

Departmental Enquiries - Procedure  
for conducting the -

GOVERNMENT OF MAHARASHTRA.  
General Administration Department.  
Circular No. CDR-1166-D-1.  
Sachivalaya, Bombay-32 BR, 16th April 1966  
26th Chaitra 1887

CIRCULAR OF GOVERNMENT

It has come to the notice of Government that despite the orders issued in Government Circular, General Administration Department, No. CDR-1063-D, dated the 13th September 1963, the officers conducting departmental enquiries against Government servants do not follow the rules/instructions issued from time to time and thereby commit procedural irregularities. These irregularities are fatal to the final action taken and not only vitiate the orders issued but also lead to other complications like having to reinstate the person in service if he is dismissed or removed and paying him arrears of pay.

2. Recently a case came to the notice of Government in which a preliminary enquiry was held against a Government servant and he was dismissed from service on the basis of that enquiry without ordering a departmental enquiry, appointing an Enquiry Officer and allowing him (the Government servant) to cross-examine the witnesses. The order of dismissal was set aside by the Court of Law in that case as being illegal, and as a result the Government servant concerned had to be reinstated in service and arrears of pay and allowances had to be paid to him. It must be clearly understood that a preliminary enquiry is held to find out whether there is a prima facie case for ordering a departmental enquiry and that it is not the same as a departmental enquiry and therefore does not dispense with the latter. On the completion of the preliminary enquiry, if the competent authority decides that there is a prima facie case for imposing the penalty of dismissal, removal or reduction, it is necessary to hold a regular departmental enquiry and for that purpose the

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necessary formalities viz. ordering a departmental enquiry, serving charge-sheets, holding oral enquiry, issue of show cause notice etc. have to be followed. Government has issued a Manual of Departmental Enquiries and various instructions from time to time laying down the procedure for conducting departmental enquiries. It is necessary that this procedure should be scrupulously followed.

3. All Officers who are competent to initiate disciplinary action or have occasions to conduct departmental enquiries are requested to go through the provisions of the Manual of Departmental Enquiries and the various orders issued by this Department regarding conduct of departmental enquiries carefully and follow strictly and scrupulously the instructions contained therein.

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

D.S. TELANG,

Under Secretary to Government.

To

- The Secretary to the Governor,
- The Private Secretary to the Chief Minister,
- The Special Officers for Departmental Enquiries, Bombay and Poona Divisions, Poona/Nagpur and Aurangabad Divisions, Nagpur,
- All Heads of Departments and the Heads of Offices under the several Departments of the Secretariat,
- All Departments of the Secretariat.

No. of 1966.

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