

GOVERNMENT OF MAHARASHTRA  
General Administration Department,  
Circular No.CDR-2065/Recommendation No.61/D-I,  
Sachivalaya, Bombay-32,  
Dated the 17th June 1965.

CIRCULAR OF GOVERNMENT

In supersession of the orders issued in Government Circular, General Administration Department, No.CDR-1161-D, dated the 14th November 1961, Government is pleased to direct that public interest should be the guiding factor in deciding to place a Government servant under suspension and that the disciplinary authority should have the discretion to decide this taking all factors into account. However the following circumstances are indicated in which a Disciplinary Authority may consider it appropriate to place a Government servant under suspension. These ~~are~~ only intended for guidance and should not be taken as mandatory:-

(I) cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (e.g. apprehended tampering with witnesses or documents).

(II) where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the Government servant is working.

(III) where the continuance in office of the Government servant will be against the wider public interest (other than the cases covered by (I) and (II) above) such as, there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption.

(IV) where allegations have been made against the Government servant and the preliminary inquiry has revealed that a prima facie case is made out which would justify his prosecution or his being proceeded against in departmental proceedings, and where the proceedings are likely to end in his conviction and/or dismissal, removal or compulsory retirement from service.

Note.- (a) In the first three circumstances the Disciplinary Authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prima facie case has been established.

(b) certain types of misdemeanour where suspension may be desirable in the circumstances mentioned above are indicated below :-

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(i) any offence of conduct involving moral turpitude;

(ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers or personal gain;

(iii) serious negligence and dereliction of duty resulting in considerable loss to Government;

(iv) desertion of duty;

(v) refusal or deliberate failure to carry out written orders of superior officers.

2. In respect of the types of misdemeanour specified in sub-clauses (iii), (iv) and (v) of the clause (b) of the Note in paragraph 1 above in particular and in all cases in general the Disciplinary Authorities should exercise their discretion with care and they should not suspend a Government servant lightly and without sufficient justification.

2, With a view to ensuring that the competent authorities examine each and every case properly and order suspension only where it is fully justified, Government is pleased to direct that the Heads of Departments should furnish to their respective administrative department of the Secretariat in the accompanying form, returns of cases of suspension ordered by them during each quarter ending the 31st March, 30th June, 30th September and 31st December so as to reach it by the 15th of the following month. The first such return should be for the quarter ending the 31st March 1965 and should reach the administrative Department of the Secretariat by the 10th July 1965. The Administrative Departments of the Secretariat should scrutinise the returns as soon as they are received, consider whether or not in the circumstances of each of the cases suspension was justified, and in cases where the suspension is not found to be justified, issue orders, revising the orders of the competent authority.

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

K. P. NADKARNI,  
Deputy Secretary to the Government of Maharashtra,  
General Administration Department.

To

The Secretary to the Governor,  
The Private Secretary to the Chief Minister,  
\*The prothonotary and Senior Master, High Court, Bombay,  
\*The Registrar, High Court, Appellate Side, Bombay,  
The State Vigilance Commissioner, Bombay,  
All other Heads of departments and Heads of offices under  
the several Departments of the Secretariat,  
All Departments of the Secretariat.

(\*By letter)

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Accompaniment to Government Circular, General Administration Department,  
No.CDR.2065/Recommendation No.61-D-I, dated the 17th June 1965.

Statement showing particulars of cases of suspension ordered during the quarter  
ending the \_\_\_\_\_

Name of the Department/Office \_\_\_\_\_

Sr. No.	Name and designation of the person placed under suspension.	No. and date of the order by which the person is placed under suspension.	Brief against the person.	Reasons why suspension was considered necessary.	No. and date of the order by which a departmental enquiry has been ordered against him.	Stage of the departmental enquiry.	Remarks.
1.	2.	3.	4.	5.	6.	7.	3.