CHAPTER - 5

PROTECTIONS RELATING TO RECRUITMENT AND SERVICE CONDITIONS OF CIVIL SERVANTS
CHAPTER V

PROTECTIONS RELATING TO RECRUITMENT AND SERVICE CONDITIONS OF CIVIL SERVANTS

In the earlier chapter discussed about the Constitutional and legal protections provided to the civil servants in India. In the present chapter discussed about the protections provided to the civil servants in relation to the recruitment and some important service conditions of the civil servants.

The term ‘Civil services’ covers the large number of permanent officials required to run the machinery of Government. The object of Parliamentary form of Government, which we have adopted in India, is that the ultimate responsibility for running the administration rests with the elected representatives of the people called Ministers. These Ministers are accountable to the Legislatures which are also elected by the people on the basis of universal adult franchise. Thus, we can say that the Ministers are indirectly responsible to the people themselves. But the handful of Ministers, however wise and efficient they may be, cannot be expected to deal personally with the manifold problems of modern administration. Ministers lay down the policy. It is for the civil servants to carry out this policy.

The Constitution of India provides for three classes of services in India, they are; (i) All-India Civil Service

(ii) Central services; and

(iii) State services

5.1 ALL-INDIA CIVIL SERVICES: Prior to the independence there were in existence of two services in India are known as Indian Civil Service and
Indian Police Services. The conference was held under the Chairmanship of Sardar Vallabhbhai Patel and decided to create two All-India Services known as Indian Administrative Service and Indian Police Service to replace the former Indian Civil Service and Indian Police Service. On coming in to force of the Constitutional Law these Services were recognized under Article 312 of the Constitution of India.

Article 312(1)\(^{279}\) of the Constitution of India empowers the Parliament to create new All India Services common to the Union and the States. The Parliament can create such services if the Rajya Sabha by a resolution supported by not less than two-third of the members present and voting declares that it is necessary and expedient in the national interest to create such service. Article 312(2)\(^{280}\) of the Constitution recognizes the two All India Services, viz, IAS and IPS on adoption of the Constitutional law. In exercise of the powers conferred under Article 312 of the Constitution of India the Parliament of India enacted the All-India Services Act, 1951.\(^{281}\)

This law authorizes the Union Government, in consultation with the State Governments, to make rules for the regulation of conditions of service of persons appointed to an All India service.

\(^{279}\)Article 312: All India Services- (1) Notwithstanding anything in Chapter VI of part VI (Subordinate Courts) or part IX (The Panchayats) , if the Council of the States has declared by resolution supported by not less than two third of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more All-India Services (including All-India Judicial Services) common to the Union and the State, and, subject to the other provisions of this chapter, regulate the recruitment and conditions of service of persons appointed, to any such service.

\(^{280}\) (2) The services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article.

\(^{281}\) No LXI of 1951.
According to Section 2 of the All-India Services, Act 1951, an All-India Service means the service known as the Indian Administrative Service or the service known as the Indian Police Service. By the All-India Services (Amendment) Act, 1963,²⁸² in addition to Indian Administrative Services and Indian Police Services constituted three more All-India Services namely:

(i) The Indian Forest Service;
(ii) The Indian Service of Engineers (Irrigation, Power, Building and Roads)
(iii) The Indian Medical and Health Service.

After the Amendment to the All-India Services Act, in the year 1963, the rules relating to recruitment have been framed in relation to Indian Forest Service and the recruitment has been made.

Though the rules have been framed for regulating the Recruitment and conditions of the services of the Indian Medical Services, the recruitment has not been made and the said service has not come into existence. Nor the Indian Service of Engineers (Irrigation, Power, Building and Roads) was constituted.

Article 312 of the Constitution of India further provide for the Parliament to make law regulating the recruitment and the conditions of services of the persons appointed to the All-India Services. Therefore under Section 3²⁸³ of the All-India Services Act, 1951, provides that the Central Government may

²⁸² Section 2-A
²⁸³ Section 3: Regulation of recruitment and conditions of service- (1) The Central Government, may after consultation with the Governments of the States concerned including the State of Jammu and Kashmir, and by notification in the official gazette make rules for the regulation of recruitment and conditions of service of persons appointed to All India Service.
after consultation with the governments of the concerned states to make rules relating to the regulations of recruitment and conditions of services of the persons appointed to an All-India Services. Exercising the powers conferred by the All India Services Act, 1951, the Union Government after consultation with the Governments of the States have notified several rules like All India Services (Provident Fund) Rules, 1955, All India Services (Conduct) Rules, 1958, All India Services (Discipline and Appeal) Rules, 1969 etc.

Article 312 of the Constitution of India has been amended by Constitutional 42nd Amendment Act, 1976 providing for the Constitution of All-India Judicial Services by inserting sub-clause(3)\textsuperscript{284} and(4)\textsuperscript{285} to article 312 of the Constitution. Therefore as per Article 312(3) of the Constitution All-India Judicial Service consist of post not inferior to that of District Judge as defined under Article 233 of the Constitution.

According to Article 233\textsuperscript{286} of the Constitution of India appointment to the cadre of the district judge is made by direct recruitment and promotion on the recommendations and in consultation with the High Court.

\textsuperscript{284} Article 312 (3): the All- India Judicial Service referred in clause(1) shall not include any post inferior to that of district judge as defined in article 236.

\textsuperscript{285} Article 312 (4): The law providing for the creation of all- India Judicial Service aforesaid may contain such provisions for the amendment of chapter VI of part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purpose of article 368.

\textsuperscript{286} Article 233: Appointment of district judges.- (1) Appointment of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State. (2) A person not already in the Service of the Union or of the State shall only be eligible to be appointed a district judge if he has been for not less than seven years an advocate or pleader and is recommended by the High Court for appointment.
The need for establishment of All-India Judicial Service is necessary because the judiciary being the guardian of the peoples of India needs best talented persons to be appointed as the Judges of the Courts and the Tribunals. In a welfare State the Tribunals are functioning on par with the judiciary in deciding the cases. Therefore the well trained members need to be appointed as the members of the Tribunals to decide the disputes; this can be achieved by establishment of All-India Judicial Service in India.

(a) PROTECTION IN RELATION TO RECRUITMENT TO ALL-INDIA SERVICES

Recruitment to All India Services is a process which is of vital importance to the administrative system in India, it determines the tone and caliber of the public services, and on it rest the usefulness and relevance of the machinery of Government to the society287. Direct recruitment to the administrative and most of the executive services is made on the basis of a competitive examination conducted by the Union Public Service Commission. Under Article 320(3)288 of the Constitution of India, the Commission are, inter-alia, required to be consulted on all matters relating to recruitment to civil services and posts. In exercise of powers conferred under section 3 of the All-India Services Act 1951, the Central Government has framed the rules for recruitment to the Indian Administrative Services. Further the recruitment rules confer power on the Central Government to frame regulations for recruitment to the All-India services;

288 Article 320(3);
Recruitment is made by one of the following three methods:

(i) Direct Recruitment through competitive examination
(ii) Promotion and
(iii) By selection

(i) DIRECT RECRUITMENT THROUGH COMPETITIVE EXAMINATION:

Direct recruitment to the All-India Services is made on the basis of a competitive examination conducted by the Union Public Service Commission. The examination includes:

i) A test of intellectual ability and scholastic attainment through a written examination in certain number of subjects.

ii) A written test, common to all candidates, designed to test their capacity for effective thinking, sentence formation, power of clear and lucid expression, and general knowledge and

iii) An interview to assess a candidate’s personal qualities, including some intellectual qualities which a written examination cannot test.

The direct recruitment to the Indian Administrative Services can be made by the Competitive examinations held by the Union Public Service Commission in accordance with the Indian Administrative Services (Appointment by Competitive Examinations) Regulations 1955\(^{289}\). According to this regulation the conditions of eligibility to complete the examinations are\(^{290}\):

(i) He must be a citizen of India

\(^{289}\) In pursuance of rule 7 of the Indian Administrative Service (Recruitment) Rules, 1954, the Central Government in consultation with the State Governments and the Union public Service Commission framed the regulation.

\(^{290}\) Regulation 4 of the Indian Administrative Services (Appointment by Competitive Examinations) Regulations 1955
(ii) He must attain the age of 21 years, and not attained the age of 30 years on the first day of August of the year in which the examinations is held;

Provided that the upper age limit may be relaxed in respect of such categories of persons as may from time to time, be notified in this behalf by the central Government, to the extent and subject to the conditions notified in respect of each category.

(iii) He must hold a degree of any University incorporated by an Act of the Central or the State Legislature in India or other educational institutions established by an Act of Parliament or declared to be deemed as Universities under Section 3 of the University Grant Commission Act, 1956, or a foreign University approved by the Central Government from time to time or possess a qualification which has been recognised by the Central Government.

Provided that –

(a) In exceptional cases the Commission may, treat as qualified a candidate who though not possessing the qualification prescribed in this clause has passed the examinations conducted by other institutions of standard which, in the opinion of the Commission, justify the admission of the candidate to the examination; and

(b) Candidates who are otherwise qualified but have taken degree from the foreign Universities, which are not approved by the Central Government, may also be admitted to the examination at the discretion of the Commission.

