

PENALTIES

TWO TYPES - MINOR AND MAJOR

MAY BE IMPOSED

FOR *GOOD AND SUFFICIENT* REASONS

AFTER FOLLOWING PRESCRIBED PROCEDURE

BY THE AUTHORITIES EMPOWERED TO IMPOSE

QUANTUM OF PENALTY

WHICH PENALTY TO BE IMPOSED

FOR WHICH MISCONDUCT - NOT GIVEN IN RULES

CHOICE OF PENALTY AT THE DISCRETION

OF DISCIPLINARY AUTHORITY

PROVISO TO RULE 11 HINTS :

DISMISSAL OR REMOVAL FOR

ACCEPTANCE OF ILLEGAL GRATIFICATION

SHOULD COMMENSURATE WITH MISCONDUCT

AT LEAST CENSURE TO BE GIVEN WHEN

MISCONDUCT IS ESTABLISHED

TWO KINDS OF PENALTIES

MAJOR AND MINOR

DISTINCTION BASED ON

WHAT

**MAJOR PENALTIES ARE STRONG
MINOR PENALTIES ARE LIGHT &**

WHO

**MAJOR - BY APPOINTING AUTHORITIES
MINOR - BY LOWER AUTHORITIES**

HOW

**MAJOR - AFTER DETAILED ORAL HEARING
MINOR - ORDINARILY WITHOUT HEARING**

MINOR PENALTIES

CENSURE

WITH-HOLDING OF PROMOTION

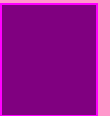
RECOVERY FROM HIS PAY

**OF THE WHOLE OR PART OF ANY
PECUNIARY LOSS CAUSED BY
NEGLIGENCE OR BREACH OF ORDERS**

**REDUCTION TO LOWER STAGE IN THE
TIME SCALE OF PAY**

