

RAJASTHAN CIVIL SERVICES (CCA) RULES, 1958

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Need for discipline & control



- (i) Need for discipline & control is essential element in every organisation to ensure success.
- (ii) to follow a well defined **procedure** before any action,
However, before taking recourse to formal proceedings under these rules, the following **Informal Methods of Discipline** be used :-
 - (a) Re-assignment to less desirable work,
 - (b) Closer supervision,
 - (c) Loss of privileges,
 - (d) Failure to invite for consultations on matters,
 - (e) Giving less weight to his suggestions...etc
- (iii) **These rules have been framed under Proviso to Article 309 to safeguard Fundamental Rights(Art. 19) and to provide reasonable opportunity after giving information under Article 311 of the Constitution,**

CCA Rules



Commencement 11-12-1958

Total Chapters -8

I- General

II-Classification

III-Appointing Authorities

IV-Suspension

V-Discipline

VI-Appeals

VII-Revision & Review

VIII-Misc. & Transitory

Total Rules - 37

SITUATIONS WHICH MAY REQUIRE DISCIPLINARY ACTION



Follow a well defined **procedure** before any action is taken against an employee due to-

- i) **In-attention to duty, tardiness, carelessness etc.,**
- ii) **Breakage or loss of property,**
- iii) **Inefficiency,**
- iv) **Insubordination,**
- v) **Violation of law or rules and regulations or deliberately neglecting to enforce the law,**
- vi) **Misconduct,**
- vii) **Misappropriation of public property.**
- viii) **Immorality,**
- ix) **Lack of integrity including violation of a recognized code of ethics or the breach of conduct rules etc.**
- x) **Taking part in active politics and membership of a subversive group.**

The list is not exhaustive.

General

CH.I



Definitions (R-2) :

- | | |
|-----------------------------|------------------------|
| i. Appointing Authority | ii. Commission |
| iii. Disciplinary Authority | iv. Gazette |
| v. Government | vi. Government Servant |
| vii. HOD | viii. HOO |
| ix. Schedule | x. Service |

Jurisdiction (R-3) : All Government servants except :

- | | |
|------------------------|-------------------------------------|
| i. Deputationists | ii. Industrial workers |
| iii. High court judges | iv. Court employees |
| v. RPSC | vi. Special provisions in other law |
| vii. Casual employees | viii. AIS members |

*** All doubts to be referred to DOP**



Classification (Rule-6) :

i. State Services (Rule-7)

ii. Subordinate Services (Rule-8)

iii. Ministerial Services (Rule-9)

iv. Class IV Services (Rule-10)



preliminary enquiry

Essential requirements of preliminary enquiry:-

- i) Preliminary Enquiry Officer must be superior to the person complained against.
- ii) The complainants must be contacted, examined and their statements got signed by them.
- iii) No oath be administered to the witnesses.
- iv) The person complained against need not be associated with the enquiry at this stage.
- v) PE should be conducted on the spot, as far as possible.
- vi) If certain allegations appear prima facie correct, all documents may be taken in custody & report be sent to appointing authority.
- vii) In respect of each allegation, a list of witnesses and documents on which to rely , should be prepared and sent to the disciplinary authority.



Suspension :

- i. Power** : Appointing or higher Authority or empowered authority
 - ii. Grounds** : Contemplated/pending disciplinary proceeding, criminal case under investigation/trial
- *If suspension by lower authority, confirmation by competent authority is must.**



Payment for the period of suspension

Subsistence allowance admissible under rules applicable to him (Rule 53 R.S.R. i.e. **half salary**).

After the expiry of the period of six months from the date of suspension, the subsistence allowance may be increased or decreased by 50%.

Regularly attendance in the office unless it is not so desired by the competent authority.



Other privileges under suspension

(a) Travelling Allowance :-- to attend the departmental enquiry against him , for journey on tour from his headquarter/ permitted residence (whichever is less) to the place where departmental enquiry is held;

No TA will be admissible if the enquiry is held at the out-station at his own request.

His TA will be regulated by the category to which he belonged prior to his suspension.



(b) Headquarters :- A Suspended G.S. is required to remain at his headquarter. He can leave headquarter after obtaining permission from the competent authority.

If a Suspended G.S. leaves headquarter without prior permission, it is wrong to stop payment of subsistence allowance.

But the competent authority may initiate another enquiry on this account.

(c) Leave :--Leave may not be granted to Suspended G.S. . He may be allowed to leave headquarter by competent authority, looking to the stage of the enquiry.

(d) House Rent Allowance :-- Suspended G.S. is eligible to draw the same house rent allowance which he was drawing prior to being placed under suspension.

(e) Medical Attendance :-- Suspended G.S. is entitled to the same benefit which he was entitled before suspension.



Reinstatement

When a Suspended G.S. is reinstated, the authority competent to order reinstatement should invariably state in his order how the period of suspension is to be treated and what pay and allowances are to be given for such period.

If the government servant is fully exonerated, he is entitled to get full pay and dearness allowance.

In case he is not fully exonerated, he may be sanctioned such proportion of pay and allowances as the competent authority may prescribe.

Discipline

Ch. V



Nature of penalties (R-14) :

- i. Minor –** (1) Censure, (2) withholding up to 3 AGI's without cumulative effect or promotion and ,(3) recovery of the pecuniary loss (whole or part) caused to govt.
- ii. Major –**
 1. Reduction to lower services/grade/post/lower scale/lower stage in same scale/ lower pension amount
 2. Compulsory retirement on proportionate pension
 3. Removal from services which **shall not be disqualification** for future employment.
 4. Dismissal from services which **shall be disqualification** for future employment.