Provided, further that a candidate may be permitted to take the Preliminary Examination while studying for his degree so long as by a date to be notified by the Commission, the candidate produces proof of pass in the degree course for being eligible to take the final examination during that year.
The Civil Services examination comprises of two stages:

(i) Civil Services (Preliminary) Examination, objective type test for the selection of candidates for main examination; and

(ii) Civil Services (Main) Examination, written and interview tests for the selection of candidates for the various services.

After conducting the Examinations prescribed under the regulation the Commission shall forward the list of successful candidates to the Central Government in order of merit of the candidates who have qualified by the standard as the Commission may determine. The inclusion of a candidate name in the list confers no right to appointment unless the Central Government is satisfied, after such enquiry as may be considered necessary, that the candidate having regard to his character and antecedents is suitable in all respect for appointment to the service.

(ii) **APPOINTMENT BY PROMOTION:**

Recruitment to the All-India Services is made on the basis of promotion. In pursuance of sub-rule (1) of Rule 8 of the Administrative Services (Recruitment) Rules, 1954, the Central Government in consultation with the State Governments and the Union Public Commission makes the Regulation known as the Indian Administrative Service (Appointment by Promotion) Regulations, 1955. According to these regulations a selection

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291 Regulation 7(1) of Indian Administrative Services (Appointment by Competitive Examinations) Regulations 1955
292 Regulation 13 of Indian Administrative Services (Appointment by Competitive Examinations) Regulations 1955
committee constituted under the regulations\textsuperscript{293} makes the selection of the persons for appointment to Indian Administrative Services by way of promotion from among the officers who are holding the posts in the State Civil Service. The State Civil Service means any service or services, approved for the purposes of the Recruitment Rules by the Central Government in consultation with the State Government, a member of which normally holds, for the purposes of revenue and general administration, charge of a sub-division of a district or a post of higher responsibility,\textsuperscript{294} or such civil post in class-I or class-II as may be approved by the Central Government. After the selection committee makes the selection, the Union Public Commission considers the selection so made and the list as approved by the Commission forms the selection list for the purposes of appointment to the services.\textsuperscript{295} After the Commission prepares the selection list, the officers so selected are appointed as members of Indian Administrative Service.

The High Court of Punjab and Haryana in \textit{D.K. Vasudev V. Union of India}\textsuperscript{296} held that a member of a State Service can be appointed to the Indian Administrative Service only if his name appears in the select list. Merely because vacancy exist in the quota allotted to the promotees for appointment

\begin{footnotesize}
\textsuperscript{293} Regulation 3 of Indian Administrative Service (Appointment by Promotion) Regulations, 1955

\textsuperscript{294} Reg 2(j) (ii) of Indian Administrative Service (Appointment by Promotion) Regulations, 1955.

\textsuperscript{295} Regulations 5 (preparation of list of suitable officers), Reg 6 (consultation with the Commission) and Reg 7 (select list) of Indian Administrative Service (Appointment by Promotion) Regulations, 1955

\textsuperscript{296} SLR 1971 P&H 487
\end{footnotesize}
among the members of the State Civil Service, does not entitled a person to be appointed to the Indian Administrative Service from the date when the vacancies becomes available. Therefore no member can claim as of right to be appointed to the Indian Administrative Service. The person has the chance to be promoted so long as his name remains in the select list.

(iii) **APPOINTMENT BY SELECTION:**

Appointment by way of selection to the Indian Administrative Services is provided under the regulation known as, The Indian Administrative Services (Appointment by Selection), Regulations 1956. The Regulation provides for the selection and appointment of persons belongs to the services other than the State Civil Services. The eligibility made for selection and appointment are:

1. Outstanding merit and ability
2. Having completed not less than 12 years of continuous service in a gazetted post under the State Government or in case of joint cadre, under any one of the State under the State Government the joint Cadre, holding that posts in a substantive capacity and propose the means of officer suitable for the appointment:

Similar to the Rules relating to the Recruitment to the Indian Administrative Services the Central Government has framed the rules known as Indian Police recruitment Rules 1954. According to 1954 rules the power to make regulations has been conferred upon the Central Government in relation to the process of recruitment by competitive examination and promotion. In

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297 Regulation 3 of The Indian Administrative Services (Appointment by Selection), Regulations 1956,
accordance with the delegation of power the Central Government has framed the rules known as Indian Police Services (Appointment by Competitive Examination) Regulation 1955, and Indian Police Services (Appointment by Promotion) Regulation 1955,

**THE TENURE OF OFFICE OF THE ALL-INDIA SERVICE:** There is no difference between the members of the All-India Services and persons appointed to the service under the Union or the State in regard to the tenure of office. Article 310 and 311 of the Constitution of India is equally applicable to the persons appointed to All-India Services.

**DISCIPLINARY PROCEEDINGS:** The All India Services (Discipline and Appeal) Rules, 1969,\(^{298}\) prescribes seven penalties, which can be imposed upon the members of the Indian Administrative Service. According to the rule the dismissal, removal or compulsory retirement can only be imposed by the Central Government while other penalties can be imposed by the State Government. The Supreme Court of India in *D. S. Grewal V. State of Punjab*\(^ {299}\) held that the State Government is competent to make enquiry at the preliminary stage. Minor penalty can be imposed by the State Government to whom an I.A.S. Officer is allotted.

**5.2-CENTRAL CIVIL SERVICES**

The Central services are concerned with the administration of Union of India the subjects such as foreign affairs, defence, income tax, customs,

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\(^{298}\) In exercise of power conferred by sub-section (1) of section 3 of the All India Service Act 1951, the Central Government, after consultation with the Government of the State concerned, framed the rules.

\(^{299}\) *AIR 1959 SC 512*
posts and telegraphs, etc. Officers of these services are recruited by Union Government.

CLASSIFICATION OF SERVICES: The Civil Services of the Union shall be classified as follows;\textsuperscript{300}

(i) Central Civil Services, Group A;
(ii) Central Civil Services, Group B;
(iii) Central Civil Services, Group C;
(iv) Central Civil Services, Group D;

CLASSIFICATION OF POSTS: The Civil posts under the Union other than those ordinarily held by persons to whom these rules do not apply, shall by general or special order of the President, be classified as follows;\textsuperscript{301}

(i) Central Civil Posts, Group A;
(ii) Central Civil Posts, Group B;
(iii) Central Civil Posts, Group C;
(iv) Central Civil Posts, Group

(a) PROTECTION IN RELATION TO RECRUITMENT TO CENTRAL CIVIL SERVICE

Recruitment to civil services and posts under the Union is one of the important matters relating to service under the State. Recruitment is comprehensive term and includes any method provided for inducting a person in public service. Appointment, selection, promotion, deputation are

\textsuperscript{300} Rule 4 of the Central Civil Services (Classification, Control and Appeal) Rules 1965
\textsuperscript{301} Rule 6 of the Central Civil Services (Classification, Control and Appeal) Rules 1965
all well-known methods of recruitments. The Constitutional law does not aim at providing detailed rules for recruitment or conditions of the services of the Union or of the States the power is left to the respective legislatures.

The object of the providing protections in recruitment is to appoint a person or persons capable of satisfactory discharging the duties and responsibilities of the post to which they are appointed. The State is free to regulate these matters according to its own requirements only subject to the provisions of the fundamental rights and specific provisions contained in the Constitution.

The recruitment process comprises of several stages, at every stage of the recruitment process, certain rights are created. The process starts with the issuance of the notification notifying the process of recruitment and ends with the preparation of the select list for appointment. The notification for recruitment contains various restrictions and contains several instructions. The instructions are deliberately introduced and are required to follow strictly and they are not idle formalities. Some instructions are of substantive in nature with potentiality to eliminate the chance of malpractice, violation of these instructions leads to rejection of the candidature.

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302 Durga Das Basu ‘Shorter Constitution of India’ p.1305  
303 Entry 70 of List I and Entry 41 of List II  
304 Justice M. Rama Jois “Service Under the State” ILI Publication, revised and updated by faculty of ILI, 2007 at p 447  
305 Ibid
The Supreme Court of India in *Karnataka Public Service Commission v. B.M. Vijayashankar*\(^{306}\) held that the action of the Karnataka Public Service Commission in not granting any show cause notice before taking the decision not to evaluate the answer scripts is proper and set-aside the order of the Administrative Tribunal. In the instant case, The Karnataka Public Service Commission conducted competitive examinations for the State Civil Services. Clause (I) of the General Instructions to the candidates provided that the candidates should write their roll number only on the front page of the answer books in the space provided for it and not anywhere else inside the answer sheet. Clause (xii) provided that the candidates must abide by the instructions and clause (xiii) provided that failure to abide by the instructions will render them liable to expulsion from examination or such other punishment as the Commission may deem fit. Some of the candidates violated the instructions and entered their roll numbers inside the answer books. Consequently their answer books were not got evaluated by the Commission. The candidates challenged the action of the Commission before the Karnataka Administrative Tribunal which directed the Commission to get their answer books evaluated by holding that (i) no penalty was provided for breach of the instructions and (ii) the failure of the Commission to afford any opportunity to the candidates to explain their bonafide and innocence was arbitrary. Against the decision of the Tribunal the Commission and the State filed appeals in this Court. The Supreme Court of India has been pleased to allowed the appeal and held that, the

\(^{306}\) JT 1992(4)SC348
action of the Public Service Commission in not granting any show cause notice could not be at faulted.

