To

All Director Generals
All Principal Chief Commissioner/Chief Commissioners of Customs, Central Excise & Service Tax Zones
All Principal Commissioner/ Commissioner of Customs, Central Excise & Service Tax Zones
The Narcotics Commissioner
Directorate of Publicity & Public Relations

Subject: Need to finalize minor penalty proceedings well before the retirement of the government Servant concerned.

It has come to notice that in a case of minor penalty proceedings against IRS (C&CE) Group 'A' officer, a proposal was sent to the Board for issuance of charge memorandum shortly before the date of superannuation of the charged officer, leaving little time for issuance and serving the charge memorandum, get a reply from the Charged Officer and consult UPSC, before finalizing the proceedings. In yet another case of minor penalty proceedings, an Inquiry Officer submitted his report just a few days before the retirement of the Charged Officer, leaving no or little time to examine the inquiry report and to impose a penalty, in consultation with the UPSC.

2. As per instructions contained in DoP&T's OM No.134/10/1980-AVD.I, dated 28.02.1981, no grave misconduct or negligence can be established as a result of minor penalty proceedings. Therefore, no action under Rule 9 of CCS(Pension) Rules for withholding or withdrawing pension etc can be taken against a pensioner in respect of whom minor penalty proceedings had been instituted. Such minor penalty proceedings are rendered infructuous if not concluded before retirement of the government servant. Therefore, the disciplinary authorities were directed to take note of the said position and prioritise finalisation of minor penalty proceedings against Government servants, who are due to retire shortly.

Contd..
3. The above instructions were earlier circulated vide Board's circular F.No. C-11016/5/2010-Ad.V, dated 10.03.2010, making it incumbent upon the all the disciplinary authorities and IO's that minor penalty proceedings instituted against Government servants, who are due to retire, shall be finalized before the date of retirement of the Government servant concerned.

4. In order to avoid rendering the minor penalty proceedings infructuous and present the case as fait accompli, it is reiterated that the progress of departmental proceedings for minor penalty contemplated/instituted against Government servants, who are due to retire within next two years, should be closely monitored for timely action well before the retirement of the Government servant. The fact regarding impending superannuation of the Government servant should be specifically brought to the notice of Disciplinary Authority and Inquiry Officer.

5. Above instructions may be brought to the notice of all officers in the field formations for strict compliance in future.

Yours faithfully,

(Sukh Lal Meena)
Under Secretary to the Government of India

Copy to:

1. The Director General, Directorate General of Vigilance, Customs & Central Excise, Hotel Samrat, Chanakyapuri, New Delhi.
2. The Additional Director General-I, Directorate General of Vigilance, Customs & Central Excise, Hotel Samrat, Chanakyapuri, New Delhi.
3. The Additional Director General-II, Directorate General of Vigilance, Customs & Central Excise, Hotel Samrat, Chanakyapuri, New Delhi.
4. Jt. Secretary (Admn.), CBEC, North Block, New Delhi.
5. The Web Manager, Dte General of Systems, Customs & Central Excise, New Delhi.
6. All IO's.
7. Guard File.