**FOR A PERIOD OF NOT EXCEEDING 3 YEARS
WITHOUT CUMULATIVE EFFECT
WITHOUT AFFECTING PENSION**

WITH-HOLDING OF INCREMENT



MAJOR PENALTIES

REDUCTION TO A LOWER STAGE IN TIME SCALE

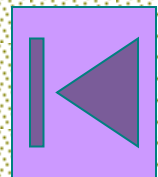
REDUCTION TO A

**LOWER TIME SCALE OF PAY, GRADE,
POST OR SERVICE**

COMPULSORY RETIREMENT

REMOVAL FROM SERVICE

DISMISSAL



ACTORS ON THE STAGE

INQUIRY OFFICER

IO

PRESENTING
OFFICER

PO

CHARGED
OFFICER

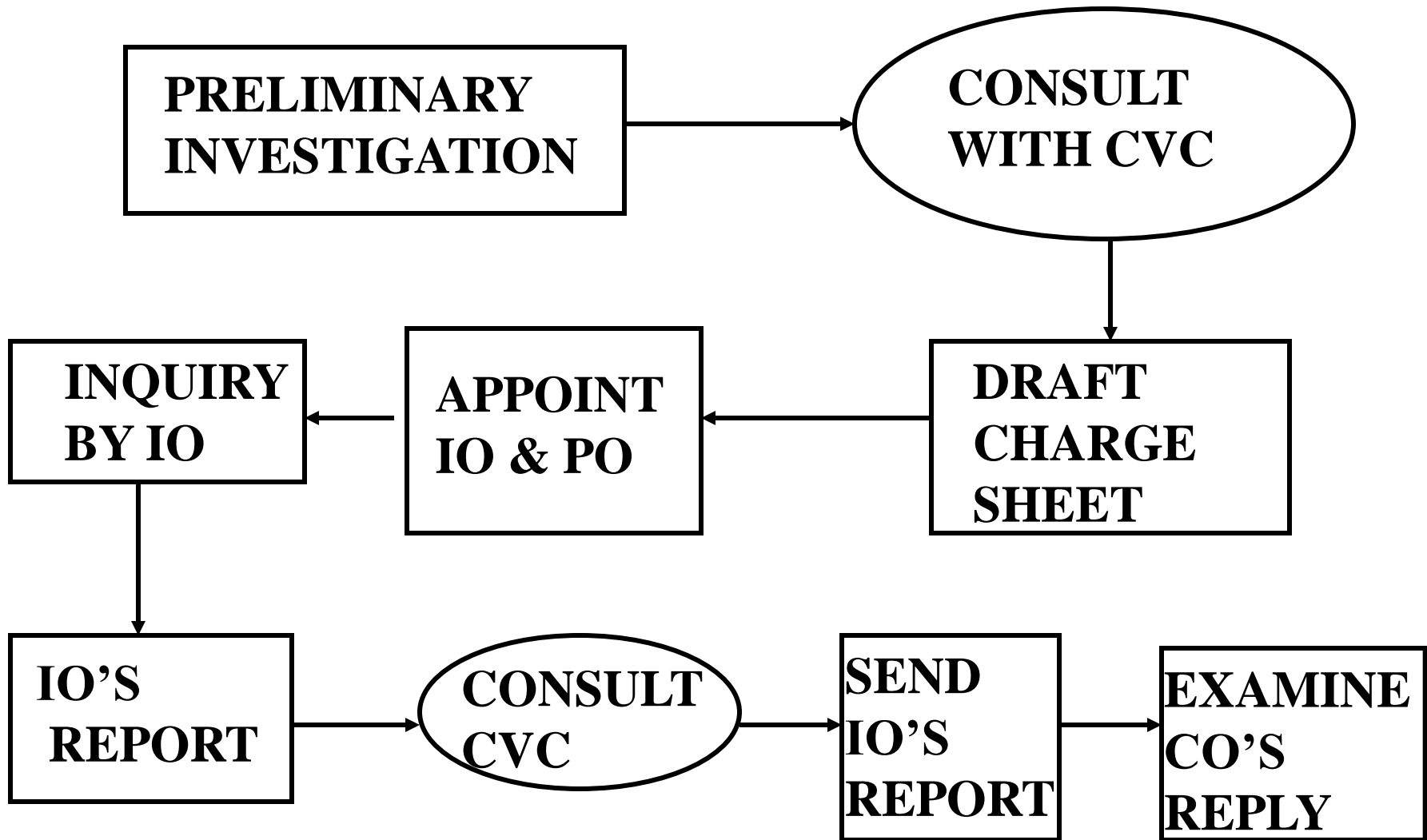
CO

DEFENCE
ASSISTANT

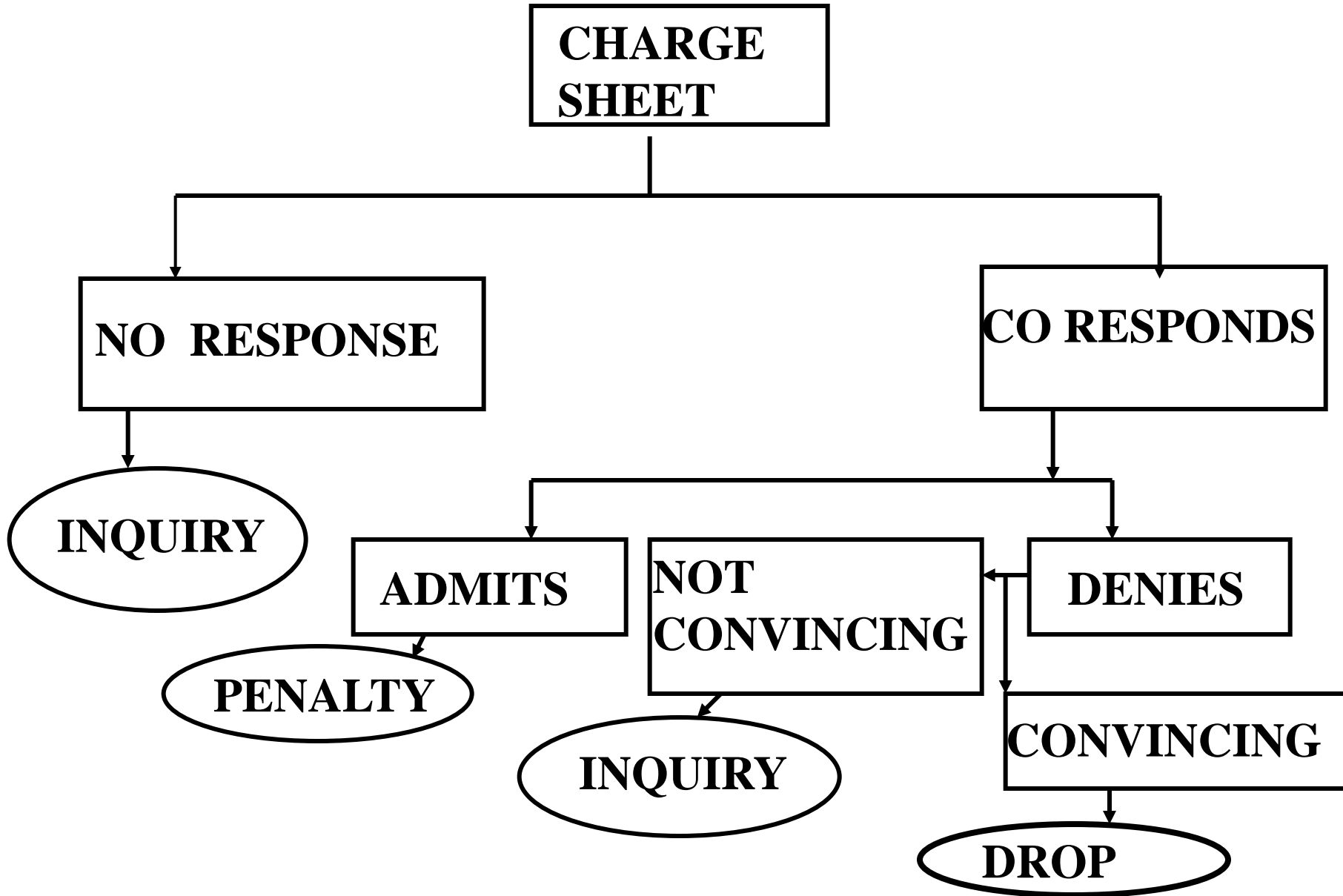
STATE WITNESSES

DEFENCE WITNESSES

MAJOR PENALTY



AFTER CHARGE SHEET



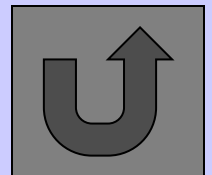
INQUIRY OFFICER

**MAY BE A SERVING GOVERNMENT SERVANT
OR RETIRED GOVERNMENT SERVANT
OR EVEN AN OUTSIDER**

MUST BE SENIOR IN RANK TO CO

MUST NOT HAVE ANY INTEREST IN THE CASE

**MUST NOT HAVE EXPRESSED ANY OPINION
ON THE CASE**



DUTIES OF IO

CONDUCT HEARING

RECORD EVIDENCE

ANALYSE EVIDENCE

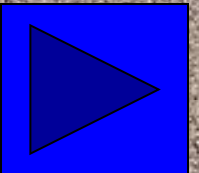
RECORD DAILY ORDER SHEETS

ISSUE CERTIFICATES OF ATTENDANCE