Further in *Kendriya Vidyalaya Sangathana V. Ram Ratan Yadav*, the Supreme Court observed that, when the information about antecedents of candidates is sought, it is intended to verify the information so that the suitability of the candidate for employment could be judged. Therefore the Supreme Court held that the suppression of material information does not entitle employment. In the instant case, the respondent was selected for the post of Physical Education Teacher. An appointment order dated 16.12.1997 was issued to him. On getting the appointment order, he was required to fill in the attestation form. As against column no. 12(I) of the said attestation form, he mentioned "No" despite the fact that a criminal case was pending against him in the court of law. On the ground of suppression of factual information in the attestation form, his services were terminated by the Memorandum dated 7/8.4.1999. He approached the Central Administrative Tribunal by filing O.A. No. 1150/99 challenging the said order of termination contending that he had education in Hindi medium and he is not well-conversant with English words. As such, he failed to understand the meaning of the word 'prosecution' or 'conviction'. Under the misconceived notion, he did not take note of the column no. 12 in the attestation form. He also submitted that whatever was done by him was in order to get employment because at the relevant time, he was undergoing great difficulty. It was his case that the incident took place at Raipur.

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307 (2003)3 SCC 437
Square (Jabalpur) where number of persons were raising their grievances against the State authorities relating to non-grant of earthquake relief; he was not at all part of that mob; while he was passing, a few demonstrators who were his friends pulled him into the mob; he, all of a sudden, later learnt that a case has been registered against him under Sections 323, 341, 294, 506-B read with Section 34 IPC. The Tribunal dismissed the O.A. at the admission stage itself observing that "the intention for suppression and giving false information and the explanation following it that lack of knowledge in English resulted in the misunderstanding of the meaning of the word 'prosecution' does not inspire any confidence in us. The applicant is a Graduate and a bare look of the Attestation indicates that the applicant intentionally concealed the facts. The Courts/Tribunals are not to pat a person on his shoulders in a case where he is making false statement to the authorities concerned for obtaining employment. In the circumstances, we are not inclined to interfere with the impugned memorandum."

Aggrieved by and not satisfied with the order of the Tribunal, the respondent approached the High Court by filing a writ petition challenging the correctness and validity of the same. The Division Bench of the High Court, after considering the respective contentions urged on behalf of the parties, allowed the writ petition, set aside the order passed by the Tribunal and held that the respondent shall be deemed to be in service and entitled to consequential benefits.

In allowing the writ petition, the High Court observed thus:-
"Non-mention of pending criminal case in column 12(l) of the attestation form can be for the reasons stated by the petitioner; more so when the medium of instructions in this State is primarily Hindi. That apart, the criminal case in which the petitioner was involved has been withdrawn by the State Government. That means, the case was not serious and involvement of agitators in it was found for justification, otherwise the case against them would not have been withdrawn. That apart, it did not involve moral turpitude disqualifying the petitioner from seeking the employment."

The present appeal is directed against the judgment of the High Court and order of the High Court made in the writ petition. The Supreme Court has been pleased to set aside the order of the High Court and held that the suppression of material information does not entitle employment.

The Supreme Court in a landmark decision in Secretary, State of Karnataka v. Umadevi\textsuperscript{308} held that absorption, regularisation or permanent continuance of temporary, contractual, casual, daily-wage, or ad hoc employees appointed/recruited dehors the Constitutional scheme of public employment on issuance of the direction by the court amounts to creating another mode of public employment, which is not permissible.

Therefore the formalities which are required to be followed and the conditions which are required to be satisfied are the necessary requirements for valid recruitment. The State is at liberty to prescribe the necessary qualifications, eligibility criteria and the standard of responsibility according to its own requirements subject to the provisions of the fundamental rights.

\textsuperscript{308} (2006) 4 SCC 1
(b) PROTECTION RELATING TO CONDITIONS OF SERVICES OF CIVIL SERVANTS:

The protections relating to conditions of services of the civil servant are playing an important role in the Indian Administration. Providing better conditions of service to the civil servants can expect more efficient administration which is the requirement of welfare State.

The expression “condition of service” means and includes all those conditions which regulate the holding of a post by a person from the time of appointment till his retirement. For instance, rules regulating payment of salary, pay scale, increment, leave, seniority, promotion, tenure, termination, superannuation, pension, transfer, deputation etc., are all matters relating to conditions of service. On the other hand conditions relating to recruitment and appointment held not constitute conditions of service, because they operate prior to the commencement of the service.\textsuperscript{309}

The relation between the State and the Civil Servants of the State is not merely a contractual like the ordinary relationship of master and servant. The Hon’ble Supreme Court of India in \textit{Union of India V. Tulasiram Pate}\textsuperscript{310} observed that the Civil Service confers a status to the employee and it is not merely a contractual in nature. The observation made by the Supreme Court of India clearly indicates that there is a special relationship with the Government and are expected to discharge their duties and responsibilities honestly, sincerely, impartially and without any fear or favour. Therefore the Civil Servants are conferred with constitutional and

\textsuperscript{309} Patel A.J V. State of Gujarat \textit{AIR} 1965 Guj. 23.
\textsuperscript{310} \textit{AIR}1985 SC 1416
statutory protection to discharge their duties and responsibilities towards the satisfaction of the public.

It is a condition of service of an employee under the State, that the State shall provide him with the basic amenities of life and exhibit fairness and reasonableness in all state activities that affects his service conditions and service rights. The State shall also protect the interest of the Civil Servants from others who may be favoured in a manner not warranted by law. The object of security of tenure and better conditions of service of the Civil Servants by way of suitable pay scale, promotional opportunity, retirement benefits and just and fair treatment to Government servants have to be given with the object of securing honesty, contentment, and discipline among the Civil Servants which are utmost importance and form the very foundation of their discharging their duties as expected from them.311

Article 309312 of the Constitution of India provides for Recruitment and conditions of service of person serving the Union or a State. Article 309 empowers the Parliament to make laws to regulate the recruitment and


312 Article 309: Recruitment and conditions of service; Subject to the provisions of this Constitution, Act of the appropriate Legislature may regulate the recruitment, and conditions of service of person appointed to public services and posts in connection with the affairs of the Union or of any State: Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of the State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.
conditions of service of persons appointed to public services and posts in connection with the affairs of the Union. It also authorities the President to make rules for the recruitment and conditions of services until provision in that behalf are made by or under an Act of Parliament.

Parliament has not so far passed any law on the subject of recruitment and conditions of service of civil servants. Recruitment and the conditions of service of Central Government servants in general continue to be governed by rules made by the President under Article 309. The rules made under the Article are:-

(I) The Central Civil Services (Classification, Control and Appeal) Rules 1965
(II) The Central Civil Services (Conduct) Rules 1964
(III) The Departmental Inquiries (Enforcement of Attendance of witnesses and production of Documents) Act 1972

Among the various conditions of services of the Civil Servants, some important conditions of the Services of the Civil Servants are discussed in brief in this chapter.

(c) PROTECTION OF PAY SCALE

In exercise of power conferred under proviso to Article 309 of the Constitution of India and clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in India Audit and Account department, the President of
India makes the Rules known as “The Central Civil Services (Revised Pay) Rules, 1997.\textsuperscript{313}

The Central Civil Services (Revised Pay) Rules, 1997, applicable to persons appointed to civil services and posts in connections with the affairs of the Union whose pay is debitable to the Civil Estimates as also to a person’s serving in the Indian Audit and Accounts Department.

A public employment is made against a post with a definite pay scale or a fixed consolidated pay scale. Therefore a Civil Servant has a right to remuneration as indicated in his order of appointment to the post. Failure to pay the assured remuneration or pay or any curtailment is prejudice and unless it is supported with reasonable cause, it will be arbitrary and against the fundamental principles of the Constitution.

The Hon’ble Supreme Court of India in \textit{Divisional Superintendent, Eastern Railway V. L.N.Keshri}\textsuperscript{314} held that, once a persons were appointed and confirmed in a scale of pay and the reduction of such scale of pay without giving an opportunity of hearing is illegal and the order of reducing the pay scale is liable to set aside. In the instant case the respondents were appointed in the Eastern Railway Danpur Division at the pay scale of 110-180 and the respondents were confirmed in that scale of pay. The Railway administrations subsequently reduce the pay scale to Rs.105-135. The respondents approached the High Court challenging the act of the Railway administration in reducing the pay scale without giving them an opportunity

\textsuperscript{313}w.e.f. 1\textsuperscript{st} day of January 1996.
\textsuperscript{314} AIR 1974 SC 1889
of being heard. The Hon’ble High court set aside the order of the Railway administration as it amounts to violative of principles of natural justice. The Hon’ble Supreme Court on appeal confirm the decision of the High Court.

Further in *Telecommunication Research Centre Scientific officers (Class I) Association V. Union of India,* wherein the officers transferred to the Telecommunication Research Centre were being paid special pay but the special pay was denied to the direct recruits appointed to that center. The Supreme Court found that no reasons as to why such discrimination is made in the matter of special pay for direct recruits and transferred employees when both the categories of employees were doing the same nature of the job. The Supreme Court directed the Union of India to pay special pay to the direct recruits with effect from the date from which the transferred officials commenced to draw the special pay up to the date and to continue to pay the said special pay as long as the transferred employee are getting the special pay.

