



GOVERNMENT OF MAHARASHTRA  
GENERAL ADMINISTRATION DEPARTMENT

# The Maharashtra Civil Services (Conduct) Rules, 1979

(Updated upto 31st December 2016)



PRINTED IN INDIA BY THE MANAGER, GOVERNMENT CENTRAL PRESS, MUMBAI AND  
PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING, STATIONERY AND  
PUBLICATIONS, MAHARASHTRA STATE, MUMBAI 400 004.  
2017

[ Price : Rs. 35 ]

# **The Maharashtra Civil Services (Conduct) Rules, 1979**

(Updated upto 31st December 2016)

## PREFACE

The Maharashtra Civil Services (Conduct) Rules, 1979 were first published in the year 1979. Since then, some amendments have been made from time to time in these rules. Also some new provisions have been added, such as (1) Ethics for Government servants, (2) Providing Information under RTI Act, (3) Prohibition of sexual harassment of women at workplace, and (4) Prohibition of employment of children.

2. The need for an updated publication of these rules incorporating all the amendments to date was felt. The General Administration Department has therefore decided to bring out an updated edition of these rules with all amendments to date.

3. It is felt that the updated publication of these rules shall be useful to all concerned. Suggestions for improvement are welcome and shall be carefully considered.

Mumbai,  
Dated 12th January 2017

SWADHEEN KSHATRIYA,  
Chief Secretary to Government  
of Maharashtra

## **PREFACE**

(to the First Edition)

The question of Unification/Revision of the existing Bombay Civil Services Conduct Discipline and Appeal Rules, 1932 and the corresponding rules applicable to the allocated Government servants from Madhya Pradesh and Hyderabad was under consideration since the coming into existence of Maharashtra.

2. Accordingly, the Maharashtra Civil Services (Conduct) Rules have been framed after taking into consideration the Conduct Rules prevailing in the then Bombay, Madhya Pradesh and Hyderabad States as well as the Central Civil Services (Conduct) Rules.

3. Some of the new provisions added are (i) Prohibition against taking dowry (Rule 27), (ii) Consumption of intoxicating drinks and drugs (Rule 28), (iii) Provision for Backward Class employees to approach the Minister or the Minister of State in charge of Social Welfare and Tribal Welfare for their genuine grievances.

It is hoped that all concerned will find this publication useful. Suggestions for improvements are welcome and will be carefully considered.

Bombay :

Dated 25th July 1979.

P. D. KASBEKAR,

Chief Secretary to Government.

## INDEX

	Page
1 Short title, application and saving ..	1
2 Definitions ..	1
3 Duty of Government servant to maintain integrity, devotion to duty, etc .	2
4 Employment of near relative in companies or firms ..	4
5 Taking part in politics and elections ..	5
6 Demonstration and strikes ..	6
7 Joining of associations by Government servants ..	6
8 Communication of official information ..	7
9 Prohibition against connection with press or radio ..	7
10 Evidence before committee or any other authority ..	8
11 Subscriptions ..	9
12 Gifts ..	9
13 Public demonstrations in honour of Government servants ..	10
14 Sitting for portrait ..	11
15 Purchase of resignation ..	11
16 Private trade or employment ..	11
17 Investment, lending and borrowing ..	12
18 Insolvency and habitual indebtedness ..	13
19 Movable, immovable and valuable property ..	14
20 Purchasing or bidding for any property ..	16
21 Prohibition against acting as arbitrator ..	17
22 Vindication of acts and character of Government servants ..	17
22A Prohibition of sexual harassment of working women ..	18

---

	Page
23	Canvassing of non-official or other outside influences 19
24	Membership of or association with, communal .. 19 institutions
25	Association of names with public institutions or works 19
26	Contracting of marriages .. 20
27	Prohibition against dowry .. 20
27-A	Prohibition of employment of Children .. 20
28	Consumption of Intoxicating drinks and drugs .. 20
29	Recognition of Associations .. 21
30	No right to unrecognized association to submit .. 21 representation
31	Interpretation .. 21
32	Delegation of Powers .. 21
33	Repeal and Saving .. 21
	Appendix .. 23

---

## GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Mumbai 400 032.

## CONSTITUTION OF INDIA.

**No. CDR-1078-RMC** .— In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra hereby makes the following rules, namely :—

1. *Short title, application and saving.*—(1) These rules may be called the Maharashtra Civil Services (Conduct) Rules, 1979.

(2) They shall come into force on the 12th day of July 1979.

(3) Except as otherwise provided by or under these rules, these rules (and also any rules and orders in relation to matters covered by these rules duly approved by Government from time to time and not inconsistent with the provisions of these rules) apply to all persons appointed to civil services and posts in connection with the affairs of the State of Maharashtra. Provided that, only rules 2, 3, 5, 6, 11, 15, 19, 29 and 30 shall apply to persons appointed as Police Patils under the Maharashtra Village Police Act, 1967.

(4) Nothing in these rules shall apply to members of the All India Services who are subject to the All India Services (Conduct) Rules, 1968.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(a) “Government” means “the Government of Maharashtra” ;

(b) “Government servant” means any person appointed to any civil service or post in connection with the affairs of the State of Maharashtra, and includes a Government servant whose services are placed at the disposal of a company, corporation, organization, local authority or any other Government, notwithstanding that his salary is drawn from sources other than from the Consolidated Fund of the State;

(c) “members of family” in relation to the Government servant includes—

(i) the wife or husband, as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;

(ii) Son or daughter or step-son or step-daughter of the Government servant who is wholly dependent on him, but does not include a son

or daughter or step-son or step-daughter who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage, to the Government servant or to the Government servant's spouse and wholly dependent on the Government servant;

<sup>1</sup>[(d) "Group 'D' Posts" means posts which are specifically classified as Group 'D' posts and such other unclassified non-gazetted posts the maxima of the scales of which are equal to or less than Rs. 4,400 or a corresponding amount as per the revision of pay scales made, from time to time, in future;

(e) "Group 'C' Posts" means all non-gazetted posts other than Group 'D' posts;

(f) "Group 'B' Posts" means all gazetted posts other than Group 'A' posts;

(g) "Group 'A' Posts" means all gazetted posts which are specifically included in Group 'A' Service and those unclassified posts the maxima of the scales of which are Rs. 11,500 or a corresponding amount as per the revision of pay scales made, from time to time, in future.]