GIVE FINDING AS TO

WHETHER CHARGE IS PROVED

NOT TO RECOMMEND PENALTY



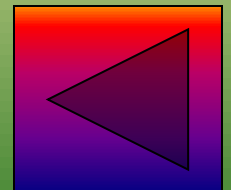
TRAITS OF IO

BE NEUTRAL

PROVIDE REASONABLE OPPORTUNITY

BE FIRM POLITE AND ASSERTIVE

LISTEN AND DECIDE



PRESENTING OFFICER

ENDEAVOUR TO ESTABLISH THE CHARGE

ORGANISE INSPECTION OF DOCUMENTS

PROVIDE STATE DOCUMENTS

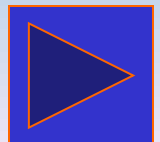
PRODUCE STATE WITNESSES

CROSS EXAMINE DEFENCE WITNESSES

SUBMIT WRITTEN BRIEF

KEEP DISCIPLINARY AUTHORITY INFORMED

ABOUT PROGRESS REGULARLY



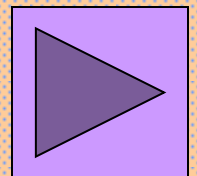
PRESENTING OFFICER

MUST BE EITHER
A SERVING GOVERNMENT SERVANT
OR
A LEGAL PRACTITIONER

IF RETIRES DURING THE INQUIRY
REPLACED BY ANOTHER

PRELIMINARY INVESTIGATING OFFICER
GENERALLY NOT APPOINTED

PRIME WITNESSES GENERALLY
NOT APPOINTED



TRAITS OF PO

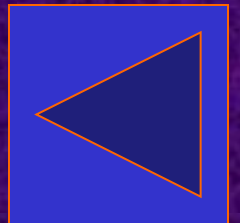
ALERT

DYNAMIC

IMAGINATIVE

EVER ON THE TOES

HAVE GOOD PUBLIC RELATION



DEFENCE ASSISTANT

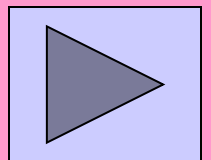
ASSISTS CO IN THE DEFENCE OF THE CASE

MAY BE A

SERVING GOVERNMENT SERVANT

