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No.C 11011/1/2004/DPAR/SSI(3)
GOVERNMENT OF PONDICHERRY
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL WING)

Pondicherry, dt. 17.02.2005

I. D. NOTE / MEMORANDUM

Sub: Suspension of Government servants – Review of –
Instructions – Regarding.

Ref: (1) Notification No.11012/4/2003-Estt.(A) dated 23.12.2003
of the Government of India, Ministry of Personnel, Public
Grievances and Pensions (Dept. of Personnel & Training),
New Delhi.

(2) Office Memorandum No.11012/4/2003-Estt.(A) dated
7.1.2004 of the Government of India, Ministry of Personnel,
Public Grievances & Pensions (Dept. of Personnel &
Training), New Delhi.


A copy each of the Notification and Office Memorandum read above received from the Ministry of Personnel, Public Grievances and Pensions (Dept. of Personnel & Training), New Delhi is communicated herewith.

2. As per the amendment communicated in the Office Memorandum read above, an order of suspension made or deemed to have been made under sub rules (1) or (2) or rule 10 of CCS (CCA) Rules, 1965 shall not be valid after 90 days unless it is extended after review for a further period before the expiry of 90 days. The Govt. of India have therefore made it necessary to constitute Review Committee(s) to review the suspension cases. It is, therefore, considered necessary to constitute Review Committee(s) to review the suspension cases in respect of Group C & D Govt. servants working in the U.T. of Pondicherry.

3. All Secretariat Departments are requested to constitute a Review Committee in respect of Group C & D employees working in the respective Department / Office under their charge consisting of (1) Disciplinary Authority (2) Appellate Authority and (3) Another Officer of the level of Disciplinary Authority / Appellate Authority immediately with the prior clearance of the Department of Personnel & Administrative Reforms (Personnel Wing), Pondicherry.

4. A compliance report on this issue should be sent to this Department on or before 31.03.2005.

/By Order/


M. DASARATHAN,
UNDER SECRETARY TO GOVERNMENT

To

All Secretariat Departments.

Copy to:

1. All Heads of Departments / Offices.
2. The Regional Administrator, Karaikal / Mahe / Yanam.
3. Stock file /CRB.

Copy of Office Memorandum No.11012/4/2003-Estt. (A) dated 7.1.2004 and Notification dated 23.12.2003 of the Govt. of India, Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), New Delhi.

OFFICE MEMORANDUM

Subj: Suspension of Government servants – Review of – Instructions reg.

The undersigned is directed to say that Rule 10 (Suspension) of the CCS (CCA) Rules, 1965 is being amended to provide that an order of suspension made or deemed to have been made under this Rule shall be reviewed by the competent authority on recommendation of the Review Committee constituted for the purpose. It is also being provided in the Rules that an order of suspension made or deemed to have been under sub-Rules (1) or (2) of rule 10 shall not be valid after 90 days unless it is extended after review for a further period before the expiry of 90 days. It is further being provided that extension of suspension shall not be for a period exceeding 180 days at a time (copy of the Notification is enclosed).

2. It is, therefore, necessary to constitute Review Committee(s) to review the suspension cases. The composition of Review Committee(s) may be as follows:-

- (i) The disciplinary authority, the appellate authority and another officer of the level of disciplinary/appellate authority from the same office or from another Central Government office (in case another officer of same level is not available in the same office), in a case where the President is not the disciplinary authority or the appellate authority.
- (ii) The disciplinary authority and two officers of the level of Secretary/Addl. Secretary/Joint Secretary who are equivalent or higher in rank than the disciplinary authority from the same office or from another Central Government office (in case another officer of same level is not available in the same office), in a case where the appellate authority is the President.
- (iii) Three officers of the level of Secretary/Addl. Secretary/Joint Secretary who are higher in rank than the suspended official from the same Department/Office or from another Central Government Department/Office (in case another officer of same level is not available in the same office), in a case where the disciplinary authority is the President.

The administrative ministry/department/office concerned may constitute the review committees as indicated above on a permanent basis or ad-hoc basis.

3. The Review Committee(s) may take a view regarding revocation/continuation of the suspension keeping in view the facts and circumstances of the case and also taking into account that unduly long suspension, while putting the employee concerned to undue hardship, involve payment of subsistence allowance without the employee performing any useful service to the Government. Without prejudice to the foregoing, if the officer has been under suspension for one year without any charges being filed in a court of law or no charge-memo has been issued in a departmental enquiry, he shall ordinarily be reinstated in service without prejudice to the case against him. However, in case the officer is in police/judicial custody or is accused of a serious crime or a matter involving national security, the Review Committee may recommend the continuation of the suspension of the official concerned.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India.

5. All Ministries/Departments are requested to bring the above instructions to the notice of all disciplinary authorities under their control and ensure that necessary Review Committees are constituted accordingly. It may also be impressed upon all concerned that lapsing of any suspension order on account of failure to review the same will be viewed seriously.

Sd/-
(Smt. Pratibha Mohan)
Director (E-II)

NOTIFICATION

G.S.R.....In exercise of the powers conferred by the proviso to Article 309 and clause (5) of Article 146 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely:-

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 2003.

(2) They shall come into force on the expiry of ninety days from the date of their publication in the Official Gazette.

2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1965. in rule 10, after sub-rule 5, the following sub-rules shall be inserted, namely:

"(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eight days at a time.

(7) Notwithstanding anything contained in sub-rule 5, an order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period ninety days unless it is extended after review, for a further period before the expiry of ninety days".


Sd/-
(Smt. Pratibha Mohan)
Director

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/ AUTHORISED FOR ISSUE /


P. JANARTHANA RAO
SUPERINTENDENT GRADE - I