

CHAPTER II **PERSONNEL POLICIES**

(f) Conduct, Discipline & Appeal Rules

8. DPE/Guidelines/II(f)/8
CCS (CC&A) Rules 1965—Rule 14(8)(a) - Request of a delinquent official for permission to engage a Legal Practitioner to defend his case before the Inquiry Officer

The undersigned is directed to refer to the Department of Personnel and Administrative Reforms O.M. No. 11012/7/83-Estt.(A) dated 23.7.1984 on the above subject (reproduced below).

2. Ministry of Industry etc. are requested to bring the contents of the Office Memorandum of the Department of Personnel and A.R. referred to above to the notice of the public enterprises under their administrative control and advise them to incorporate the above provisions in their relevant CDA rules accordingly.

Copy of O.M. No. 11012/7/83-Estt.(A) dated 23.7.1984 from Department of P.&A.R. regarding CCS (CC&A) Rules, 1965—Rule 14(8)(a)—Request of a delinquent official for permission to engage a Legal Practitioner to defend his case before the Inquiry Officer.

The undersigned is directed to refer to Rule 14(8)(a) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 which provides, inter-alia, that a delinquent Government servant against whom disciplinary proceedings have been instituted as for imposition of a major penalty may not engage a legal practitioner to present the case on his behalf before the Inquiring authority, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, so permits. It is clarified that, when on behalf of the disciplinary authority, the case is being presented by a Prosecuting Officer of the Central Bureau of Investigation or a Government Law Officer (Such as Legal Adviser, Junior Legal Adviser), there are evidently good and sufficient circumstances for the disciplinary authority to exercise his discretion in favour of the delinquent officer and allow him to be represented by a Legal Practitioner. Any exercise of discretion to the contrary in such cases is likely to be held by the court as arbitrary and prejudicial to the defence of the delinquent Government servant.

2. The Ministry of Finance, etc., are requested to bring the contents of the O.M. to the notice of all disciplinary authorities etc.

(BPE No. 15(34)/84-BPE(GM) dated 21st August, 1984)