RETIRED GOVERNMENT SERVANT

LEGAL PRACTITIONER



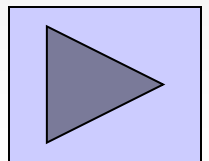
SERVING GOVT. SERVANT AS A DEFENCE ASSISTANT

**MUST NOT HAVE MORE THAN THREE CASES
AT A TIME**

**IO CAN GRANT PERMISSION AFTER VERIFYING
STATUS AND NUMBER OF PENDING CASES**

**ENTITLED FOR TA/DA FROM GOVT. FOR APPEARANCE
IF FROM OUT STATION**

**IO TO CONSIDER THE ISSUE BEFORE
GRANTING PERMISSION**



RETIRED GOVT. SERVANT AS DEFENCE ASSISTANT

MUST HAVE RETIRED FROM

THE CENTRAL GOVERNMENT

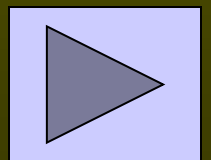
IF A LEGAL PRACTITIONER, PERMISSION

OF DISCIPLINARY AUTHORITY NECESSARY

MUST NOT HAVE DEALT WITH THE CASE

WHILE IN SERVICE

NOT MORE THAN SEVEN CASES AT A TIME



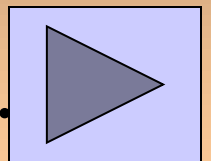
LEGAL PRACTITIONER AS DEFFENCE ASSISTANT

**IF PO IS A LEGAL PRACTITIONER
CO GETS A RIGHT TO ENGAGE
LEGAL PRECTIONER**

ELSE

**CO SHOULD REQUEST
DISCIPLINARY AUTHORITY**

**FACTORS TO BE CONSIDERED
BY DISCIPLINARY AUTHORITY**



PERMISSION FOR ENGAGING LEGAL PRACTITIONER

FACTORS TO BE CONSIDERED

(NOT EXHAUSTIVE)

