

Copy of the letter No. 11012/18/77 Ests(A) Dt. 2.9.1978

Office Memorandum.

Sub: CCS 9CCA) Rules 1965 – Procedure to be followed under rule 14 (19) thereof

The undersigned is directed to say that according to rule 14 (19) of the CCS(CCA)Rules, 1965 the inquiring authority may, after the completion of the production of evidence, hear the presenting officer if any appointed, and the Govt. servant or permit them to file written briefs of their respective cases, if they so desire, with ref: to this rule a question has been raised whether the written brief filled by the presenting Officer should be made available to the accused Govt. Servant before he files his own written brief. The matter has been examined in consultation with the Ministry of law and the position is explained in the succeeding paragraph.

2. It will be seen from the phraseology of rule 14(19) that the inquiring authority has to bear arguments that may be advanced by the parties after their evidence has been closed. But he can, on his own on then desire of the parties, take written briefs. In case he exercises the discretion of taking written briefs, it will be but fair that he should first take the brief from the presenting officer, supply a copy of the same to the Govt. Servant In case the copy of the brief of the Presenting officer is not gives to the Govt. Servant, it will be like hearing arguments of the presenting officer at the back of then Govt. Servant. In this connection attention is also invited to the judgment of the Calcutta High Court is the case of Collector of Customs Vs: Mohd. Habibul (SLR 1973) (1) Calcutta, 321) is which it is laid down that requirement of rule 14(19) of the CCS (CCA) Rules 1965 and the principles of natural justice demand that the delinquent officer should be served with a copy of the written brief filled by the presenting Officer before he is called upon to file his written brief.

Ministry of Finance etc. are requested to bring the above clarification to the notice of all concerned authorities under their control.

Sd/- R.G. Gupta

Copy of the Govt. India letter No. 1108/19/78-AIS(III) dt. 1531.1979 form the under Secretary to the Govt. of India, Govt. of India/ Bharat Sarkar Ministry of Home Affairs/ Grith Mantralayan, department of Personal and administrative reforms (Karmik Aur Prashamsik Sudhar Vibhag), New Delhi- 1 addressed to the Chief Secretary is to the Govt. of all States.

Sub: All India Services (Discipline & Appeal) Rules 1969 procedure to be followed under rule 8 thereof

I am directed to forward herewith a copy of this Dept: 's Office Memorandum No. 11012/18/77 Ests. (A) dt.the 2nd sept. '78 and to state that rule 14 (19) of the C.S.S. (CC&A) Rules 1965, corresponds to sub-rule(20) of rule * of the All India Service (discipline & Appeal) Rules, 1969.

2. The Clarification contained there in may please be brought to the notice of all concerned. With regard to its applications in respect of sub rule (20) of rule 8 of the AIS (D&A Rule, 1969

Sd/- Under secretary to the Govt. of India

General Admn. (SPL.C) Department.

Endt. on 24032/spl.c2/79/G.D. dt. 6.3.79

Copy Communication Inspector General of Police, Director of Vigilance Investigations Chief Consr. Of Forests etc.

Sd/- Under Secretary.

Endt. on G.3-96012/79 dt. 5/7/79.

Copy to G-1' Section for information

“ “ Stock file

For Conservator of Forests,
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