**3. Duty of Government servant to maintain integrity, devotion to duty, etc.—**(1) Every Government servant shall at all times—

(i) maintain absolute integrity ;

(ii) maintain devotion to duty ; and

(iii) do nothing which is unbecoming of a Government servant ;

<sup>2</sup>[(iv) commit himself to and uphold the supremacy of the Constitution and democratic values ;

(v) defend and uphold the sovereignty and integrity of India, the security of State, public order, decency and morality ;

(vi) maintain high ethical standards and honesty ;

(vii) maintain political neutrality ;

<sup>1</sup> Substituted by G.N.,G.A.D., No. CDR 1007/C.R.-13/07/11, dated 11th April 2008 for earlier clauses (d), (e), (f) and (g) respectively.

<sup>2</sup> Inserted by G.N.,G.A.D., No. VASHIA. 1114/C.R. 60/11, dated 23rd October 2015.



(viii) promote the principles of merit, fairness and impartiality in the discharge of duties ;

(ix) maintain accountability and transparency ;

(x) maintain responsiveness to the public, particularly to the weaker section ;

(xi) maintain courtesy and good behavior with the public ;

(xii) take decisions solely in public interest and use or cause to be used public resources efficiently, effectively and economically ;

(xiii) declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest ;

(xiv) not place himself under any financial obligations to any individual or organization which may influence him in the performance of his official duties ;

(xv) not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends ;

(xvi) make choices, take decisions and make recommendations on merit alone ;

(xvii) act with fairness and impartiality and not discriminate against anyone, particularly the poor and under-privileged sections of society ;

(xviii) refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices ;

(xix) maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him ;

(xx) maintain confidentiality in the performance of his official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of State, strategic, scientific or economic interests of the State, friendly relations with foreign countries or lead to incitement of an offence or illegal or unlawful gains to any person ;

(xxi) perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.]

<sup>1</sup>[*Explanation.*—A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause (ii) of sub-rule (1).]

(2) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority ;

<sup>2</sup>[(3) (i) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his own best judgement to be true and correct except when he is acting under the direction of his official superior,

(ii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter,

(iii) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing, as early as possible and in such case, it shall be the duty of the official superior to confirm the direction in writing.]

(4) Nothing in sub-rule (3) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. *Employment of near relative in companies or firms.*—(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family with any company or firm.

(2)(a) No <sup>3</sup>[Group 'A'] or <sup>4</sup>[Group 'B'] officer shall except with the previous sanction of the Government, permit his son, daughter or dependent to accept employment with any company or firm having official dealings with the Government:

<sup>1</sup> Added by G.N.,G.A.D., No. VASHIA. 1113/C.R. 73/11, dated 24th February 2014.

<sup>2</sup> Substituted, *ibid*, for sub-rule (3).

<sup>3</sup> Substituted by G.N.,G.A.D., No. CDR. 1008/C.R. 16/08/11, dated 18th July 2008, for "Class I".

<sup>4</sup> Substituted, *ibid*, for "Class II".

Provided that where the acceptance of such employment cannot await the sanction of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the sanction of the Government.

(b) A <sup>1</sup>[Group 'A'] or <sup>2</sup>[Group 'B'] officer shall, as he becomes aware of the fact of acceptance by a member of his family of an employment with any company or firm, report to the Government the fact of such acceptance and also whether he has or has had any official dealings with that company or firm :

Provided that no such report shall be necessary if the Government servant has already obtained sanction of, or sent a report to, the Government under clause (a).

(3)(a) No Government servant shall, in the discharge of his official duties, deal with any matter relating to, or award any contract in favour of, a company or firm or any other person, if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such company or firm or other person in any other manner.

(b) In any case referred to in clause (a), the Government servant shall refer the matter to his official superior and the case shall thereafter be disposed of according to the instruction of the official superior.

5. *Taking part in politics and elections.*—(1) No Government servant shall be a member of or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, or subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or which tends directly or indirectly to be, subversive of any Government in India as by law established, and where a Government servant is unable to prevent a member of his family from taking part in, subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) Whether any party is a political party, or whether any organization takes part in politics or whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

<sup>1</sup> Substituted by G.N.,G.A.D., No. CDR. 1008/C.R. 16/08/11, dated 18th July 2008, for "Class I".

<sup>2</sup> Substituted, *ibid*, for "Class II".

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with, or take part in an election to any legislature or local authority (hereinafter referred to as "the election") :

Provided that, a Government servant qualified to vote at such election may exercise his right to vote, and where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

*Explanation.*—(1) Where a Government servant assists in the conduct of an election in due performance of a duty imposed on him by or under any law for the time being in force or by an order of the Government, he shall not be deemed to have contravened the provisions of this rule.

(2) The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with the election and his proposing or seconding the nomination of a candidate at the election shall amount to taking part in the election, within the meaning of this rule, and accordingly, the Government servant shall, in any such eventualities, be deemed to have contravened the provisions of this rule.

**6. *Demonstration and strikes.***—No Government servant shall —

(i) engage himself or participate in any demonstration which is prejudicial to the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or ;

(ii) resort to, or in any way abet, any form of strike in connection with any matter pertaining to his service or the service of any other Government servant:

Provided that, nothing in this sub-clause shall be deemed to prohibit those Government servants from resorting to any strike who are expressly permitted to resort to such a strike under any law for the time being in force.