STATUS OF PO

HIS EXPERIENCE IN THESE MATTERS

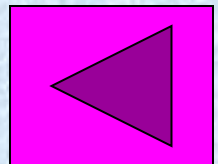
VOLUME OF EVIDENCE

COMPLEXITY OF THE CASE

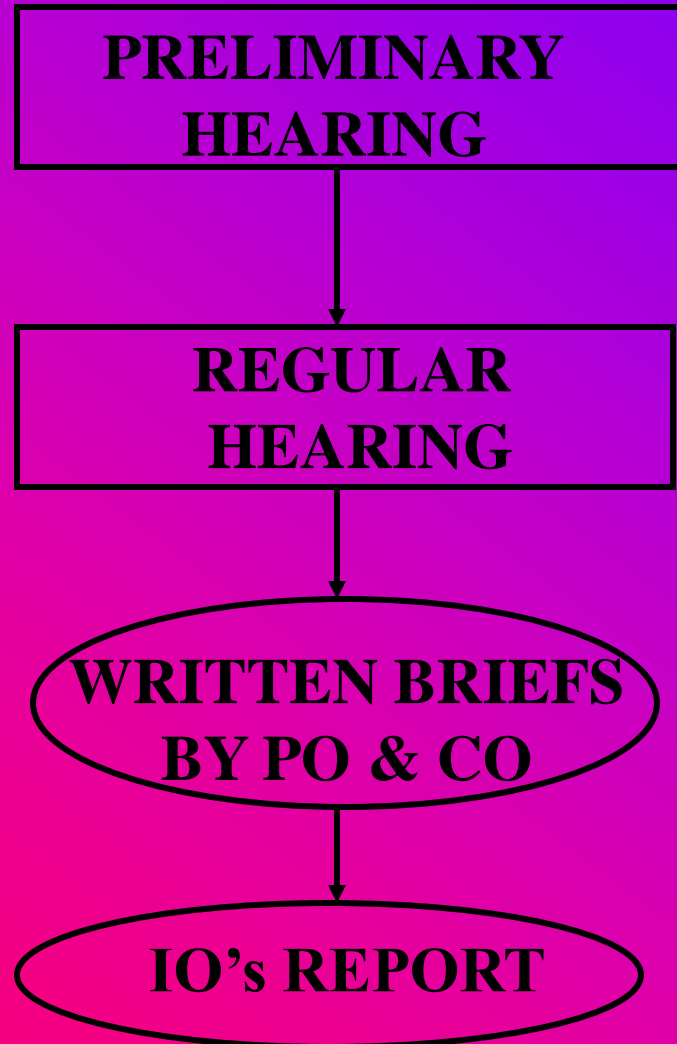
SOLE CRITERION: **WILL THE REJECTION**

OF REQUEST AMOUNT TO DENIAL OF

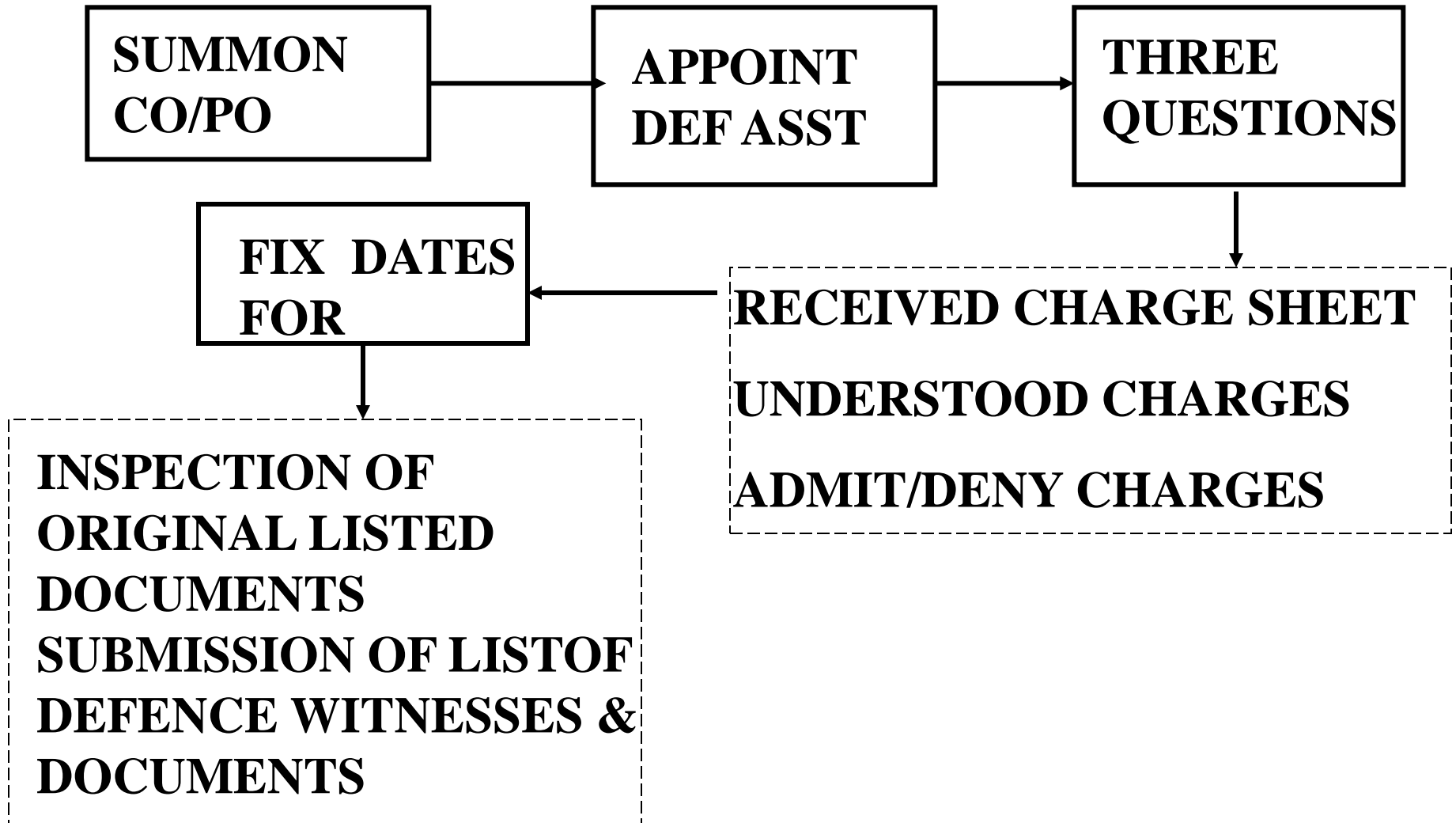
REASONABLE OPPORTUNITY?