**PROTECTION IN RELATION TO PROBATION**

When the master-servant relationship was governed by the archaic law of hire and fire, the concept of probation in service jurisprudence was practically absent. With the advent of security in public service when the termination or removal becomes more and more difficult and order of termination or removal became a subject matter of judicial review, net

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315 1987(1) SLR 489( SC)
concept of probation came to acquire in certain connotation.\textsuperscript{316} To guard against errors of human judgment in selecting suitable personnel for service, the new recruit was put on test for period before he is absorbed in service or gets a right to the post. The period of probation gave a sort of locus patentiæ to the employer to observe the work, ability, efficiency, sincerity and competence of the servant if he is found not suitable for the post, the master reserve a right to dispense with the service.

An inexperienced person, may need some time to acquaint himself with the duties and responsibilities of the post, and may also be required to be trained in the manner of discharging his duties efficiently. It has, therefore been a necessary to provide in the rules for probation period. During the probation the conduct and the performance of the civil servants are kept on close watch by supervisor, whose report is taken into consideration before he is declared suitable for the service or post to which he has been appointed.

On completion of prescribed probation period, be entitled to be assigned to regular duties of his post and claim corresponding service benefits.

Therefore in order to test whether the conduct of the civil servant is good and satisfactory to retain in service, the remarks in the assessment roll, assessment of work performed by the civil servant etc., are necessary criteria for confirmation in service.

**TIME LIMIT FOR PROBATION:** Recruitment rules may provide for a period for which an employee may be placed on probation and the maximum period

\textsuperscript{316} P.K.Majumdar, O.P.Tiwari ‘Service Laws in India’ revised by S.K.P.Srinivas, Orient publishing company, p 222, New Delhi, 3rd Edn, 2007
of such probation that may be extended in special circumstances. Where the performance of the probationer is required extension, it was to be notified to the concerned civil servant before completion of his probation. Even after the extension of the probation the employee does not meet the standard which is required for confirmation and his service remains unsatisfactory, his service could be terminated.

The Hon`ble Supreme Court if India in Registrar, High Court of Gujarat V. C.G Sharma\textsuperscript{317}held that, the respondent was appointed, on probation, as a Civil Judge (Junior Division) and Judicial Magistrate of First class for period of two years. The service of the respondent was terminated after the period of two years from the date of appointment on the ground of unsuitability with immediate effect. The respondent challenged the order of termination before the High Court. The Hon`ble High Court has been pleased to allowed the petition of the petitioner and further directed, the petitioner is entitled to all the consequential benefits. Against the order of the High Court the present appeal has been filed by the Registrar of High Court.

The Gujarat Judicial Service Recruitment Rules 1961 provides for two pre-condition for confirmation of the probationer;

\begin{itemize}
  \item[(i)] availability of the vacancy and
  \item[(ii)] Satisfactory performance.
\end{itemize}

\textsuperscript{317} 2005 SCC (L&S) 12
The contention of the respondent that ‘when the maximum period of probation was of two years under the rules, in the absence of anything to the contrary, the continuance in service would mean the confirmation.’

The Supreme Court has rejected the contention of the respondent and allowed the appeal. The Hon’ble Court observed that;

“In our opinion, what is to be considered in such a matters is the examination of overall entries of the officer concerned not the entries here and there. It may well be in some cases that in spite of satisfactory performance still the authority may desire not to extend the probation of an employee in public interest, as in the opinion of the said authority, the post has to be manned by a more efficient and dynamic person. There is no denying of the fact that in all the organisations there as great deal of dead wood and more so in Government and judicial department, which has to be replaced in public interest. Therefore as pointed out by the Courts in India and by this Court, it is purely a matter of subjective satisfaction of the High Court. In such a case, the record so considered would naturally include the entries in the confidential/character/rolls/vigilance reports, both favourable and advice. There cannot be any justification for interference by this court”

Further there are situations where the fact clearly indicates that the employer has waived of his right by not acting on time. Thus where the rules prescribe the maximum period of probation and the employee continues in probation beyond the maximum period without interference, the service becomes automatically confirmed. The Supreme Court of India in **State of Punjab V. Dharam Singh**\(^{318}\) the rules\(^{319}\) provided for probation period of one

\(^{318}\) AIR 1968 SC 1210
\(^{319}\) Punjab Education Service (Provincialized Cadre) Class III Rules 1961
year in the first instance and that the maximum period of probation be three years. After one year of probation, it was possible to extend the period of probation or terminate the service or confirm his services. The petitioner completed three years of probation on 1st October 1960, but was terminated on 10th February 1963. The petitioner approached the High Court for quashing the order of termination. The High Court has been the quashed the order of termination. The State filed appeal against the order of High Court. The Supreme Court of India upheld the decision of the High court and declared that the petitioner be deemed to have been confirmed after the maximum period of probation.

(e) PROTECTION IN RELATION PROMOTION

**IMPORTANCE OF PROMOTION:** For a government servant promotion is a reward for their faithful and hard work. If there are no chances of promotion for a servant, he will not work hard. He will search for a better job outside and leave the place where he is employed as early as possible. For many servants the government service is a lifelong service. They enter this service when they are very young and continue to work till retirement. They are retained in the services by making provisions for promotion. Civil Service cannot be called as a career service without promotions. Without promotions cannot attract the best talents to join the government service; cannot retain the most talented and potential persons in the service; and cannot get the best from them for the service and for the nation. It is clear that without promotions, cannot have efficient, competent and satisfied civil servants in
the country. Promotion satisfies a natural human urge to make progress and advancement in life.

A proper scheme of promotions can only make the civil service as an attractive career and attract the best talents to join the service. Promotions can also serve as rewards for the servants. Opportunity of promotion is a possible reward for hard work, efficiency and faithful service. Government servants will work hard to get possible promotions. This means that promotion chances increase the efficiency and contentment of the civil services. Recruitment of best persons is the first and foremost important step in the administration. But to retain the talented persons in the services is also equally important. By the device of promotion, it is possible to retain the best, talented and efficient persons in the civil services. Human being is a growing creature. Everybody wants to make progress and advancement in life and seeks recognition from others. These basic human urges of advancement and recognition should be satisfied by the organisation, where he is working. Otherwise he will not be satisfied with his work and would like to change his job. This may cause problems for the civil services. These two basic human urges of recognition and advancement can be satisfied by the device of promotion.

A sound promotion policy fosters the feeling of belongingness in the servants. It also contributes to maintaining continuity in the policies and programmes of the organisation. Promotion system builds up sound traditions and conventions in the civil service and adds to the goodwill of the government. If there are adequate chances of promotion to higher levels in
the government service, then competent persons would be ready to join the services at lower levels also. This will increase the efficiency of administration.

With the passage of time in the government service, persons acquire up-to-date practical experience of work. Their continuity in the service makes them competent to shoulder higher responsibilities. This 'experience and competence acquired by the civil servants can be utilised by giving them chances of promotions to higher and more responsible positions. The best use of man power is possible only through a sound system of promotion. Promotions give the Civil Servants an opportunity to satisfy their increasing material needs and give their best to the services. This also reduces the chances of the occurrence of malpractices and corruption in the services. The servants will not nurse grievances against the Government. They would render more efficient, honest and faithful service to the government. There would be greater discipline and higher morale among the civil servants.

**METHOD AND PROCEDURE OF PROMOTION:** A well accepted Procedure of Promotion need to be established because in any government service the opportunities to get promotions are limited and a limited number of higher posts fall vacant. A large number of Civil Servants working at the lower posts waiting for the opportunities to promote to the higher posts, but it is practically impossible to give promotions to all ambitious civil servants. In fact, only few of them are promoted to the higher positions and a large number of servants are denied the promotions. Those who are unsuccessful in getting promotion feel disappointed and lose interest in work. If the
promotion is made arbitrarily then this adds to their indifference, inefficiency and insult. It is, therefore, necessary that promotions should be based on some well-defined and recognized principles.

Following are the recognised modes of promotion; they are as follows;
1) On the basis of Seniority
2) Seniority-cum-Merit
3) Principle Merit Principle

In official parlance the first two modes are known as “non-selection” and the third mode of promotion is called as “selection” method of selection. Merit has nothing to do with the non-selection methods but has a pivotal role to play in selection method. In selection method Merit is judged on the basis of past performance of the employee as recorded in the Annual Confidential Rolls (ARCs)\textsuperscript{320}

**PROMOTION ON THE BASIS OF SENIORITY:** Seniority means length of service in a particular post or scale or grade. The length of service or seniority is the sole basis in making promotions. According to it, one who has longer length of service must get the promotion. The senior most civil servants are eligible for promotion first. A seniority list can be prepared and order of precedence can be decided according to experience and age.