**7. *Joining of associations by Government servants.***—No Government servant shall join or continue to be a member of an association the objects or activities of which are prejudicial to the interest of the sovereignty and integrity of India or public order or morality.

<sup>1</sup>18. *Communication of official information.*—Every Government servant shall, in performance of his duties in good faith, communicate information to person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder :

Provided that, no Government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information to any Government servant or any other person to whom he is not authorized to communicate such document or classified information.

*Explanation.*— Nothing in this rule shall be construed as permitting communication of classified information in an unauthorized manner or for improper gains to a Government servant or others.]

9. *Prohibition against connection with press or radio.*—(1) No Government servant shall own wholly or in part, or conduct any newspaper or other periodical publication or participate in the editing or management thereof :

Provided that the Government may permit any Government servant to own or conduct any newspaper or periodical publication which contains matters of purely non-political nature or character or to participate in the editing or management thereof; and may, after giving an opportunity to the Government servant to show cause against withdrawal of permission, at any time withdraw the permission.

(2) No Government servant shall, except with the previous sanction of the Government or of the prescribed authority or except in the *bona fide* discharge of his duties—

(a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles, or

(b) participate in a radio broadcast or contribute an article or write a letter to a newspaper or periodical, either in his own name or anonymously or pseudonymously or in the name of any other person :

Provided that, no such sanction shall be required —

(i) if such publication is through a publisher and is purely literary, artistic or scientific character, or

---

<sup>1</sup> Substituted by G.N., G.A.D., No. CDR. 1007/C.R. 12/7/11, dated 4th June 2008, for rule 8.

(ii) if such contribution, broadcast or writing is of a purely literary, artistic or scientific character.

(3) No Government servant shall, in any radio broadcast or in a letter to a newspaper or periodical or in any document published anonymously, or in his own name or in the name of any other person or in any public utterance or in any public place make any statement of fact or express any opinion—

(a) which has the effect of an adverse criticism of any current or recent policy or action of the Government or any other Government in India, or

(b) which is capable of embarrassing the relations between the Government and any other Government in India, or

(c) which is capable of embarrassing the relations between the Government of India and the Government of any foreign State; or

(d) which has the effect of airing his personal grievances :

Provided that, nothing in this sub-rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

**10. Evidence before committee or any other authority.**— (1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of Government, give evidence in connection with any enquiry conducted by any person, committee or authority;

(2) No Government servant shall, while giving evidence with the sanction of Government, criticise the policy or any action, of the Government or of any other Government in India;

(3) Nothing in this rule shall apply to evidence given by Government servants at any—

(a) enquiry before an authority appointed by Government or by the Parliament or by any State Legislature, or

(b) Judicial enquiry, or

(c) departmental enquiry ordered by the Government or any authority subordinate to the Government.

**11. Subscriptions.**—No Government servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever :

<sup>1</sup>[Provided that, the provisions of this rule shall not be applicable to any State Government servant who voluntarily participates in the Flag Day Fund raising efforts observed by the National Foundation for Communal Harmony, New Delhi.]

**12. Gifts.**—(1) Save as otherwise provided in these rules, no Government servant shall accept, or permit any member of his family or any person acting on his behalf to accept, any gift.

*Explanation.*—The expression “gift” includes free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

*Note (I).*—A casual meal, lift or other social hospitality shall not be deemed to be a gift.

*Note (II).*—A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, or any similar bodies.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a Government servant may accept gifts from his near relatives, but he shall make a report to the Government if the value of any such gift exceeds—

<sup>2</sup>(i) Rupees Twenty five thousand, in the case of a Government servant holding any Group ‘A’ post ;

(ii) Rupees Fifteen thousand, in the case of a Government servant holding any Group ‘B’ post ;

(iii) Rupees Seven thousand and five hundred, in the case of a Government servant holding any Group ‘C’ post ;]

<sup>1</sup> Added by G.N., G.A.D., No. CDR. 1006/ C.R.17/06/11, dated 8th February 2007.

<sup>2</sup> Substituted by G.N., G.A.D., No. VASHIA. 1114/C.R. 60/11, dated 23rd October 2015, for earlier clauses (i), (ii) and (iii) respectively.

<sup>1</sup>[(iv) Rs. 1,000 in the case of the Government servant holding any Group 'D' post ;]

(3) On such occasions as are specified in sub-rule (2), a Government servant may accept gifts from his personal friends having no official dealings with him, but he shall make a report to the Government if the value of any such gift exceeds—

<sup>2</sup>[(i) Rs 1,500 in the case of the Government servant holding any Group 'A' or Group 'B' post ;

(ii) Rs. 1,000 in the case of the Government servant holding any Group 'C' post ; and

(iii) Rs. 500 in the case of the Government servant holding any Group 'D' post.]

(4) In any other case, a Government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds—

<sup>3</sup>[(i) Rs. 1000 in the case of the Government servant holding any Group 'A' or Group 'B' post; and

(ii) Rs. 500 in the case of the Government servant holding any Group 'C' or Group 'D' post;]

**13. Public demonstrations in honour of Government servants.**—No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Government servant :

Provided that, nothing in this rule shall apply to —

(i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quit the service of any Government; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

*Note.*—Exercise of pressure or influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment even

<sup>1</sup> Substituted by G.N.,G.A.D., No. CDR 1007/C.R.-13/07/11, dated 11th April 2008, for earlier clause (iv).

<sup>2</sup> Substituted, *ibid.*, for earlier clauses (i), (ii) and (iii) respectively.

<sup>3</sup> Substituted, *ibid.*, for earlier clauses (i) and (ii) respectively.



if it is of a substantially private or informal character, and the collection of subscriptions from<sup>1</sup>[Group 'C'] or <sup>2</sup>[Group 'D'] employees under any circumstances for the entertainment of any Government servant not belonging to <sup>1</sup>[Group 'C'] or <sup>2</sup>[Group 'D'], is forbidden.

