

62
Dte Gen Border Roads
Seema Sadak Bhawan
Ring Road, Delhi Cantt
New Delhi - 110010

17001/P/DGBR/62/E1E


21 Mar 2011

HQ CE (P).....
(All Projects)

EBW (GREF), PIN-931701, C/O 99 APO
GREF Centre & Records

DISCIPLINARY CASES UNDER CCS (CCA) RULES, 1965

1. It is experienced that Projects are approaching this HQ officially for advice on the subject which otherwise should be within the exclusive competence of the Disciplinary Authority.
2. Government of India's Orders No (6) below Rule 12 of CCS (CCA) Rules, 1965 and Government of India's Instructions No 12 below Rule 15 of ibid rules categorically prescribe that the punishing/Disciplinary Authority should not obtain any advice or guidance in the matter of imposition of a penalty from any other authority. The Disciplinary Authority should act according to his independent assessment of the case/evidence held on record. However, any doubt in procedure or advice in general nature may be obtained or given.
3. It is once again emphasized that the proceedings under CCS (CCA) Rules, 1965 are quasi-judicial in nature and the orders passed under these rules have the attribute of a judicial order. The disciplinary powers are purely personal to the incumbents and it cannot be delegated except under the specific orders of the Government. In other words, an authority which has been given a specific statutory power can exercise that power itself and no authority higher or lower can do that unless that lower or higher authority is also concurrently given similar powers. Any other authority which does not enjoy that power can not exercise that power directly or merely on the ground that it is superior in status to the statutory authority. Because of these reasons, the statutory rules make it clear that the Disciplinary Authority must act according to their prudence and judgment of each case without obtaining any advice of any other authority either higher or lower.
4. Therefore, it is requested to adhere to the statutory provision/principles in letter and spirit while dealing with the cases in order to avoid any illegality in the proceedings or possible plea of bias by the charged officials at a later stage.


(Subrata Aich)
Jt Dir (Admn)
Jt Dir (Discp)
for DGBR