिक (क-3 जांच) विभाग

क्रमांक प.10(6)कार्मिक/क-3/79

जयपुर दिनांक :- 16 फरवरी 2001

परिपत्र

1. समस्त प्रमुख शासन सचिव/शासन सचिव/विशिष्ट शासन सचिव
2. समस्त विभागाध्यक्ष (जिला कलेक्टर सहित)

**विषय :-** विभागीय जाँचों को शीघ्र एवं प्रभावी तरीके से निपटारे को क्रम में।

1. राज्य सेवकों के विरुद्ध विभागीय जाँच की कार्यवाही का समयबद्ध तरीके से निस्तारण होना आवश्यक है। इस संबंध में समय-समय पर इस विभाग द्वारा परिपत्र जारी किये गये हैं लेकिन उक्त परिपत्रों की पालना प्रभावी ढंग से नहीं होने के परिणामस्वरूप जाँच कार्य में विलंब होता है। अनेक प्रकरणों में आरोप पत्र जारी करने में ही काफी समय लग जाता है जिसका मुख्य कारण अपूर्ण या अस्पष्ट आरोप होना या आरोप से संबंधित अभिलेख प्रशासनिक विभाग द्वारा साथ में नहीं भिजवाना है।
2. कई प्रकरणों में अनुशासनिक कार्यवाही के प्रस्ताव भेजने से पूर्व प्रशासनिक विभाग द्वारा प्राथमिक जाँच कराई जाती है। प्राथमिक जाँच के आधार पर आरोप पत्र तैयार कर भेजा जाता है लेकिन यह देखने में आया है कि प्राथमिक जाँच प्रतिवेदन के संबंध में अपचारी अधिकारी को स्थिति स्पष्ट करने का अवसर प्रदान नहीं किया जाता है जिसके परिणामस्वरूप कुछ ऐसे आरोप भी कायम हो जाते हैं जो अपचार अधिकारी द्वारा स्थिति स्पष्ट करने पर निरस्त करने पड़ते हैं या फिर उनको संशोधित करना पड़ता है। उपरोक्त स्थिति को देखते हुए निर्देश प्रसारित किये जाते हैं कि प्राथमिक जाँच के आधार पर आरोप पत्र प्रस्तावित करने से पहले संबंधित अपचारी अधिकारी को प्राथमिक जाँच प्रतिवेदन के निष्कर्षों पर उचित समयावधि में स्थिति स्पष्ट करने का अवसर दिया जाना चाहिये तथा अपचारी अधिकारी द्वारा रखे गये पक्ष पर विचार करते हुए आरोपों को अंतिम रूप दिया जाना चाहिये।
3. विभाग द्वारा यह भी निर्णय लिया गया है कि भविष्य में विभागीय जाँच हेतु प्रस्ताव कार्मिक विभाग को भेजते समय आरोप को विखण्डित कर, वे तथ्य अलग-अलग बताये, जिनके सिद्ध होने पर आरोप सिद्ध होते हैं और इन तथ्यों को जिस साक्ष्य से प्रमाणित किया जाना है, उसका भी उल्लेख किया जाए। इस तथ्य के संबंध में अपचारी अधिकारी का क्या कथन है, यह भी बताया जाए तथा यह भी अंकन किया जाए कि अपचारी अधिकारी द्वारा दिये गये स्पष्टीकरण से असहमति होने के क्या कारण हैं? इस संबंध में निम्न प्रपत्र में एक चार्ट बनाकर भी भेजना सुनिश्चित किया जाए :-

| आरोप संख्या | आरोप का भाग | अपचारी अधिकारी का आरोप के इस भाग के बारे में कथन | अपचारी अधिकारी से असहमत होने के कारण | अभिलेख का विवरण जिससे आरोप का यह भाग सिद्ध होता है | आरोप के इस विभाग को सिद्ध करने वाले गवाह का नाम |
|-------------|-------------|--|--------------------------------------|--|---|
| 1           | 2           | 3  | 4                                    | 5  | 6   |

उक्त निर्देशों को सभी अधिनस्थ अधिकारीगण के ध्यान में लाया जाकर भविष्य में भिजवाये जाने वाले समस्त विभागीय जॉच के प्रस्तावों के संबंध में उक्त निर्देशों की पालना सुनिश्चित की जाए।

**(अशोक सम्पतराम)**  
शासन सचिव, कार्मिक