The promotion of a civil servant on the basis of seniority is very simple to apply. It is most objective. It leaves no scope for favouritism or nepotism. It gives respect to age and experience. It is in accordance with the established

practices in society. It is more democratic because it gives a chance of promotion to everybody irrespective of merit. Everybody cannot become meritorious but everybody is bound to become senior with the passage of time. It is safe for every employee and, therefore, seniority principle is readily accepted by the staff as against the merit principle. But principle of seniority has many drawbacks. Those who are senior are not necessarily fit for promotion. Mere length of service is not a criterion of fitness. Seniority and experience are, therefore, not rational criteria for promotion to higher posts.

The Supreme Court of India in *State of Mysore V. Sayed Mahamood*,321 held that a civil servant cannot claim the promotion on the basis of seniority alone and if he is not found fit for promotion to the higher post a junior person might be considered for promotion.

The Supreme Court in *B.V.Sivaiah V. K. Addanki Babu*322 lay don that for assessing the minimum necessary merit, minimum standard could be laid down and could also prescribe the mode of assessment of such merit. In assessing merit, marks could be assigned on the basis of the appraisal of the performance, by reviewing the service record and the performance in the interview in order to see whether a person is qualified for promotion on the basis of seniority-cum-merit.

Further the Supreme Court of India in *Union of India V. Lt Gen Rajendra Singh Kadyan*323 considered the scope of the condition for promotion stipulating that “an officer should be fit in every respect for such

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321 AIR 1868 SC 1113
322 (1998) 6 SCC 720
323 AIR 2000 SC 2513
appointment” the Supreme Court after considering the dictionary meaning come to the conclusion that the expression did not mean that the seniority alone is the criteria for promotion. The Court observed that;

....on careful reading it becomes clear that ‘an officer should be fit in every respect for such appointment’ will not merely mean that he must be physically fit or mentally fit but in every other aspects. In addition what was in the mind of the authority is made clear that an officer holding the rank of Lt General who is otherwise fit but not selected because of the reversion of criteria will be a clear indication that if it is a selection and not mere a promotion on the basis of seniority. Further the expression ‘fit’ has been brought to the notice as legally meaning ‘fit to be chosen’ by elaborating the expression ‘eligible.’ Therefore the Court is of the opinion that to the post of Army Commander Selection has to take place. Further the conclusion reached by the High Court that the appointment to the post of Army Commander has to be made on the basis of seniority alone cannot be accepted.

Therefore it is clear from the various decisions of the Hon’ble Courts that for promotion, seniority alone cannot be a guiding principle, along with seniority merit shall also be considered.

**PROMOTION BY SELECTION:** Principle of merit is contrary to the principle of seniority. This principle implies that the most meritorious, best qualified and most competent person must be selected for promotion to the higher post. In the civil service higher position means more powers and responsibilities and it requires more competent and hardworking persons. Therefore, those who have merit and qualifications must be promoted to higher positions. Merit, therefore, must be the sole criterion for promotion.
The main object of Promotion of Civil Servants, whether by seniority or on the basis of merit, is to serve the public interest and not the interest of the official concerned. The competent authority competent to promote is to make such a evaluation honestly by application of uniform principle. Dishonesty is difficult to prove in the court of law, but even the perception of it will necessarily leads to frustration and discontentment in the services and impair the administration. Therefore the competent authority has to follow the principle of merit strictly on uniform basis.

The Hon`ble Court in *Union of India V. M.L.Capoor*\(^{324}\) held that, seniority has the relevance where merit of two or more candidates is considered by the selecting authority as equal. In such a case seniority should be the basis in making the selection and appointment.

Further in *Junas V. Comptroller*\(^{325}\) the Hon`ble Court held that, Constitution of Departmental Committee consisting of persons who have direct knowledge about the conduct of the officer concerned cannot be said to be unauthorised. Therefore the authority competent to make appointment by promotion is entitled to constitute and seek the assistance of the expert committee with the object of helping the authority in making an assessment of merits of the candidates who are eligible for promotion.

In case of promotion by selection or merit, merit is the sole criteria from among the persons who are eligible for promotion. It is immaterial whether an official is a senior or a junior. If the Civil Servant under the rules is

\(^{324}\) AIR 1974 SC 87  
\(^{325}\) SLR 1970 Ker 318
eligible for promotion he has a right for consideration of his case. The competent authority competent to make selection, select for promotion on the basis of merit on comparison of the merit among the eligible candidates. Therefore, the merit is the only criteria for promotion.

What is ‘merit’ was a question before the Supreme Court of India in *S.B.Mathur V. Chief Justice of Delhi High Court*, the Supreme Court observed that;

“The word ‘merit’ is not capable of easy definition, but it can be safely said that merit is the sum total of various qualities and attributes of an employee such as the academic qualification, his distinction in the University, his character, integrity, devotion to duty and the manner in which he discharges his duties, Allied to this may be other matters or factors such as his punctuality in work, the quality and out-turn of work by him and the manner of his dealing with his superior and subordinate officers and the general public and his rank in the service.”

Therefore these guidelines are the necessary requirements for the consideration of promotion of Civil Servant on the basis of merit.

**REVISED GUIDLENCE FOR PROMOTION ON MERITS:** Because of wide scope of misuse of discretion in matters of grading officers for promotion on the basis merit, the Government of India issued an official memorandum, has thoroughly revised the Departmental Promotion Committee procedure with regard to the selection, method of promotion with an intent to avoid the misuse of discretion of selecting authority for promotion. The new guidelines have dispensed with different pattern of selections such as selection by

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326 JT 1988(3) SC 507  
327 D.O.P.T.O.M.F.No.35034/7/97/Estt/dated 8-2-2002
merit, selection-cum-seniority. The Official Memorandum indicated different
bench marks for promotion to different grades in accordance with the revised
pay scales after the recommendations of Fifth pay Commission.

Therefore once the bench-mark is met, the candidates are to be grouped into
‘fit’ and ‘unfit’ categories by the Departmental Promotion Committee and
there would be no suppression among fit candidates. This new system of
promotion almost negative the arbitrary exercise of power by the competent
authority in promotion.

**PROMOTION DURING PENDENCY OF DEPARTMENTAL ENQUIRY:** A civil
servant has a right to have his considered for promotion according to his
turn and it is also guaranteed under Article 14 and 16(1) of the Constitution
of India. The postponement or abeyance of the Promotion which might
otherwise be available, curtails the right of the Civil Servants guaranteed
under the Constitution. The exercise of power to defer the promotion must
pass the test of reasonableness, to be determined on the facts of each case.
Therefore during the pendency of the departmental proceedings or criminal
proceedings, the consideration of the civil servant for promotion otherwise
eligible, can be postponed, but cannot be denied.

In recent times the Courts have dealt with the delay caused in completion of
departmental enquiry or criminal proceeding against the Civil Servant and
evolved the ‘sealed cover’ procedure. The idea of sealed cover is to avoid
promoting a public servant who is being considered unfit for promotion on
account of existence of prima facie case of grave misconduct that is fit to be
enquired into against civil servant. So that a person who is to be immediately punished is not given an unwanted promotion, a device is called as ‘sealed cover procedure,’ has been invented.

The sealed cover procedure is adopted when the civil servant is due for promotion, but the disciplinary proceedings are pending against him at the relevant time and hence, the findings of his entitlement to the benefit are kept in sealed cover to be opened after the proceedings in question is concluded.\textsuperscript{328}

The sealed cover procedure was came up for consideration before the Supreme Court in \textit{Union of India V. Kewal Kumar},\textsuperscript{329} the Supreme Court observed that an F.I.R was lodged by the C.B.I. against a Government servant for investigation on serious allegations of corruption, bribery and similar grave misconduct. The competent authority took decision to initiate the disciplinary proceeding against the civil servant and adopted the sealed cover procedure. The Hon’ble Supreme Court Justified the adoption of sealed cover procedure.

Further the Supreme Court in \textit{B.C.Chaturvedi V. Union of India}\textsuperscript{330} held that depending on the gravity of allegations, the authority may either adopt the sealed cover procedure or grant promotion, subject to the result of the disciplinary proceedings.

\textsuperscript{328} \textit{Union of India V. K.V.Janakiraman, (1991)4 SCC 109}
\textsuperscript{329} AIR 1993 SC 1585
\textsuperscript{330} AIR 1996 SC 484
**TIME-BOUND PROMOTION**: On account of various reasons availability of opportunity for promotion in public service has been reduced. For want of career advancement employees started stagnating at the maximum of their pay scales, this brought the frustration and leads to inefficiency of administration. To meet the situations the Government of India introduced various career progression schemes like bi-annual review schemes and time bound promotion schemes.

The Time-bound promotion scheme was introduced on 13.9.1991, which has been able to remove the bottleneck of stagnation at the maximum of the scale. The scheme of promotional benefits provided that on the recommendations of the Departmental Promotion Committee the employee who is stagnating the maximum of the pay scale of pay be granted a higher pay-scale that he could have obtain on regular promotion, but without attachment of any higher responsibility. Further the Government of India on 26.6 1993 introduced the Time Bound One Promotion Scheme (TBOP) assuring thereby at least one promotion in the service career. The Scheme provides for promotion to lower up-gradation to those who have completed 16 years of service in that grade and to higher up-gradation in case of those who completed 26 years of service.

