

CHAPTER-II

PERSONNEL POLICIES

(b) Conduct, Discipline & Appeal Rules

14. Suspension of suspect officials in corruption cases

Please refer to this Bureau's letter of even number dated 1st March, 1985 forwarding therewith copies of the Department of Personnel & Training O.M. Nos. 142/5/84-AVD.I dated 16.2.85 and 43/56/64-AVD dated 22nd October, 1964 on the subject mentioned above. The Department of Personnel & Training has further considered the matter and issued revised instructions vide O.M. No.142/5/84-AVD(I) dated 20th June, 1986. A copy of the same is, therefore, forwarded for information and necessary action.

Copy of DOPT OM No.142/5/84-AVD (I) dated 20th June, 1986 regarding suspension of suspect officials in corruption cases.

The undersigned is directed to refer to Ministry of Home Affairs O.M. No.43/56/64-AVD(I) dated 22nd October, 1964 and this Department's O.M. of even number dated 16th February, 1985 (Copy enclosed) which indicate broadly the circumstances in which the disciplinary authority may consider it appropriate to place a Government Servant under suspension. It has been brought to the notice of this Department that the request of the Central Bureau of Investigation to the Administrative Department for placing under suspension the concerned Government Servant involved in a case of corruption is not being acted upon in some cases inter-alia on the ground that the rules/instructions do not provide for the same. The matter has, therefore, been considered further in this Department and it is clarified that in the following case, there may be adequate justification for placing the concerned government servant under suspension, on the request received from the CBI or otherwise, at the stage indicated against each type of case:

- i. In a case where a trap has been laid to apprehend a government servant while committing an act of corruption (usually receiving illegal gratification) and the Govt. servant has been so apprehended; immediately after the Govt. Servant has been so apprehended.
- ii. In a case where, on conducting a search, it is found that a Govt. Servant is in possession of assets disproportionate to his known sources of income and it appears, *Prima facie* that a charge under section 5(i) (e) of the Prevention of Corruption Act could be laid against him; immediately after the prima facie conclusion has been reached.
- iii. In a case where a charge sheet accusing a Govt. servant of specific acts of corruption of any other offence involving moral turpitude has been filed in a Criminal Court;—immediately after the filing of the charge sheet.
- iv. In a case where, after investigation by the CBI a prima facie case is made out and pursuant thereto Regular Departmental Action for imposition of a major penalty has been instituted against a Govt. Servant and a charge sheet has been served upon him alleging

specific acts of corruption or gross misconduct involving moral turpitude; - immediately after the charge sheet has been served upon the Govt. servant.

2. It is requested that the instructions contained in this O.M. may kindly be brought to the notice of all concerned confidentially for guidance and necessary action. The Ministry of Industry (Bureau of Public Enterprises) and the Banking Division and the Insurance Division of the Department of Economic Affairs may also kindly bring these instructions to the notice of the Public Sector Undertakings, Nationalized Banks and Insurance Corporation/ Companies.

(BPE letter No. 15(7)/85-GM dated 19th September, 1988)
