

**Copy of D.O.Lr.No.19792/E1/2000-1/dt.30.10.2000 from the Secretary, Public Works Dept., Chennai-9 addressed to Engineer-in-Chief, WRO., and Chief Engineer (General) PWD., Chennai-5.**

**Sub : Public Servants - Allegations held substantiated against Disciplinary action against erring officials - Framing of Charges under TamilNadu Civil Services (Discipline & Appeal) Rules - Instructions.**

After having reviewed the final orders issued during 1999-2000 in respect of the disciplinary cases arisen out of Vigilance enquiry and on the analysis of those cases in the Conference of V.Cs., Vigilance Commissioner has observed that 50% of the case ended up in dropping of charges. It has also been observed, that a tremendous wastage of time is experienced after having resorted to the procedure under Rule 17(b) of TamilNadu Civil Services (Discipline & Appeal) Rules of appointing Enquiry Officer, making him to do the enquiry, getting his reports vetted by the Director of Vigilance & Anti-corruption, getting the Accused Officer's explanation and other procedures prescribed in Business Rules and Secretariat Instructions.

2. Therefore a need has arisen to ensure proper application of mind as to whether the charges may be framed under Rule 17 (a) or 17 (b). It is a fact that instead of adopting 17 (b) procedure and in the end dropping the charges, if only 17 (a) procedure has been adopted it would have simplified the matters immensely. In that case only, a simple explanation could have been called for and the case could have been decided by the disciplinary authority with available evidence. Even under Rule 17 (a), the Disciplinary authority can award the punishment of stoppage of increment upto three years without cumulative effect. Accordingly the punishment persons concerned would have been dropped from being considered for inclusion in the panel for promotion during the course of punishment. Instead of delivering a quick punishment, it has been resorted to the long winded procedure, inflicting unintended misery on the Accused Officer.

3. Therefore, it is necessary to consider and apply mind well to each and every case before deciding whether to frame charges under Rule 17 (b) of TNCS (D & A) Rules. The main factors that would go in favour of framing charges under Rule 17 (b) may follow that, 'Is there prima facie sufficient evidence which is likely to prove the officer guilty of grave charges as one likely to end in any one of the following punishments.

\* (1) Reduction in Ranks (2) Compulsory retirement (3) Removal from service (4) Dismissal from service.

Only if answers to the questions are made in the affirmative the charges may be framed under the Rule 17 (b). In all other cases, it seems fine and proper that the charges may be framed under Rule 17 (a) only.

Kindly take note of the instructions for compliance and guidance.

Receipt of this D.O. Letter may be acknowledged immediately.

Yours sincerely,  
Sd.x. N.P. Gupta  
Secretary, P.W.D.

/True copy/