14. *Sitting for portrait.*—Nothing in rule 12 or rule 13 shall prevent any Government servant from sitting at the request of any public body for a portrait, bust or other statue not intended for presentation to him.

15. *Purchase of resignation.*—A Government servant shall not enter into any pecuniary arrangement for the resignation by one of them of any office held by him under the Government for the benefit of any other person; and any nomination or appointment made consequent upon such resignation shall be cancelled, and the parties to the arrangement as are still in service shall be suspended, pending the orders of the Government.

16. *Private trade or employment.*—(1) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any other employment :

Provided that, a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer ; but he shall not undertake, or shall discontinue, such work if so directed by the Government.

*Explanation.*—(1) Canvassing by a Government servant in support of the business of insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

(2) Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(3) No Government servant shall, without previous sanction of the Government, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (I of 1956), or any other law for the time being in force or any co-operative society for commercial purposes :

<sup>1</sup> Substituted by G.N., G.A.D., No. CDR. 1008/C.R. 16/08/11, dated 18th July 2008, for "Class III".

<sup>2</sup> Substituted, *ibid*, for "Class IV".

Provided that, a Government servant may take part in the registration, promotion or management of a co-operative society substantially for the benefit of Government servants, registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies' Registration Act, 1860 (21 of 1860) or any corresponding law in force.

(4) No Government servant may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

(5) No Government servant in whose case permission to take up commercial employment immediately after retirement is necessary should, while still in service negotiate for any commercial employment after retirement without obtaining prior permission of Government.

**17. Investment, lending and borrowing.**—(1) No Government servant shall speculate in any stock, share or other investment.

*Explanation.*—(1) Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2) the decision of the Government thereon shall be final.

(4) (i) No Government servant shall, save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business, either himself or through any member of his family or any other person acting on his behalf—

(a) lend or borrow money, as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid, provided that a Government servant may give to or accept from a relative or a personal friend, a purely

temporary loan of a small amount free of interest, or operate a credit account with a *bona-fide* tradesman or make an advance of pay to his private employee :

Provided further that, nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.

(ii) when a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

(5) Notwithstanding anything contained in sub-rule (4)—

(a) the Head of any Government office or Department may, regard being had to the circumstances of each case, relax any of the provisions of sub-rule (4) in the case of Government servants belonging to <sup>1</sup>[Group 'C'] or <sup>2</sup>[Group 'D'] service ;

(b) the Government may direct that in relation to loans to, or borrowing by Government servants from, any Co-operative society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960, the provisions of sub-rule (4) shall apply with such restrictions or relaxation as the Government may specify.

18. *Insolvency and habitual indebtedness.*—(1) When a Government servant is adjudged or declared an insolvent or when a moiety of his salary is constantly being attached, or has been continuously under attachment for a period exceeding two years, or is attached for a sum, which in ordinary circumstances, cannot be repaid within a period of two years, he shall be liable to be dismissed ; and in such cases, the Government servant shall report the matter to Government or to such authority as the Government may, by general or special order, direct.

(2) Where a moiety of the salary of a Government servant is attached, the report shall show the proportion of his debts to the salary, how far the debts detract from the debtor's efficiency as a Government servant, whether the debtor's position is irretrievable, and whether in the circumstances of the case, it is desirable to retain him in the post held by him at the time when the matter is brought to the notice of the Government or in any other post under the Government.

<sup>1</sup> Substituted by G.N.,G.A.D., No. CDR. 1008/C.R. 16/08/11, dated 18th July 2008, for "Class III".

<sup>2</sup> Substituted, *ibid*, for "Class IV".

(3) In every case under this rule, the burden of proving that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the Government servant could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits shall be upon the Government servant.

**19. Movable, immovable and valuable property.**—(1) Every Government servant shall on his first appointment to any service or post, and thereafter, at such intervals as may be specified by the Government, submit a return of his assets and liabilities, in such form as may be prescribed by the Government giving the full particulars regarding—

(a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other persons;

(b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired or held by him;

(c) other movable property inherited by him or similarly owned, acquired or held by him;

(d) debts and other liabilities incurred by him directly or indirectly.

*Note I.*—Sub-rule (1) shall not ordinarily apply to <sup>1</sup>[Group 'D'] servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

*Note II.*—In all returns, the values of items of movable property worth <sup>2</sup>[less than two months basic pay of the Government servant] may be added and shown as a lump sum. The values of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.

*Note III.*—Every Government servant who is in service on the date of the commencement of these rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement.

(2) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family :

<sup>1</sup> Substituted by G.N., G.A.D., No.CDR. 1008/C.R. 16/08/11, dated 18th July 2008, for "Class IV".

<sup>2</sup> Substituted by G.N., G.A.D., No. CDR-1011/C.R. 144/Reconstruction 7/11, dated 7th May 2013, for "less than Rs. 10,000".

Provided that, the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is—

- (i) with a person having official dealings with the Government servant; or
- (ii) otherwise than through a regular or reputed dealer.

<sup>1</sup>[(3) Every Government servant shall report to the prescribed authority every transaction entered into by him either in his own name or in the name of a member of his family in respect of movable property if the value of such property exceeds two months basic pay of the Government servant:

Provided that, the previous sanction of the prescribed authority shall be obtained if any such transaction is,—

- (i) with a person having official dealings with the Government servant; or
- (ii) otherwise than through a regular or reputed dealer].

<sup>2</sup>[(3A) Notwithstanding anything contained in sub-rules (2) and (3), any transaction entered into by the spouse or any other member of family of Government servant out of his or her own funds (including *stridhan* gifts, inheritance, etc.) as distinct from the funds of the Government servant himself, in his or her name and in his or her own right, shall not be treated as a transaction entered into by the member of the family of Government servant within the meaning of sub-rules (2) and (3). ]

(4) The Government or the prescribed authority may at any time, by general or special order, require a Government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired, along with the evidence in support of such statement.