Note:- Withholding AGI with cumulative effect or more than 3 AGI's without cumulative effect, withholding promotion, the procedure for imposing major penalty be adopted.

Disciplinary Authorities (R-15) :

- i. State Service - Government Or authorities specially empowered.**
- ii. Subordinate - HOD**
- iii. Ministerial - HOD Or authorities specially empowered.**
- iv. Class IV - HOO**

Or authorities specially empowered.



3. Procedure for imposing Major penalties (Rule-16) :

In the office of Disciplinary Officer:-

- i. Framing definite **charges**, together with **statement of allegations**.
- ii. **Communicating** to the Government servant.
- iii. Requiring him to submit **written statement by G.S.**
- iv. **Hearing** in person.
- v. **Inspection of relevant official records by Delinquent Officer** and taking extracts from it.
- vi. Appointment of Enquiry Officer./Presenting Officer. (**No advocate in defence**).

In the office of Enquiry Officer:-

Enquiry proceedings-

- Acceptance/Denial,
- Evidence of prosecution,
- Evidence of defence,
- Written arguments,
- Report drafting.
- **Submission of Enquiry Report.**

Procedure for imposing Major penalties (Rule-16) cont.

In the office of Disciplinary Officer:-

- i Remand of Enquiry, if necessary.**
- ii Forwarding of enquiry report or disagreement note to D. O. for his representation.**
- iii Charge wise findings of Disciplinary authority.**
- iv Consultation with RPSC.**
- v Approval of Governor.**
- vi Passing of order.**
- vii One case one penalty rule.**



4. Procedure for imposing minor penalties (R-17)

- i. Conveying the charge sheet.
- ii. Enquiry not mandatory.
- iii. Representation of **Delinquent Officer** .
- iv. Personal hearing.
- v. Charge wise finding of disciplinary Authority.
- vi. Speaking order imposing penalties.

• Necessary Precautions for imposing minor penalties

- (i) The letter calling the explanation of the delinquent should indicate the proposed penalty (A.I.R. 1966 Rajasthan 55).
- (ii) The letter calling the explanation should be signed by the disciplinary authority and none else.
- (iii) At least 15 days time should be given for making representation against the letter of explanation.
- (iv) The letter calling the explanation should be delivered to the delinquent either personally and his dated signatures obtained or it should be sent by Registered A.D. post.

5. **Joint Enquiry (R-18) : Order of joint enquiry by authority competent to dismiss all such govt. servants,**



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- 6. **Special procedure when holding enquiry not mandatory (Rule-19)**
 - i. Conviction on criminal charge,
 - ii. To follow procedure is not reasonably practical,
 - iii. Interest of state security involved:-
 - Holding enquiry not mandatory,
 - RPSC consultation must, if provided.
- 7. **Borrowing Authority vs. lending authority (State service) (Rule-19A) :**
- 8. **Borrowing Authority vs. lending authority (Other service) (Rule-19B) :**
- 9. **Communication of orders to appellate Authority (Rule-20)**
- 10. **Borrowing Authority vs. lending authority (Other service) (Rule-19B) :**
- 11. **Communication of orders to appellate Authority (Rule-20)**

Appeals Ch. VI



- **Appeal** affords **an opportunity** to the appellate or reviewing authority **to see that (i) rules are being followed and that(ii) arbitrary action or extreme leniency has not been the practice with the disciplinary authorities.**
 - Appeals against orders of suspension are made to the next higher authority (**Rule-22**).
 - **No appeals against Government orders (Rule-21) :**
 - 1. Appeal to next higher authority of disciplinary authority against orders imposing penalty within three months (Rule-23) :**
 - I- Subordinate Service - Administrative Department**
 - II- Ministerial Service - Administrative Department**
 - III -4th Class Service - HOD**
 - IV- State Service - To state Govt. (If penalty is imposed by any subordinate authority)**
- * Consultation with RPSC by State Govt., whenever necessary i.e. where appeal before state govt..



Submission of appeal (Rule-27):-

- (i) Each appeal will **be signed by the person submitting it.**
- (ii) Shall **be addressed to the authority to which the appeal lies.**
- (iii) **Shall contain all material, statements and arguments on which the appellant relies.**
- (iv) Shall **not contain any disrespectful or improper language.**

4. Consideration of appeals (Rule-30) :



Review & Revision

- REVISION AND REVIEW (Rule 32-34)
 - **Case of Subordinate, Ministerial and Class IV Services** The authority to which an appeal lies, may, even if no appeal has been preferred, of its own motion (sou moto) or otherwise call for and examine the record of the case and after making further investigations if necessary, revise the order passed in such a case and after consultation with the Public Service Commission, wherever necessary
 - confirm or set aside the order;
 - reduce or enhance the penalty;
 - remand the case to the authority which made order or to some other authority for such other action as may be considered proper; or
 - pass such order as it may deem fit.
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1. **Suo-motto powers of review (R-32) : Within 6 months**
 2. **Review by State Govt. (Rule-33) : In matters of state service On application/Suo-motto**
 3. **Review by Governor (Rule-34 : Suo-motto or otherwise Within 3 years**
 4. **Clarification of doubts (Rule-36) : By DOP**