Confidential/Immediate

No.43/56/64-AVD
Government of India
Ministry of Home Affairs

New Delhi-11, the 22nd October, 1964.
30 Asvine, 1886.

OFFICE MEMORANDUM

Subject:- Recommendation No.61 of the Committee on Prevention of Corruption regarding circumstances under which a Government Servant may be placed under suspension.

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The undersigned is directed to say that Recommendation No.61, contained in paragraph 8.5 of the report of the Committee on Prevention of Corruption, has been carefully considered in the light of the comments received from the Ministries. It has been decided that public interest should be the guiding factor in deciding to place a Government Servant under suspension, and 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 public servant is working;

(iii) Where the continuance in office of the Government servant will be against the wider public interest/other than those covered by (1) and (2)/ 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.

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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 investigatio and before a prima facie case has been established.

b) Certain types of misdeman ur where suspension may be desirable in the four c rcumstances mentioned are indicated below:-

i) any offences or conduct i olving moral turpitude;

ii) Corruption, embezzlement misappropriation of Government money possessi of disproportionate assets, misuse of officia powers for personal gain;

iii) Serious negligence and de liction of duty resulting in considerable loss to G vernment;

iv) desertion of duty;

v) refusal or deliberate fa are to carry out written orders of superior offic s.

In respect of the types of m demeanour specified in sub-clause(iii),(iv) and (v) di retion has to be exercised with care.

3. It is requested that the abo instructions may be brought to the notice of all conce ned confidentially for guidance and necessary action.

Sd/-
(K. SIVARAM)
DY. SECRETARY TO THE GOVERNMENT OF INDIA

To

The Vigilance Officers of all Ministries/Departments of the Government of India.