(5) The Government may exempt any category of Government servants belonging to <sup>3</sup>[Group 'C'] or <sup>4</sup>[Group 'D'] from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the General Administration Department.

<sup>1</sup> Substituted by G.N., G.A.D., No. CDR-1011/C.R. 144/Reconstruction 7/11, dated 7th May, 2013, for sub-rule (3).

<sup>2</sup> Inserted by G.N., G.A.D., No. CDR. 1398/CR-4/98/XI, dt. 28th September 1998.

<sup>3</sup> Substituted by G.N., G.A.D., No. CDR. 1008/C.R. 16/08/11, dated 18th July 2008, for "Class III".

<sup>4</sup> Substituted, *ibid*, for "Class IV".

*Explanation.—*

For the purpose of this rule—

(1) the expression 'movable property' includes—

(a) Jewellery, <sup>1</sup>[insurance policies the annual premia of which exceed two months basic pay of the Government servant ], shares, securities and debentures ;

(b) loans advanced by such Government servants whether secured or not ;

(c) motor cars, motor cycles, horses, or any other means of conveyance ; and

(d) refrigerators, radios, radiograms and T. V. sets.

(2) " Prescribed authority " means—

(a) (i) the Government in the case of a Government servant holding any <sup>2</sup>[Group 'A'] post, except where any lower authority is specifically specified by the Government for any purpose ;

(ii) Head of Department, in the case of a Government servant holding any <sup>3</sup>[Group 'B'] post ;

(iii) Head of office, in the case of a Government servant holding any <sup>4</sup>[Group 'C'] or <sup>5</sup>[Group 'D'] post ;

(b) in respect of a Government servant on foreign service or on deputation to any other Department or any other Government, the parent department on the cadre of which such Government servant is borne or the Department to which he is administratively subordinate as a member of that cadre.

**20. Purchasing or bidding for any property.**—Notwithstanding anything contained in Rule 18, no Government servant holding any office in the Revenue or the Land Records Department shall, except with the previous permission in writing of the Government or of the Commissioner, Collector, Settlement Commissioner and Director of Land Records or as the case may be, the Superintendent of Land Records to whom he is sub-ordinate—

(a) purchase or bid for either in person or by agent, or in his own name, or in the name of another or jointly or in share with others, any property

<sup>1</sup> Substituted by G.N., G.A.D., No. CDR-1011/C.R. 144/Reconstruction 7/11, dated 7th May 2013, for the portion beginning with the words "insurance policies the annual" and ending with the words "whichever is less".

<sup>2</sup> Substituted by G.N., G.A.D., No. CDR. 1008/C.R. 16/08/11, dated 18th July 2008, for "Class I".

<sup>3</sup> Substituted, *ibid*, for "Class II".

<sup>4</sup> Substituted, *ibid*, for "Class III".

<sup>5</sup> Substituted, *ibid*, for "Class IV".

which may, under the provisions of the Maharashtra Land Revenue Code, 1966 (XLI of 1966) be sold by order of any competent authority in the district in which such Government servant is at the time employed ;

(b) hold directly or indirectly any farm or be in any way concerned on his private account in the collection or payment of revenue of any kind in the district in which such Government servant is for the time being employed:

Provided that, this clause shall not apply to revenue paid to a Government servant in fulfilment of statutory obligations:

Provided further that, a Government servant who already holds directly or indirectly any farm in the district in which he is for the time being employed, shall only report this fact to Government and shall not be required to obtain the sanction of Government for holding such farm, as required by this rule.

**21. Prohibition against acting as arbitrator.**—No Government servant shall act as arbitrator in any private case which is likely to come before him in any shape by virtue of any judicial or executive post held by him.

**22. Vindication of acts and character of Government servants.**—(1) No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character.

(2) Nothing in sub-rule (1) shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity and, where any action for vindicating his private character or any act done by him in private capacity is taken, the Government servant shall submit a report to the prescribed authority regarding such action.

(3) In according sanction under sub-rule (1)—

(a) the Government shall in each case decide—

(i) whether it will itself bear the costs of the proceedings, or

(ii) whether the Government servant will institute the proceedings at his own cost, and if so, whether in the event of Government servant succeeding therein, the Government will reimburse him to the extent of the whole or any part of the cost incurred by him as is in excess of the cost or damages if any, awarded to him by the Court; and

(b) where the Government decides to bear the costs of proceedings instituted by a Government servant, it shall be expressly stated that the amount of compensation, damages or costs awarded by the Court, if any, to the Government servant shall be first set off against the cost borne by the Government and the balance, if any, shall only be retained by the Government servant.

<sup>1</sup>[22A. *Prohibition of sexual harassment of working women.*— (1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.

(2) Every Government servant who is in charge of a workplace shall take appropriate steps to prevent sexual harassment to any woman at the work place.

*Explanation.*—(i) For the purposes of this rule,—

(a) “sexual harassment” includes any one or more of the following acts or behavior (whether directly or by implication) namely :—

(i) physical contact and advances; or

(ii) a demand or request for sexual favours; or

(iii) making sexually coloured remarks; or

(iv) showing pornography; or

(v) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:-

(i) implied or explicit promise of preferential treatment in her employment; or

(ii) implied or explicit threat of detrimental treatment in her employment; or

(iii) implied or explicit threat about her present or future employment status; or

(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or

(v) humiliating treatment likely to affect her health or safety.

---

<sup>1</sup> Substituted by G.N.,G.A.D., No. VASHIA. 1114/C.R. 60/11, dated 23rd October 2015, for rule 22A.



(c) "workplace" includes,-

(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Government;

(ii) hospitals or nursing homes;

(iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;

(iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;

(v) a dwelling place or a house.]

**23. *Canvassing of non-official or other outside influences.***—No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority in relation to any matter pertaining to his service under the Government.