The Government introduced new scheme\(^\text{331}\) known as Advance Career Progression Scheme. The scheme provided for time-bound promotion for those who have not got any promotions for 12 years or more or who have no further opportunity of promotion because of the recruitment rules. Under a

\(^{331}\) With effect from 9.8.1999
new scheme an employee who has not got any promotion for 12 years would
get promotion in the next higher grade and if the servant is not regularly
promoted for another 12 years, he would get the second promotion.

Further on the recommendations of the Fifth pay Commission the
Government has introduced Assured Career Progression Scheme, which
provides for higher pay scale without assigning the higher responsibility. The
new scheme is applicable even where provision for promotion is made in the
rules or an employee has already obtained the promotion, but did not get
another promotion for more than ten years.

Therefore the main object promotion and the schemes of promotions
introduced by the Government from time to time, is to increase the efficiency
of the administration of civil servants by rewarding their past service and
work for the benefit of the public with potentiality.

(f) PROTECTION IN RELATION TO DISCIPLINARY PROCEEDINGS:

Article 309 of the Constitution of India provided to regulate the recruitment
and conditions of service by law or by rules includes the power to regulate
the disciplinary proceedings against government servant. Whether the
matter is regulated by rules or under the act of legislature have the same
effect and therefore it is obligatory for the State to act in conformity with the
rules. The object of providing for and regulating disciplinary proceedings is
to protect the honest Government servant and to punish the Government
Servant guilty of corruption, misbehavior, misconduct, negligence or
inefficacy. It is to ensure the fair trial to the Government Servant against
whom disciplinary proceedings are initiated and also to provide adequate safeguards against false allegations.\textsuperscript{332}

Discipline in work place, and even outside, has been given a place of priority for the simple reason that indiscipline at work place affect the employer-employee relationship, it mars the congenial atmosphere of the growth of the organisation and vitiates the working atmosphere. Therefore in exercise of power conferred under proviso to Article 309 of the Constitution of India a set of rules\textsuperscript{333} established for dealing with misconduct, misbehavior, indiscipline, etc., of the Civil Servants of the Union and the similar rules were established in relation to the servants of the State. These rules provided procedural protections to the civil servants of the Union or the State before the imposition of penalty on the alleged misconduct, misbehavior or indiscipline. Holding of departmental enquiry is the condition precedent to impose any kind of penalty against the civil servant against whom the allegations of misconduct or misbehavior has been alleged. Therefore holding of departmental enquiry before imposing the penalty is the important protection to the civil servants against the arbitrary action of the authority who are having the power to take action.

**DEPARTMENTAL ENQUIRY:** Department Enquiry means an inquiry held under and in accordance with any law made by parliament or any rule made

\textsuperscript{332} Justice M. Rama Jois “Service Under the State” ILI Publication, revised and updated by faculty of ILI, 2007 p 573
\textsuperscript{333} i) The Central Civil Service (Conduct) Rules, 1964.

   ii) The Central Civil Service. (Classification, Control and Appeal) Rules,1965

there under or any rule made under the proviso to Article 309, or continued under Article 313 of the constitution of India into any allegation of lack of integrity against a delinquent civil servant. The departmental proceedings consists of several stages, such as initiations of proceedings, inquiry in respect of the charges, and final order which is passed after after conclusion of the enquiry.

**AUTHORITY COMPETENT TO INITIATE DISCIPLINARY ENQUIRY:** An enquiry against the Government Servant must be instituted at the instance of a competent disciplinary authority. Where a civil servant is appointed by the head of the department who alone was competent under the rules to institute disciplinary proceedings for imposing major penalty, any enquiry instituted by a subordinate officer is without jurisdiction. The Hon`ble Supreme Court of India in *Transport Commissioner V. Thiru A. Radha Krishna Moorthy*\(^{334}\) held that the initiation of enquiry can be by an officer subordinate to the appointing authority, but to take decision of dismissal or removal shall not be by an authority subordinate to the appointing authority.

The disciplinary power vested in a designated authority cannot be delegated to the subordinated authority. The Hon`ble High Court in *S.Vincent V. Union of India*,\(^{335}\) held that under the provisions of Air Force Act, only a court martial has the power to award the punishment of dismissal, an order passed by other authority was held illegal. An authority other than the

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\(^{334}\) (1995) 1 SCC 332  
\(^{335}\) 1972 Mys LJ SN 137
appointing must be designated as the disciplinary authority authorised to impose the punishment under the rules against a civil servant. In the absence of such a specification in the rules, the authority other than he appointing authority cannot institute disciplinary proceedings or impose a penalty on a civil servant.\footnote{H.Bhoja Rao V. Joint Director of Industries and Commerce, 1972 Mys LJ SN 127} \footnote{1986(3)SLR42(M.P)}

**NATURE OF DEPARTMENTAL ENQUIRY:** The Nature of Departmental Inquiry has succinctly remarked by the Madhya Pradesh High Court in *Mukesh Kumar v. State of Madhya Pradesh*\footnote{H.Bhoja Rao V. Joint Director of Industries and Commerce, 1972 Mys LJ SN 127} that, it must be remembered that the Departmental Inquiry is not a matter of empty formality. It is a serious proceedings intended to give the servant concerned a chance to meet the charge and to prove his innocence. It has to be conducted according to the relevant statutory rules regulating it and the matters are the essential elements of natural justice.

Therefore the object of departmental enquiry is to prevent miscarriage of justice. Where there is violation of principles of natural justice proceeding can be quashed. Acts of public authorities, judicial, quasi-judicial or administrative can be challenged when the rules of natural justice have been contravened. However, the rules of natural justice are not capable of definition. But they depend to a greater extent on the facts and circumstance of the case.

It is clear that all departmental enquires should be conducted according to the relevant statutes and should strictly follow the rules of natural justice.
The following principles of natural justice are applicable to the disciplinary proceedings against Government servants.

(i) The party should have the opportunity of adducing all relevant evidence which he relies on,
(ii) The evidence of the opponent could be taken in his Presence,
(iii) He should be given an opportunity to cross-examine the witness examined by that party.

The Supreme Court of India in *Union of India v. T.R. Verma*[^338^] observed that opportunity of adducing evidence and opportunity to cross-examine the witness are observed in holding a departmental inquiry and it is not open to attack on the ground that the procedure laid down in the Evidence Act for taking evidence was not strictly followed. In Departmental enquiry Principles of Natural justice is to be followed even though no objection was raised by the delinquent officer.[^339^]

Framing and Communication of charges to the civil servant are important procedure of Departmental enquiry. The Inquiry officer initiates the inquiry on charges which are framed against delinquent Government Servant.

**FRAMING OF CHARGES:** The charges framed against Government servant should be specific and not vague and must be supported by statement of allegation. If the delinquent servant admits the charges, there is no need to hold any further enquiry. But the admission must be clear and unequivocal[^340^] and at the same time after the charges leveled against

[^338^] AIR 1975 SC 882
[^339^] K. Raja Rao v. Syndicate Bank & Others 1999 (1) SLR 113 (Karn)
Government servant, it should be communicated to the delinquent civil servant.

The High Court of Bihar in *Gourishankar v. State of Bihar*[^341] observed that the mere fact that the registered letter containing the notice sent to civil servant, returned un-served with a postal remark that the address is not available is not a sufficient ground to proceed ex-parte. In the absence of a specific proof that the civil servant concerned refused the notice, the department cannot precede ex-parte. Any such ex-parte proceeding will be violative of the Principle of Natural justice.

When the charge sheet and show cause notice is issued seeking reply from the employee, such charge sheet or show cause notice must be actually served and theory of ‘deemed’ service is not applicable. The Supreme Court in *Union of India V. Dinanath Shantaram Kharekar*[^342] observed that filing of reply is necessary in respect of the charge sheet or show cause notice, the notice must be actually served upon the delinquent civil servant so that he gets the opportunity to answer to the allegations.

**PRIMILINARY ENQUIRY:** Preliminary enquiry is to find out whether there is any Prima facie case made out against the Government servant concerned for instituting a departmental enquiry, are only of an administrative nature and does not affect the validity of the disciplinary Proceedings instituted against an official without first holding a Preliminary enquiry. A

[^341]: SLR 1973 (1) Pat 694
[^342]: AIR1998 SC 2722
departmental enquiry proceeding cannot be challenged on the ground that no preliminary enquiry was held\textsuperscript{343}

The preliminary enquiry is in the nature of a 'fact finding enquiry'. During the course of such an enquiry, for the sake of fairness, the Government servant complained against normally is given an opportunity to defend about the allegation against him.

Preliminary enquiry may even be held exparte for it is merely for the satisfaction of the concerned authority. At this enquiry, all available evidence and relevant documents should be collected and got signed by them, if possible, in the presence of the employee concerned.

At the stage of preliminary enquiry, to be seen as to whether a prima face case exist of a certain offence, misconduct, misbehaviour, or dereliction of duty. It is just to find out whether an offence has taken place and whether Government servant is prima facie involved in it. The disciplinary authority provides an administrative instruction for holding of a preliminary enquiry to find out whether there is any prima facie case made out against the Government servant.

Therefore Preliminary enquiry is a fact- finding Enquiry intended to find out the facts of the complaint made against a servant. Such an enquiry can be carried out ex-parte. The Preliminary enquiry is necessary, to find out the truth of the complaint made against a servant, but it cannot be a substitute

\textsuperscript{343}Revanna Ellere v. State of Mysore, 1965 (1) Mys LJ 758
for a full-fledged departmental enquiry on the other hand, a departmental enquiry is a quasi-judicial in character and all the prescribed formalities are to be followed in a departmental enquiry.