STAGES IN INQUIRY



PRELIMINARY HEARING



REGULAR HEARING

EXAMINATION OF WITNESSES

EXAMINATION IN CHIEF - BY THE PARTY WHO CALLS

CROSS EXAMINATION - BY THE OPPOSITE PARTY

RE-EXAMINATION - BY THE PARTY WHO CALLS

EXAMINATION OF WITNESSES

STAGE	SW	DW
EXAMINATION IN CHIEF	PO	CO
CROSS EXAMINATION	CO	PO
RE EXAMINATION	PO	CO

EXAMINATION

HUMPTY DUMPTY SAT ON A WALL

HUMPTY DUMPTY HAD A BIG FALL

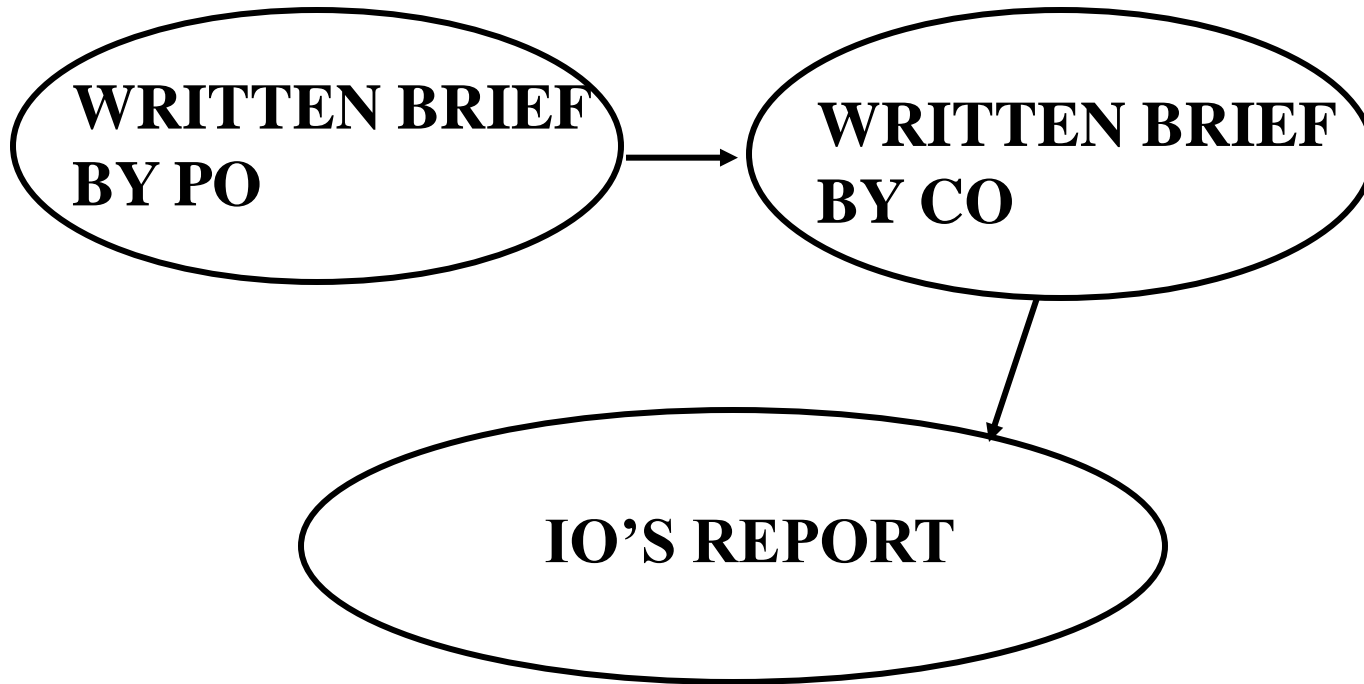
ALL THE KING'S HORSES

ALL THE KING'S MEN

COULDN'T PUT HUMPTY DUMPTY

TOGETHER AGAIN

POST HEARING STAGE



ACTION ON IO'S REPORT