*Explanation.*— "Any representation made by a Government servant belonging to a Backward Class to the Minister or the Minister of State in charge of Social and Tribal Welfare in relation to any matter pertaining to his service under the Government in accordance with the orders of Government for the time being in force, shall not amount to bring or attempting to bring any political or other outside influence within the meaning of this rule."

**24. *Membership of or association with, communal institutions.***—No Government servant shall, by writing, speech or deed, or otherwise indulge in any activity which is likely to incite and create feelings of hatred or ill-will between different communities in India or religious, racial, regional, communal or other grounds.

**25. *Association of names with public institutions or works.***—No Government servant shall, except with the previous sanction of Government—

(a) associate his own name or allow it to be associated with any public institution, such as, libraries, hospitals, schools or roads and the like; or with such objects, as shields, trophies, prizes, medals and cups and the like; or

(b) allow any member of his family living with or wholly dependent on him to associate his name with any such institution or object.

**26. Contracting of marriages.**—(1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant, having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Government may permit a Government servant to enter into, or contract, any such marriage as it referred to in clause (1) or clause (2), if it is satisfied that—

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing.

(3) A Government servant who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Government.

**27. Prohibition against dowry.**—No Government servant shall—

(i) give or take or abet the giving or taking of dowry, or

(ii) demand, directly or indirectly, from the parents or guardians of a bride or bridegroom, as the case may be, any dowry.

*Explanation.*—For the purposes of this rule dowry has the same meaning as in the Dowry Prohibition Act, 1961 ( 28 of 1961).

**1[(27-A). Prohibition of employment of Children.**—No Government servant shall employ or permit any member of his family or any person acting on his behalf to employ, any child below the age of 14 years for domestic or any other work.]

**28. Consumption of Intoxicating drinks and drugs.**—A Government servant shall —

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being ;

(b) not consume any intoxicating drink while on duty or not be under the influence of any intoxicating drinks or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of any such drink or drug ;

<sup>1</sup> Inserted by G.N., G.A.D., No. CDR. 1097/350/C.R. No. 21-97/XI, dated 1st December 1997.

(c) refrain from consuming any intoxicating drink or drug in a public place ;

(d) not appear in a public place in a state of intoxication ;

(e) not use any intoxicating drink or drug to excess.

*Explanation.*— For the purposes of this rule, “public place” means any place or premises (including conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

**29. Recognition of Associations.**—(1) Government may, after such inquiry as it deems fit, grant recognition to an association of Government servants, if in the opinion of Government, such association has complied with the conditions specified in Appendix.

(2) An association to which recognition is granted under sub-rule (1) shall be recognised association.

(3) Government may cancel the recognition of an association to which recognition is granted under sub-rule (1),

(a) If the Government is satisfied that such recognition was granted under any mistake, misrepresentation or fraud, or

(b) If after giving an opportunity to the association to be heard, Government is of the opinion that the association has committed a breach of any of the conditions specified in Appendix.

**30.** An association which is not recognised association shall not be entitled to submit any representation or memorial or send any deputation in respect of any matter affecting Government servants or a Class of such servants.

**31. Interpretation.**—If any question arises relating to the interpretation of these rules, it shall be referred to the Government, whose decision thereon shall be final.

**32. Delegation of Powers.**—The Government may, by general or special order direct that any power exercisable by it or any Head of a Department or office under these rules (except the powers under rule 31 and this rule) shall subject to such conditions, if any as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

**33. Repeal and Saving.**—(i) The Bombay Civil Services Conduct, Discipline and Appeal Rules, 1932 in so far as they relate to matters provided by these rules.

(ii) The Government Servants Conduct Rules (Provincial and Subordinate Services), 1937 as applicable to Maharashtra Government Servants who were servants of the pre-Reorganisation State of Madhya Pradesh.

(iii) The Government Servants Conduct Rules, 1950 as applicable to Maharashtra Government Servants who were servants of the pre-Reorganisation State of Hyderabad.

(iv) All other rules corresponding thereto, if any, and in force immediately before the commencement of these rules and applicable to Government Servants to whom these rules apply ; are hereby repealed :

Provided that, any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

## APPENDIX

### *Conditions for the recognition of associations of Government Employees (See rule 29) (Non-Industrial)*

1. Any association representing Government (Non-Industrial) employees seeking recognition under rule 29 shall apply to the Secretary to the Government of Maharashtra in the Department concerned in the Form set out in Schedule I appended hereto. Such application shall be accompanied by three copies of the rules governing the constitution and conduct of business of such association (hereinafter referred to as "the association rules").

2. (I) Subject to the other provisions of these conditions, to be eligible for recognition—

(a) an association shall—

(i) ordinarily be an association consisting of a distinct class of Government non-industrial employees ;

(ii) be open for membership to every Government non-industrial employee of that class ;

(iii) not have as its member any person who is not a Government servant except in the case of an association consisting of only Group 'D' Government non-industrial employees which may have as its honorary members persons who have honourably retired from Government service ;

(iv) have a membership of at least twenty-five percent of the total number of the class of Government non-industrial employees it represents,

(b) an association shall not—

(i) be in any way connected with any political party or organisation, or engaged in any political movement as defined in rule 5 ;

(ii) except with the previous sanction of Government publish or allow to be published any representation on behalf of its members, or any report of the proceedings of the association or any of its committees or any propagandist or agitational material, whether in the press or otherwise ;

(iii) in respect of any election to a legislative body or to a local authority or body, in India or elsewhere,—

(A) pay, or contribute towards, any expenses incurred in connection with such election, or any candidate for such election ;

(B) by any means support the candidature of any person for such election ;

(C) undertake or assist in the selection of a candidate for such election;

(iv) maintain or contribute towards the maintenance of any member of a legislative body or of any member of a local authority or body whether in India or elsewhere.

