

No: 22/145/84-PER/
Government of Goa, Daman & Diu,
Department of Personnel & A.R.,
Secretariat, Panaji - Goa.

Dated: 12th Sept. 1984.

Letter No: 11012/7/83-ESTT(A) dated 23rd July, 1984 received from Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, New Delhi regarding CCS(CC&A) Rules, 1965 - Rule 14(8) (a) - Request of a delinquent official for permission to engage a Legal Practitioner to defend his case before the Inquiry Officer is reproduced and circulated herebelow to :-

- i) All the Departments in the Secretariat.
- ii) All Departments outside the Secretariat.

Sd/-
(N.P. Gaunekar)
Under Secretary(Personnel)

No: 11012/7/83-Estt(A)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 23rd July, 1984.

OFFICE MEMORANDUM

Sub: CCS(CCA) Rules, 1965 - Rule 14(8) (a) - Request of a delinquent official for permission to engage a Legal Practitioner to defend his case before the Inquiry Officer.

The undersigned is directed to refer to Rule 14(8) (a) of the Central Civil Services (classification, Control and Appeal) Rules, 1965 which provides, inter- alia, that a delinquent Government servant against whom disciplinary proceedings have been instituted as for imposition of a major penalty may not engage a legal practitioner to present the case on his behalf before the Inquiring Authority, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or the disciplinary authority, having regard to the circumstances of the case, so permits.

It is clarified that when on behalf of disciplinary authority, the case is being presented by a Prosecuting Officer of the Central Bureau of Investigation or Government Law Officer (Search as Legal Advisor, Junior Legal Advisor), there are evidently good and sufficient circumstances for the disciplinary authority to exercise his discretion in favor of delinquent officer and allow him to be represented by a legal practitioner. Any exercise of discretion to the contrary in such cases is

likely to be held by court as arbitrary and prejudicial to the defence of the delinquent Government servant.

The Ministry of Finance, etc are requested to bring the contents of this O.M. to the notice of all disciplinary authorities, etc.

Sd/-
(Miss Manjula Subramaniam)
Deputy Secretary to the Government of India.

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