

Expeditious disposal of
Departmental Inquiry cases
--- Prescribing time-limit
for different stages of a
Departmental Inquiry.

Government of Gujarat
General Administration Department,
Circular No. MTS-1092-1598-Inq. Cell
Sachivalaya, Gandhinagar,
Dated: 25th February, 2011

Read: GAD vernacular Circular No. MTS-1092-1598-Inq. Cell
dated 11.8.2004.

C I R C U L A R

Government has, from time to time, issued instructions for quick and timely disposal of the Departmental Inquiry cases against the Government employees. Vide GAD vernacular Circular No. MTS-1092-1598-Inq. Cell, dated 11.8.2004, time-limit for different stages of a Departmental Inquiry has been indicated. Although such time-limit is the outer-most or the maximum time-limit for each stage of the inquiry and is only indicative, it is found that there is a serious misconception about it. The concerned authorities sometimes carry a perception that they can consume the time-limit indicated against different stages of the Departmental Inquiry, although the case could be cleared much before such time-limit. It has therefore become necessary to modify the GAD vernacular Circular dated 11.8.2004 and issue fresh instructions which would remove such misgivings.

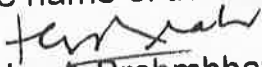
Accordingly, in supersession of the GAD Circular No. MTS-1092-1598-Inq. Cell, dated 11.8.2004, it is hereby clarified that –

- (a) Every Departmental Inquiry case is required to be disposed off most expeditiously by putting it on a fast track;
- (b) No time should be wasted at any stage of the Departmental Inquiry, and top priority should be given to a Departmental Inquiry case;
- (c) There cannot be any fixed time-limit for each stage of a Departmental Inquiry. But with a view to ensuring that the Departmental Inquiry cases do not get inordinately delayed, fixation of some outer-most or maximum time-limit for each of the stages of a Departmental Inquiry may help in keeping

track of the cases and disposing off them as expeditiously as possible. Mentioning of such time-limit for different stages of a Departmental Inquiry is only with a view to emphasizing that in no circumstances the case should take more time than the maximum time-limit indicated against each stage.

Keeping the above objective in view, Government is pleased to instruct all the concerned authorities that the Schedule appended to this Circular should be scrupulously followed, while dealing with the Departmental Inquiry cases against the Government employees.

By order and in the name of the Governor of Gujarat,


(Harsh Brahmhatt)

Joint Secretary to the Govt. of Gujarat,
General Administration Department.

Encl: Appendix

To,

- * The Secretary to the Governor, Raj Bhavan, Gandhinagar,
The Principal Secretary to the Chief Minister,
The Personal Secretary to All Ministers/Ministers of State,
The Deputy Secretary to the Chief Secretary,
- * The Registrar, Gujarat High Court, Ahmedabad,
- * The Secretary, Gujarat Legislature Secretariat, Gandhinagar,
- * The Secretary, Gujarat Civil Services Tribunal, Gandhinagar,
- * The Secretary, Gujarat Public Service Commission, Ahmedabad,
- * The Secretary, Gujarat Vigilance Commission, Sector-10 B,
Gandhinagar,
- * The Secretary, Gujarat subordinate Service Selection Board,
Gandhinagar,
- * The Secretary, Gujarat Panchayat Service Selection Board,
Ahmedabad,
- * The Secretary, Gujarat Information Commission, Gandhinagar,
The Manager, Government Central Press, Gandhinagar,
- With a request to publish this notification in the Gazette Immediately
and to send 10 copies thereof to General Administration Department,
All the Departments of secretariat,
All Heads of Departments - with request to circulate the copy of the
notification to all the Head Of the office under their control
All Officers of General Administration Department,
All Branches of General Administration Department,
The Select File.

* By letter.

Appendix

- I. **For Minor Penalty cases** [i.e. for the cases falling under rule-11 of the Gujarat Civil Services (Discipline & Appeal) Rules, 1971]

Sr. No.	Stage	Time-limit	Remarks
1	Submission of Defence Statement	Preferably within 15 days from the date of receipt of the chargesheet	If for certain justifiable grounds or unavoidable circumstances, this time-limit needs to be extended, the delinquent will make a self-contained request well in advance to the Competent Authority, and after taking into account such request, if the Competent Authority is satisfied, it may extend the time limit by a further period of 15 days.
2	If the delinquent has sought personal audience, then time limit in which the Disciplinary Authority should take decision thereon.	Within a maximum period of 15 days (including completion of the process of grant of personal audience).	-----
3	Decision to be taken on the Defence Statement of the delinquent	Preferably within 15 days	If for certain justifiable grounds or unavoidable circumstances this time limit needs to be extended, the decision may be taken within a further period of 15 days.
4	Wherever the consultation with the Gujarat Public Service Commission is necessary, a formal proposal should be sent to the Commission.	Within a maximum period of one week of the decision about penalty.	-----

P.T.O.

II. **For Major Penalty cases** [i.e. for the cases falling under rules 9 and 10 of the Gujarat Civil Services (Discipline & Appeal) Rules, 1971.]

Sr. No.	Stage	Time-limit	Remarks
1	Submission of Defence Statement	Preferably within 15 days from the date of receipt of the chargesheet	If for certain justifiable grounds or unavoidable circumstances, this-time limit needs to be extended, the delinquent will make a self-contained request well in advance to the Competent Authority, and after taking into account such request, if the Competent Authority is satisfied, it may extend the time limit by a further period of 15 days.
2	Decision of the Competent Authority on the Defence Statement of the delinquent.	Preferably within 15 days (including completion of the process of grant of personal audience, if sought by the delinquent).	If for certain justifiable grounds or unavoidable circumstances this time limit needs to be extended, the decision may be taken within a further period of 15 days.
3	The Inquiring Authority/Board of Inquiry should conduct Departmental Inquiry proceedings as per rules 9 and 10 of the Gujarat Civil Services (Discipline & Appeal) Rules, 1971, and submit the Inquiry Report.	Preferably within three months.	If for certain justifiable grounds or unavoidable circumstances this time cannot be adhered to, the Inquiring Authority may send an interim request to the Competent Authority seeking extension of time limit for submission of the Inquiry Report for a further period of maximum one month.

4	The Competent Authority should take a decision on acceptance / non-acceptance of the Inquiry Report.	Preferably within one month	If for certain justifiable grounds or unavoidable circumstances this time limit needs to be extended, such decision should be taken within a further period of maximum 15 days.
5	The delinquent should submit his final written representation on the contents of the Departmental Inquiry Report (including the observations of the Competent Authority on the contents of the Inquiry Report).	Within a maximum period of one month.	-----
6	The Competent Authority should take a decision on penalty or exoneration after receiving the final written representation on the contents of the Inquiry Report from the delinquent.	Within a maximum period of one month	-----
7	Wherever the consultation of the Gujarat Public Service Commission is necessary, a formal proposal should be sent to the Commission.	Within a maximum period of 15 days of the decision about penalty..	-----

Harsh Brahmbhatt

(Harsh Brahmbhatt)

Joint Secretary to the Govt. of Gujarat,
General Administration Department