The Supreme Court in *Champak lal v. Union of India*,\(^{344}\) that a Preliminary enquiry is really for the satisfaction of the employer to decide whether punitive action should be taken before he decides to hold a regular enquiry and also for the purpose of collection of facts in regard to the conduct and work of the servant, so that he may decide whether or not to hold the regular enquiry.

**APPPOINTMENT OF ENQUIRY OFFICER:** Enquiry officer are normally appointed for conducting the departmental enquiry and submit report to the disciplinary authority. Enquiry officer means an officer appointed by the central Government or by an officer of authority subordinate to that Government to hold a departmental enquiry and includes any officer who is empowered by or under any law or rule for the time being in force to hold such enquiry.

There is no defect in appointing an officer on re-employment after retirement as an enquiry officer to conduct enquiry against a civil servant.\(^{345}\) Unless the rules prohibit the appointment of a particular class of officer from being appointed as enquiry officer, the validity of appointment of the enquiry officer cannot be questioned. The person who has been appointed as enquiry

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\(^{344}\)AIR 1964 SC 1854  
\(^{345}\)Union of India v. Jagjit Singh, AIR 1970 SC 122
officer for the purpose of conducting a departmental enquiry has got powers,\textsuperscript{346} as are vested in a civil court under code of civil procedure, 1908, in respect of the summoning, enforcing the attendance of any witness, examining him on oath, discovery and production of any document, other material producible as evidence etc.

In a departmental enquiry if the inquiring authority is satisfied that it is necessary to summon a person as a witness or to call for a document from him and that the attendance of such person as a witness or production of such documents, if not secured, after recording the reasons for doing so, make a reference to the competent authority, or if there is no competent authority, to the central Government seeking authorization under Section 4 of the Act, to exercise the powers specified in Section 5 in respect of such person. The power authorizing an enquiring authority to exercise can be exercised by the central Government the competent authority.

A departmental enquiry form the basis of imposition of penalty on a Civil Servant must be conducted by an unbiased officer. Any enquiry conducted by un-biased officer vitiates the departmental enquiry and any penalty imposed on the basis of such enquiry is liable to be set aside. The enquiry officer, in the performance of his duty, is expected to keep an open mind about the guilt of the charged officer. The enquiry officer has to admit the relevant evidence and should decline to record the wholly extraneous evidence and he should also give reasonable opportunity to the charged

\textsuperscript{346} Section 5 of the Departmental Inquiries (Enforcement of Attendance of witness and Production of Documents) Act, 1972,
officer to pursue the record for the purpose of preparing his defence. The 
entery officer should give reasonable opportunity to the charged officer to 
cross-examine the witnesses and also to examine the witnesses in support of 
his case.\textsuperscript{347}

**PROCEDURE OF CONDUCTING DISCIPLINARY ENQUIRY:** In conducting 
the departmental enquiry, the competent authority exercising the power to 
hold enquiry is bound by the principles of natural justice. The principle of 
natural justice includes;

(i) The party should have the opportunity of adducing the relevant 
evidence which he relies on;
(ii) The evidence of the opponent should be taken in his presence;
(iii) He should be given an opportunity to cross-examine the witnesses 
examined by that party;
(iv) No material should be relied on against him without giving him an 
opportunity of explaining them;

The Supreme Court of India in *Union of India V. T.R.Varma*\textsuperscript{348} held that the 
principles of natural justice require that the witnesses deposing against a 
delinquent Government Servant must be examined in the presence of the 
delinquent Government Servant. The person against whom the statement is 
made should know the evidence given against him so that he may be in a 
position to give his explanation. The examination of the witnesses should be 
before the delinquent civil servant and should provide the opportunity to 
cross-examine the witnesses.

\textsuperscript{347} Supra note 332 p 588
\textsuperscript{348} AIR 1957 SC 882
It is an accepted principle of law that when the man’s reputation or livelihood is at stake, he is not only has a right to defend but has also has right to be defended by legal practitioner. Therefore it is the duty of the concerned authority to provide an opportunity to defend his case with the assistance of the legal practitioner. However, before the domestic enquiry, a charged officer has no automatic right to engage a legal practitioner as his defence assistance.\textsuperscript{349} Therefore there are two situations wherein the delinquent civil servant may be permitted to engage the assistance of the legal practitioner before the domestic enquiry;

(i) When the Disciplinary Authority appoints a legal practitioner as the presiding officer on his behalf;

(ii) Where the charges are serious and the question involved is of complicated nature, the disciplinary authority in its discretion may allow the assistance of the legal practitioner.

\textbf{REPORT OF THE ENQUIRY OFFICER:} The Inquiry Officer has to prepare a report after the conclusion of the inquiry as provided in Rule 14(23) (i)\textsuperscript{350} of the Central Civil Service (CCA) Rules and forward the same to

\textsuperscript{349}Rule 14 (8)(a) of Central Civil Services (Classification Control and Appeal) Rules, 1965: (8)(a) The Government servant may take the assistance of any other Government servant posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, 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; Provided that the Government servant may take the assistance of any other Government servant posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

\textsuperscript{350} (23)(i) After the conclusion of the inquiry, a report shall be prepared and it shall contain—(a) The articles of charge and the statement of the imputations of misconduct or misbehaviour; (b) The defence of the Government servant in respect of each article of charge; (c) An assessment of the evidence in respect of each article of charge; (d) The findings on each article of charge and the reasons thereof.
the disciplinary authority together with the records of inquiry and the documents prescribed in Rule 14(23) (ii). The report of the inquiry officer should contain

(i) An introductory indicating appointment of Inquiry Officer & the dates of hearing
(ii) Charges that were farmed
(iii) Charges that were admitted or dropped or not pressed
(iv) Charges actually inquired into
(v) Brief statements of the case of disciplinary authority in respect of the charges enquiry into
(vi) Brief statement of facts & documents admitted
(vii) Points for determination or issues to be decided.
(viii) Brief statements of the case of the Government servant.
(ix) Assessment of evidence in respect of each point.
(x) Finding on each charge.

The findings in the departmental enquiry by the enquiry officer or the disciplinary authority must be specific. It is the duty of the disciplinary authority to focus attention on the records so as to enable the authority to reach a proper conclusion regarding the proof of the charges. The findings of the fact recorded by the enquiry officer to whom the enquiry is entrusted are

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351 (ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include :- (a) The report prepared by it under clause (i). (b) The written statement of defence, if any, submitted by the Government servant; (c) The oral and documentary evidence produced in the course of the inquiry;

(d) Written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry; and

(e) The orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.
not binding on the disciplinary authority, the competent disciplinary authority may take different views on the basis of evidence placed before the disciplinary authority in respect of the alleged act of misconduct made against the civil servant. The Supreme Court in *Union of India V. H.C. Goyal*\(^{352}\) observed that, it is competent for the disciplinary authority to disagree with the findings of the enquiry officer.

Further the Supreme Court in *State of Assam V. Mohanchandra*\(^{353}\) held that before a government servant is found guilty in the departmental proceedings held by the enquiry officer, the charges must be proved against the delinquent civil servant on the basis of the evidence adduced at the departmental enquiry. In the absence of any evidence, a government servant cannot be found guilty and finding based upon no evidence is liable to be set aside as not sustainable.

**FINAL ORDER IN DISCIPLINARY PROCEEDINGS:** Disciplinary authority is to take a decision on the basis of the findings of the enquiry report. Before the enquiry officer decides, the rules provide that the delinquent civil servant is entitled to pre-decisional hearing by way of representation against the enquiry report. The disciplinary authority has to consider the representation and pass final order on the departmental proceedings. The final order in the disciplinary proceedings must disclose the application of mind of the disciplinary authority to the representation filed by the delinquent civil

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\(^{352}\) AIR 1964 SC 364  
\(^{353}\) SLR 1973(1) SC 401
servant. The High Court in *T. Ramchandra V. State of Mysore*\(^{354}\) held that, rejecting the representation of the government servant on the ground that there were no fresh grounds to consider the representation would be invalid. Therefore the consideration of the representation of the government servant by the disciplinary authority is necessary before passing the final order.

**PENALTY:** The disciplinary authority is legally required to follow the rules before inflicting the punishment.

In exercise of the power under the proviso to Article-309 the President has framed rules called Central Civil service (CCA) Rule, 1965, which regulate disciplinary proceedings against persons appointed to services and posts under the union. One of the salient features of the rule\(^{355}\) authorizes the imposition of any one of the following penalties for good and sufficient reasons.

**Minor Penalties**

(i) Censure;

(ii) Withholding of his promotion;

(iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;

(iii) (a) reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.

