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NOTIFICATIONS BY GOVERNMENT

CONTENTS

Pages.

PUBLIC DEPARTMENT (Special A)

All India Services (Discipline and Appeal) Amendment Rules, 2009 124-126

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PUBLIC DEPARTMENT
(Special A)

All India Services (Discipline and Appeal) Amendment Rules, 2009.

[G.O. Ms. No. 1163, Public (Special.A), 23rd November 2009, Karthigai-7, Thiruvalluvar Aandu-2040.]

No. SRO A-42/2009.—The following Notifications of Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, is republished:—

“G.S.R.....(E).—In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the State Governments concerned, hereby makes the following rules further to amend the All India Services (Discipline and Appeal) Rules, 1969, namely:—

1. (1) These rules may be called the All India Services (Discipline and Appeal) Amendment Rules, 2009.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the All India Services (Discipline and Appeal) Rules, 1969 (hereinafter referred to as the said rules), in rule 3,—

(a) in sub-rule (1), in clause (b), after the first proviso, for the second and the third proviso, the following provisos shall be substituted, namely:—

“Provided further that the Chief Secretary, Director General of Police and the Principal Chief Conservator of Forests, who are the heads of the respective Services, shall not be placed under suspension without obtaining prior approval of the Central Government:

Provided also that, where a State Government passes an Order placing under suspension a member of the Service against whom disciplinary proceedings are contemplated, such an order shall not be valid unless, before the expiry of a period of forty-five days from the date from which the member is placed under suspension, or such further period not exceeding forty-five days as may be specified by the Central Government for reasons to be recorded in writing, either disciplinary proceedings are initiated against him or the order of suspension is confirmed by the Central Government.”;

(b) after sub-rule (1A), the following sub-rules shall be inserted, namely:—

“(1B) The period of suspension of a member of the Service on charges other than corruption shall not exceed one year and the inquiry shall be completed and appropriate order shall be issued within one year from the date of suspension failing which the suspension order shall automatically stand revoked:

Provided that the suspension can be continued beyond one year only on the recommendations of the Central Ministry’s Review Committee:

Provided further that the period during which the disciplinary proceedings remain stayed due to orders of a Court of Law, shall be excluded from this limit of one year.

(1C) The period of suspension of a member of the Service on Charges of corruption shall not exceed two years and the inquiry shall be completed and appropriate order shall be issued within two years from the date of suspension failing which the suspension order shall automatically stand revoked:

Provided that the suspension can be continued beyond two years only on the recommendations of the Central Ministry’s Review Committee:

Provided further that the period during which the disciplinary proceedings remain stayed due to Orders of a Court of Law, shall be excluded from this limit of two years.

(1D) The composition and functions of the Central Ministry’s Review Committee and the procedure to be followed by them shall be as specified in Schedule 2 annexed to these rules.”;

(c) in sub-rule (8), in clause (c), for the word “Schedule” the word “Schedule 1” shall be substituted.

(d) in sub-rule (8), in clause (d), for the words bracket and figure “under sub-rule (1)”, the words “under this rule” shall be substituted.

3. In The Schedule to the said rules shall be numbered as Schedule 1 and after Schedule 1, as so numbered, the following Schedule shall be inserted, namely:—

"SCHEDULE 2

[See rule 3 sub-rule (1B), (1C) and (1D)]

1. Composition of the Review Committees:— The Central Ministry's Review Committee constituted by the Central Government shall consist of—

- | | | |
|---|----|-------------|
| (i) Secretary to the Government of India in the concerned Ministry/Department | .. | Chairperson |
| (ii) Additional Secretary/Joint Secretary in charge of Administration in the concerned Ministry | .. | Member |
| (iii) Any other Additional Secretary / Joint Secretary in the concerned Ministry/Department | .. | Member |

Note: The Committee may, if considered necessary, co-opt an officer of the Department of Personnel and Training with the approval of Secretary (Personnel), Ministry of Personnel, Public Grievances and Pensions.

2. **Functions.**—On a reference being made by the Government that has ordered the suspension seeking extension beyond the period stipulated, the Central Ministry's Review Committee shall review the cases of officers under suspension on charges other than corruption in order to determine whether there are sufficient grounds for continuation of suspension beyond the period of one year and review the cases of officers under suspension on charges of corruption in order to determine whether there are sufficient grounds for continuation of suspension beyond the period of two years.

