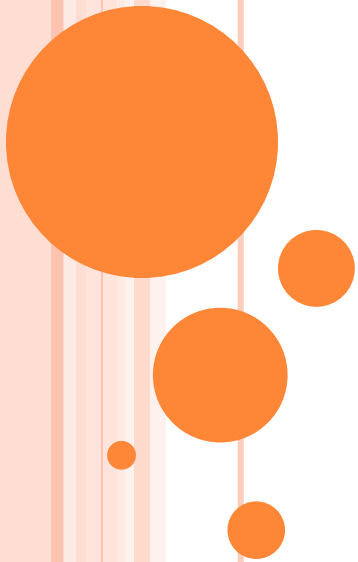


**CENTRAL CIVIL SERVICE
(CLASSIFICATION, CONTROL
AND APPEAL) RULES, 1965**



CCS (CCA) RULES, 1965

Disciplinary matter is governed by the provisions emanating from the following four sources:

1. Provisions in the Constitution of India
2. CCS (CCA) Rules 1965
3. Executive Orders issued by the Government
4. Principles of Natural Justice

PRINCIPLE OF NATURAL JUSTICE

1. No one can be condemned unheard
2. No one can be a judge in his own case
3. Justice should not only be done but should manifestly appear to have been done
 1. Reasonable apprehension of likelihood of bias
 2. Independent mind applied to arrive at a fair and just decision between the rival claims of parties
4. Final order must be speaking order

HEAR THE OTHER SIDE

1. know the charge
2. inspect documents
3. know the evidence
4. cross examine witnesses
5. lead evidence

RULE OF BIAS

1. Implies that an interested party shall not play a role in decision making
 1. Inquiry Officer cannot be a witness
2. Three biases:
 1. Personal: Complainant as well as decision making authority
 2. Pecuniary: Share holder of a company
 3. Subject matter: Male chauvinist dealing with sexual harassment case

ADVANTAGES OF SPEAKING ORDER

1. Disclosure guarantees consideration
2. Introduces clarity
3. Excludes or minimises arbitrariness
4. Satisfaction of the party
5. Enables appellate forum to exercise control

CCS (CCA) RULES, 1965

Article 311 Constitutional safeguard

1. No dismissal or removal by authority subordinate to appointing authority
2. No dismissal or removal or reduction in rank without inquiry in which:
 1. charge should be communicated to the Govt. Servant concerned;
 2. should be given reasonable opportunity of being heard in respect of charges; and
 3. penalty may be imposed only on the basis of evidence adduced during such inquiry

CCS (CCA) RULES, 1965

Exceptions under Article 311

- **Conviction** on a criminal charge
- Not **reasonably practicable** to hold inquiry
 - Appointing authority to be satisfied
 - Reasons to be recorded in writing
- In the interest of the **security of the state**
 - President/ Governor to be satisfied

CCS (CCA) RULES, 1965

Actions

1. Suspension
2. Disciplinary Action
 1. Minor
 2. Major
3. Imposing of punishment
 1. Minor Punishment
 2. Major Punishment

CCS (CCA) RULES, 1965

Authority to suspend

- The appointing authority
- Any other authority to which the A.A. is subordinate
- Disciplinary authority
- Any other authority empowered by the President

CCS (CCA) RULES, 1965

Suspension

- Not a formal penalty
- An order of suspension should not be made in a perfunctory or in a routine and casual manner but with due care and caution
- When a disciplinary proceeding against him is contemplated or is pending

CCS (CCA) RULES, 1965

Deemed suspension

- Detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours
- Convicted of an offence and sentenced to a term of imprisonment exceeding 48 hours

CCS (CCA) RULES, 1965

- Period of suspension – Not to be prolonged, within 3 months charge sheet and within 6 months complete the enquiry process
- Review of suspension – If under detention no review. Within 90 days to be reviewed – Extension shall not be more than 180 days
- Headquarters during suspension (either place of posting or in any special circumstances to avoid continuance in the city/town if there are chances of influencing the process or on the request of delinquent if does not involve other complications)
- Appeal against suspension – 45 days
- Revocation of suspension – Can be done by both appointing authority that issued charge sheet or its next higher authority

CCS (CCA) RULES, 1965

- Acceptance of VRS during suspension – Yes in special cases with certain conditions
- Promotion during suspension – sealed cover
- No leave could be granted during suspension. Permission can be given. When suspension period is treated on duty, this period has to be regularized.
- Marking of attendance - compulsory daily

CCS (CCA) RULES, 1965

Minor Penalties

1. Censure
2. With-holding promotion
3. Recovery from pay
4. Reduction to lower stage in the time scale without cumulative effect
5. Withholding of increments of pay

CCS (CCA) RULES, 1965

Major Penalties

1. Compulsory retirement
2. Removal from service which shall not be a disqualification for future employment under the Government
3. Dismissal from service which shall ordinarily be a disqualification fro future employment under the Government

CCS (CCA) RULES, 1965

4. Reduction to a lower stage in the time-scale of pay for specified period
 1. To earn increments or not during the period of reduction
 2. Reduction will or will not effect future increments

5. Reduction to a lower time scale of pay, grade, post or service
 1. Bar to promotion to that from which he was reduced
 2. With or without direction for restoration to that from which he was reduced
 3. His seniority and pay on such restoration

CCS (CCA) RULES, 1965

1. Appeal
2. Revision
3. Review

APPEAL

Time limit

45 days

Appeal can't be withheld

REVISION

- Is a stage after appeal
- Power of revision may be exercised by the revising authority *suo motu* or on application
- Authority that decided appeal cannot revise his own order

REVISION..

Period of limitation

- Except the appellate authority, no time limit for other authorities
 - Appellate authority can work as revising authority if no appeal was submitted
 - Can exercise the powers within six months

REVIEW

1. President can do it any time
2. Reviewing his own order
3. Only when new material or evidence brought to his notice

CCS (CCA) RULES, 1965

Executive Orders

- An order issued by union Government in order to supplement and explain the CCA Rules.
- These are very essential to understand the true import of the various provisions.
- These orders cannot amend or supersede the statutory rule by adding something therein.

CCS (CCA) RULES, 1965

Proceedings can be initiated after retirement

- Only with the sanction of the President
- Only in respect of any event which took place within four years of such institution

NATIONAL INVESTIGATION AGENCY (NIA) IN CONNECTION WITH THE MUKESH AMBANI TERROR SCARE CASE SACHIN WAZE

○ Significance of Article 311

- The purpose of Article 311 is to safeguard Civil servants. Further, it places two restrictions on the 'doctrine of pleasure'. In other words, it provides safeguards to civil servants against any arbitrary dismissal from their posts [Article 311 clause (1) and (2)].
- It helps them to respond to charges in an enquiry so that the Civil servant is not dismissed arbitrarily from the service.
- Article 311(2) [holding inquiry] is not available in the following three cases:
 - 2 (a) – Where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
 - 2 (b) – Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such enquiry; or
 - 2 (c) – Where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such enquiry.