(iv) Withholding of increments of pay;

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\(^{354}\) 1967(2) Mys LJ 360

\(^{355}\) Rule 11 of the Central Civil service (CCA) Rule, 1965
Major Penalties:

(v) Save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay:

(vi) Reduction to lower time-scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the Government servant to the time-scale of pay, grade, post or Service from which he was reduced, with or without further directions regarding conditions of restoration to the grade, or post or Service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or Service;

(vii) Compulsory retirement;

(viii) Removal from service which shall not be a disqualification for future employment under the Government;

(ix) Dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Provided that, in every case in which the charge of possession of assets disproportionate to known-source of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed: Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.
MINOR PENALTIES:

a. CENSURE: An order of 'censure' is a formal and public act intended to convey that the person concerned has been guilty of some blame-worthy act or omission for which it has been found necessary to award him a formal punishment and nothing can amount to censure unless it is intended to be such a formal punishment & imposed for good and sufficient reasons after following the prescribed procedure. A record of the punishment so imposed is kept on this officer's confidential role and the fact that he has been censured will have its bearing on the assignment of his merit or suitability for promotion to higher posts.\(^\text{356}\)

Where a departmental proceeding has been completed and it is considered that the officer concerned deserves to be penalized, he should be awarded one of the recognized statutory penalties as given in Rule 11 of the CCS (CCA) Rule, 1965. In such a situation, warning should not be issued as it would, for all practical purposes, amount to a 'censure' which is a formal Punishment and which can only awarded by competent disciplinary authority after following the procedure prescribed the relevant disciplinary rules.

The Delhi High court has, in the case of Nadhan Singh v Union of India\(^\text{357}\) also expressed the view that warning kept in the C.R. has all the attributes of 'Censure'. After the conclusion of disciplinary proceedings the officer concerned should be penalized, the disciplinary authority should award the penalty of "censure" at least. If the intention of the disciplinary authority is

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\(^{356}\) Ejaz Ahmed 'All India Service Manual' Fifth Edition p 997

\(^{357}\) 1986 Lab IC 1362 (Del H.C)
not to award a penalty of ‘censure’ then no recordable warning should be awarded.

b. WITHOLDING OF PROMOTION: Service rules prescribe with holding of promotion or demotion to lower grade as one of the punishments, which can be awarded for misconduct.

When the promotion is under consideration, the previous records forms a basis and when the promotion is on merit and ability, the currency of punishment of stoppage of increment based on previous record stands as impediment and unless the period of punishment gets expired, the claim for consideration during the same period cannot be taken up.

c. RECOVERY OF LOSS: Proceedings relating to recovery of pecuniary losses caused to the Government by the negligence or breach of orders by a Government servant, the penalty of recover can be imposed only when it is established that the Government servant was responsible for a particular act or acts of negligence or breach of orders or rules and that such negligence or breach caused the loss.

Recovery of loss is also minor penalty. This is imposed on servant for misconduct. It is a type of penal punishment. However, to make penal deductions from the remuneration of servant is not an implied term of arbitrary contract between the Government and its servant. It is levied on the servant for the purpose of recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders or rules.
In case of loss caused to the Government, the competent disciplinary authority should correctly assess in a realistic manner the contributory negligence on the part of an officer, the bearing of such losses on the loss considered and the extenuating circumstances in which the duties were performed by the officer shall be given due weight\(^{358}\).

The amount recovery of loss ordered as a measure of penalty can be reduced by the punishing authority at any later stage if it is found that the amount of loss sustained by the Government is less than that originally calculated. However, if the loss is subsequently found to be nil, the case has to be reviewed by the competent authority for imposing an appropriate penalty, that authority will not be competent to impose a penalty higher than that of recovery\(^{359}\).

**d. WITHOLDING OF INCREMENT:** The penalty of withholding an increment takes effect from the date of increment accruing to the officer after the issue of the punishment orders. However, it cannot affect the increments which were due prior to the issue of the punishment orders even though it may not have actually been drawn due to the officer being on leave or other administrative reasons\(^{360}\).

It is also obligatory on the part of the disciplinary authority to specify the period for which the penalty should remain current. Further it was classified, an order of withholding of increment for a specified period implies

\(^{358}\) Ejaz Ahmed ‘All India Service Manual’ Fifth Edition p 999


\(^{360}\) Rule 102 of Posts & Telegraphs Manual (vol. III)
with holding of all the increment admissible during that specified period and not the first increment only.

Regarding next increment, it was clarified that where an order of penalty purports to withhold the next increment, for a specified period is implies that all the increments falling due during that period would be withheld, because without getting the next increment, an officer cannot get increments falling after the "next increment".

All disciplinary authority should, therefore, ensure that orders of penalty are correctly worded in accordance with their intention\textsuperscript{361}

The service rules prescribe with holding of an increment as one of the punishments, which can be awarded, for misconduct. As a normal rule the servants in the graded scales enjoy the benefit of regular annual increments. These increments occur automatically until the maximum of the scale is reached and stoppage of annual increment on any occasion, when it is normally due would amount to punishment of the servant concerned.

**MAJOR PENALTY:**

a. **COMPULSORY RETIREMENT:** Penalty of compulsory retirement is one of the penalties under all the statutory rules viz. Central Civil Service (CCA) Rules, 1965, Railway Servants (Discipline & Appeal) Rules 1968 etc.

\textsuperscript{361}[D.G.P&T's letter no: 20/41/66-Dis, dt. 19-4-1967]
When the compulsory retirement is by way of penalty, then the provision of Article 311 of the constitution of India is applicable and giving appropriate reasonable opportunity to the delinquent Government Servant is necessary before imposing the penalty of compulsory retirement. The Supreme Court of India in *Murari Mohan Deb v. Secretary to the Government of India*[^362], it is held that, the compulsory retirement made before attaining the age of superannuation would have to be regarded as an order of imposing penalty without authority of law and therefore would be violative of Article 311 of the Constitution of India, where the service rules neither fix the age of superannuation nor the age after which the civil servant could be retired compulsorily.

**b. DISMISSAL, REMOVAL AND REDUCTION IN RANK:** The words 'Dismissed' 'Removed' and 'Reduced' in rank are technical words used in cases where a person's services are terminated by way of punishment. The words are used in a special technical sense[^363].

Though both the terms 'Dismissed' and 'Removal' signify a penalty, removal from service is a middle form of penalty, as it does not disqualify a person for future employment, unlike dismissal[^364]. Removal is also a recognized mode of punishment and the mere fact that the petitioner has been removed by a simple order of termination, it cannot be said that order of removal visits no punishment.

[^362]: AIR 1985 SC 931.
[^363]: *Kemchand v. Union of India & Others AIR, 1951 SC 300*
Dismissal is an extreme punishment infliction of this extreme punishment on a servant would be justified if any conduct on the servant may be deemed to be incompatible with the faithful discharge of his duties and it is considered undesirable or against the interest of the Government to continue him in employment. On the basis of the above principle, serious misconduct like willful insubordination or disorderly behaviour, dishonesty, willful negligence of work and justify dismissal of a servant.

The Supreme Court in *Kshirode Bithari V. Union of India*\(^{365}\) held that when an opportunity is afforded to defend the case and the civil servant fails avail the opportunity, it is not open for the civil servant to contend that the enquiry is invalid on the ground that no opportunity was given before passing the final order.

Reduction in rank means demotion i.e. putting a servant in a lower grade or post or on a lower scale of pay. It may even include a case where a servant is reduced to a lower stage of pay in the same cadre. The word 'Reduction in rank' has reference to the classification of the post, which a person holds in the hierarchy of the service to which he belongs & does not mean the rank in the seniority list in the same grade. The expression suggests the reversion of a civil servant from higher rank or class or grade of post in the hierarchy or class of grade of post & not merely losing some place in the seniority in the same rank, or class or grade of post to which the government servant belongs.

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\(^{365}\) SLR 1970 SC 321
5.3 STATE CIVIL SERVICE

The State services are concerned with the administration of the State; the subjects within the jurisdiction of the States are land revenue, agriculture, forests, education, etc. Officers of the State Services are recruited by different States through the State public Service Commissions. The State is free to regulate the recruitment and conditions of services of civil servants according to its own requirements subject to the provisions of the fundamental rights of the constitution of India. The State is empowered to prescribe the qualifications for appointment to the posts and regulate the conditions of service of the civil servants. In exercise of the power conferred under proviso to Article 309 of the Constitution, States are empowered to frame the rules for recruitment and conditions of the services of the civil servants.

Therefore in any governance system the quality of its public servants is critical and in this context recruitment of suitable persons is of great importance. Those aspiring to be civil servants must have not only the required skills and knowledge, but also the right values which would include integrity, commitment to public service and above all, commitment to the ideals and philosophy embodied in the Constitution. Therefore the recruitment process, apart from being transparent, objective, fair and equitable should also ensure that the rights type of persons join the civil services. The system of recruitment to the civil services in India has evolved over the years. Several changes have been made in the recruitment process,
especially after Independence to reflect the needs of the administration from
time to time.

Protections in relation to conditions of Services of the Civil Servants are also
playing an important role in the administration. The protection like, security
of employment, better conditions of services by way of suitable pay scale,
promotional opportunity, retirement benefits and just and fair treatment of
civil servants leads to better administration and increases the efficiency of
the civil services. More importantly the holding of departmental enquiry is
necessary before imposing the major or minor penalty against the civil
servants of the State. The majority of the civil servants are becomes victims
of falls and malicious allegations and the protection of holding departmental
enquiry is the strong weapon to innocent civil servants to prove their
innocence.