(II) Notwithstanding anything contained in Clause (I) Government may for reasons to be recorded in writing by an order, dispense with or relax to such extent as it may deem proper condition specified in paragraph (i), (ii) or (iii) of Sub-clause (a) of Clause (I) in the case of any class of associations.

(III) No recognition shall be granted to the association unless the association rules forwarded under condition I are approved by Government.

(IV) All proposals for amendment of the association rules shall be intimated to Government three calendar months in advance of the meeting of the association at which such proposals are to be considered. No such amendment shall be valid and come into force unless such amendment has been approved by Government within three calendar months from the date on which such amendment is passed by the association.

3. Government may grant recognition only to one association at a time, in respect of each class of Government non-industrial employees:

Provided that, if after an association is recognised, another association purporting to represent the same class of Government non-industrial employees claims a larger membership of such class of employees and applied for recognition, Government may consider its claim to recognition in place of the association recognised before but no such application shall be considered until the expiry of one year from the date on which the former association was recognised.

4. If two or more associations representing the same class of Government non-industrial employees apply for recognition, the association having the largest percentage of membership of the same class shall, subject to the other provisions of these conditions, be entitled to recognition as representing that class of Government non-industrial employees.

5. Every recognised association shall, from time to time, intimate to Government all changes in its name, office address, names of its office bearers and their addresses and in the association rules and furnish such other information as may be required by Government.

6. The minute-book, membership register, books of accounts and vouchers and all other papers of a recognised association shall be open for inspection by any officer authorised by Government in this behalf.

7. Every recognised association shall submit an annual statement of its members and a copy of its audited accounts to the Secretary of the Department concerned by such date as may be required by an officer authorised by Government in this behalf.

8. No representation or deputation shall be received by Government from any association except one relating to a matter which is or raises questions which are of common interest to the class of Government non-industrial employees represented by such association.

9. Any Government Officer who is empowered to grant leave to Government non-industrial employees may, subject to the exigencies of the service, of which such officer shall be the sole judge, grant casual leave, if required by any such employee for attending the meetings of a recognised association.

10. No recognised association shall appoint non-members as office bearers.

11. In these conditions the expression "Government non-industrial employees" includes persons employed to discharge only administrative functions but does not include industrial employees, that is, workers in Government factory or Government undertaking to whom the provisions of the Factories Act, 1948 (63 of 1948), apply and persons serving in the Police and Jail departments. In case of doubt, the matter shall be referred to Government and the decision of Government, whether an employee is Government non-industrial employee or not, shall be final.

## SCHEDULE I

[See condition (1)]

Form of application for recognition of an association of Government  
non-industrial employees.

Name of the association—

Address—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

1. The application is made by the persons whose names are subscribed at the foot hereof.
2. The name of the association on behalf of which the application is made is .....
3. The address of the head office of the association to which all communications and notices may be addressed is .....
4. The ..... association came into existence on the..... on the .....day of ..... 20 .....
5. The association consists of employees engaged in ..... establishment and has .....members out of ..... persons employed in that establishment.
- 6.(1) Three copies of the rules of the association are enclosed.
- (2) Table I hereto contains information about the rules and their contents and Table II, hereto indicates the changes in the model rules Annexure II appended to Government Resolution, General Administration Department, No. RGA-1063-J, dated the 18th June 1964 (set out in extenso in Schedule II hereto), and the reasons for making such changes.



7. A list of office bearers of the association in Table III hereto is attached to this application.
8. We have been duly authorised by the association to make this application on its behalf such authorisation consisting of .....
- .....

	Signature	Occupation	Address
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			

To

The Secretary to the Government of Maharashtra,  
 .....Department,  
 Mantralaya, Mumbai 400 032.

TABLE I

Reference to relevant rules

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below :—

Matter (1)	Number of rule (2)
1. Name of association	..
2. Objects for which the association has been established	..
3. Purposes for which the general funds of the association shall be applicable	..
4. Maintenance of list of members	..
5. Admission of ordinary members	..
6. Admission of honorary members	..
7. Conditions under which members are entitled to benefits assured by the rules	..
8. Manner in which the rules can be amended	..
9. Manner in which the members of the executive and the other office-bearers of the association shall be appointed or removed	..
10. Safe custody of the fund	..
11. Annual audit of the accounts	..
12. Facilities for the inspection of the account books by office bearers and members	..
13. Manner in which the association may be dissolved	..

TABLE II

---

Serial No. of Model Rules	Changes in Model Rules	Reasons for changes
(1)	(2)	(3)

---

Dated

(Signed)

TABLE III  
List of Office bearers

Name of the association :

---

Office held in association	Name	Age	Address	Occupation
(1)	(2)	(3)	(4)	(5)

---

---

Dated

(Signed)

## SCHEDULE II

### *“New Model Rules” for formation of Associations of Government Servants (Non-Industrial).*

#### Constitution and Rules of the

1. *Name.*— The name of the Association shall be the .....  
 ..... and it shall, in the following rules, be referred to as the “Association”.

2. *Objects.*—(A) The objects of the Association shall be—

- (a) to organise and unite the persons employed in the ..... in the ..... City and
- (b) to secure the members fair conditions of life and service,
- (c) to try to redress their grievances,
- (d) to endeavour to promote harmonious relations between Government and their employees,
- (e) to endeavour to provide against sickness, unemployment, infirmity, old age and death,
- (f) to provide legal assistance to members in respect of matters arising out of, or incidental to, their employment,
- (g) to obtain information in reference to the recognised associations of Government employees in India,
- (h) to co-operate and federate with the associations of Government employees Class..... recognised by Government particularly those having similar objects in India,
- (i) generally, to take such other steps as may be necessary to ameliorate the social, economic, civic conditions of the members.

(B) For the attainment of these objects, the Association may organise centres in various localities of the .....