3. **Procedure.**—(a) The Central Ministry's Review Committee while assessing the justification for further continuation of any suspension beyond the period of one year, where the member of the Service is placed on suspension on charges other than corruption, shall look into the progress of any enquiry or investigation against the member of the Service by obtaining relevant information from the authorities enquiring or investigating into the charges;

(b) The Central Ministry's Review Committee while assessing the justification for further continuation of any suspension beyond the period of two years, where the member of the Service is placed on suspension on charges of corruption, shall look into the progress of any enquiry or investigation against the member of the Service by obtaining relevant information from the authorities enquiring or investigating into the charges;

(c) The Central Ministry's Review Committee shall satisfy itself that the delay has occurred for reasons beyond the control of the disciplinary authority and reinstatement of the officer may result in his tampering with the evidence or otherwise influencing the process of enquiry or investigation;

(d) The Central Ministry's Review Committee shall submit a detailed report to the Central Government, clearly stating its recommendations and the reasons for arriving at the conclusions relating to the continuance of suspension."

[F.No. 11018/3/2004-AIS-III]

HARJOT KAUR,
Director (Services).

Note: The principal rules were published *vide* Notification No. 7/15/63-AIS (II), dated the 20th March, 1969 and subsequently amended as under:

- (i) Notification No. 12/2/69-AIS (III), dated the 13th April 1971 G.S.R No. 588, dated the 24th April 1971
- (ii) Notification No. 13/4/71-AIS(III), dated the 11th January 1972
- (iii) Notification No. 31/7/72-AIS(III), dated the 22nd May 1972
- (iv) Notification No. 6/9/72-AIS(III), dated the 5th July 1975 G.S.R.No.872, dated the 19th July 1975
- (v) Notification No. 6/9/73-AIS(III), dated the 26th July 1975 G.S.R No.985, dated the 9th August 1975
- (vi) Notification No. 6/5/74-AIS(III), dated the 28th July 1975 G.S.R No.988, dated 9th August 1975
- (vii) Notification No. 11018/4/76-AIS(III), dated the 25th February 1977 G.S.R No.358, dated the 19th March 1977
- (viii) Notification No. 11018/12/76/-AIS(III), dated the 12th July 1977 G.S.R No. 983, dated the 30th July 1977
- (ix) Notification No. 11018/12/77-AIS(III), dated the 31st May 1978 G.S.R No. 753, dated the 17th June 1978.

- (x) Notification No. 11018/6/78-AIS(III), dated the 16th November 1978 G.S.R. No.1415, dated the 2nd December 1978
- (xi) Notification No. 11018/13/78-AIS(III), dated the 4th January 1979
- (xii) Notification No. 11018/11/78-AIS(III), dated the 16th June 1979
- (xiii) Notification No. 11018/7/79-AIS(III), dated the 11th November 1980 G.S.R. No. 1220, dated the 29th November 1980
- (xiv) Notification No. 11018/15/78-AIS(III), dated the 13th October 1981 G.S.R No. 959, dated the 31st October 1981
- (xv) Notification No. 28013/2/78-AIS(III), dated the 12th January 1982 G.S.R No. 92, dated the 31st January 1982
- (xvi) Notification No. 11018/18/81-AIS(III), dated the 3rd August 1983 G.S.R No. 612, dated the 20th August 1983
- (xvii) Notification No. 11018/19/81-AIS(III), dated the 3rd February 1984 G.S.R No. 162, dated the 18th February 1984
- (xviii) Notification No. 11018/2/87-AIS(III), dated the 9th February 1988
- (xix) Notification No. 11018/7/87-AIS(III), dated the 26th February 1988
- (xx) Notification No. 11018/3/97-AIS(III), dated the 13th July 1998 G.S.R No. 130, dated the 25th July 1998
- (xxi) Notification No. 11018/1/98-AIS(III), dated the 25th August 1998 G.S.R No. 177, dated the 12th September 1998
- (xxii) Notification No. 11018/3/98-AIS(III), dated the 1st June 2000 G.S.R No. 212, dated the 17th June 2000
- (xxiii) Notification No. 11018/5/2000-AIS(III), dated the 4th April 2002 G.S.R No. 118, dated the 13th April 2002.
- (xxiv) Notification No. 11018/1/2002-AIS(III), dated the 26th June 2003 G.S.R No. 249, dated the 12th July 2003.

HARJOT KAUR,
Director (Services).

K.S. SRIPATHI,
Chief Secretary.