3. *Admission of ordinary members.*—Any person employed in the ..... (in ..... District) who has attained the age of 18 years shall be entitled to become an ordinary member of the Association on payment of an admission fee of Rs. .... and a monthly subscription of Rs..... provided he agrees to abide by rules and bye-laws that may be made by the Association from time to time.

4. *Fines and forfeitures.*—A member failing to pay his monthly subscription for six months with the permission of the Managing Committee or three months without the permission of the said Committee, shall cease to be a member of the Association. But he shall be entitled to rejoin the Association on paying his arrears.

5. *Benefits.*—No member of the Association shall be entitled to any benefits that the Association may decide to give to its members unless he has been a member for at least six months and has paid all contributions.

6. A member of the Association who is in arrears with his subscription or dues shall not be entitled to any benefits until all arrears have been paid and a period of two months has elapsed from the date of payment of such arrears.

7. *Register of members.*—The Association shall keep a register of all its members containing their names and particulars of their place of work, their residence, etc.

8. The register shall be open to inspection by any member or Officer of the Association at the Head Office during the hours during which the Office of the Association is open on any week days excluding holidays.

9. *Office bearers.*—The Association shall have a President, not more than ..... Vice-President, a General Secretary, ..... Secretaries and a Treasurer. All of them shall be elected at the Annual General Meeting of the Association and they shall be eligible for re-election.

10. *The Management of the Association—The Managing Committee.*—The affairs of the Association financial and otherwise, shall be conducted by a Managing Committee consisting of the office-bearers and ..... other members elected at the annual general meeting. The same Managing Committee will continue functioning till the new one is appointed.

11. *Vacancies and removals.*—Should a vacancy occur among the office bearers or the members of the Managing Committee it shall be filled by the Managing Committee by co-option.

12. Any office bearer of the Association or a member of its Managing Committee can be removed by the General Meeting of the Members by a three-fourth majority for committing any fraud or having acted against the

interests of the Association provided the office-bearer or the member to be removed is given adequate opportunity to explain his conduct.

13. *The Meetings of the Managing Committee.*—Managing Committee shall meet once a month on such day and at such place as may be fixed by the General Secretary in consultation with the President.

14. The presence of at least one-third members of the Managing Committee shall be necessary to form a quorum. No quorum is necessary for adjourned meetings.

15. At least three days' notice shall be given for a Managing Committee meeting.

16. *Duties of the office-bearers, the President and the Vice-President.*—The President shall preside over all meetings of the Association and the Managing Committee, preserve order, sign all minutes and shall be allowed to give a casting vote only. The President shall have power if necessary, to call special meetings of the Managing Committee or of the Association whenever necessary. One of the Vice-Presidents shall function in place of the President in his absence.

17. *The General Secretary.*—The General Secretary, shall take minutes of all Association and Committee meetings, conduct all correspondence, convene all meetings, keep all accounts, exercise a supervision over the affairs of the Association and shall also keep a correct account of all receipts and expenditure. He shall prepare a balance-sheet annually showing clearly every item of receipts and expenditure. He shall have power to engage, in consultation with the President and subject to the approval or confirmation of the Managing Committee, any assistants for organising and clerical purposes he considers necessary and all such assistants shall be under the control of the General Secretary.

18. *The Secretaries.*—The Secretaries shall generally help the General Secretary in his work. One of them shall perform the duties of the General Secretary in his absence.

19. *The Treasurer.*—The Treasurer shall be responsible for all sums of money which may from time to time be paid into the Association and for duly banking them. He shall make payments towards all expenditure sanctioned by the Managing Committee. He shall not have the power to draw money from the Bank without first having the cheque signed by the President or the General Secretary.

20. *General Meetings.*—There shall be held in the month of April or May an Annual General Meeting of all the members of the Association, to transact the following business :—

(a) to adopt the report of the work done by the Association and the audited statement of accounts;

(b) to elect the office-bearers and other members of the Managing Committee for the current year; and

(c) to transact such other business as may be brought forward with the permission of the Chairman.

21. The President or the General Secretary may call a General Meeting of the members of the Association whenever he thinks necessary and shall call it on a requisition signed by one-fifth of the total strength, of the Association within twenty days of the receipt of the requisition. In case the President or the General Secretary fails to convene such a meeting, the requisitionists themselves shall call a meeting after due notice and the proceedings of the meeting shall be binding on the Association.

22. At least 15 days' notice shall be given to the members for a General Meeting.

23. The presence of at least one-third members shall be necessary to form a quorum at a general meeting. No quorum is necessary for adjourned meetings.

24. *General Funds.*—The General Funds of the Association shall consist of the subscriptions from members, donations, etc. They shall be deposited in a Bank or Banks, approved by the Managing Committee in the name of the Association and the account shall be operated by the Treasurer and any one of the President or the General Secretary. The General Secretary or the Treasurer shall not keep more than Rs. 50 with him for current expenses.

25. *Objects on which the General Funds can be expended.*—The General Funds of the Association shall not be spent on any other objects than the following, namely :—

(a) the payment of salaries, allowances and expenses to officers of the Association,

(b) the payment of expenses for the administration of the Association including audit of the accounts of the general funds of the Association,

(c) the prosecution or defence of any legal proceedings to which the Association, or any member thereof is a party when such prosecution or defence is undertaken for the purposes of securing or protecting any rights



of the Association as such or any rights arising out of the relations of any member with his employer/or with a person whom the member employs,

(d) the conduct of disputes on behalf of the Union or any member thereof,

(e) the compensation of members for loss arising out of disputes,

(f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members,

(g) the issue of, or the undertaking of liability under policies of assurances on the lives of members or under policies insuring members against sickness, accident or unemployment,

(h) the provision of educational, social, religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependents of members,

(i) the upkeep of a periodical with the prior approval of Government, published mainly for the purpose of discussing questions affecting Government employees as such,

(j) the payment, in furtherance of any of the objects on which the general funds of the Association may be spent, or contributions to any cause intended to benefit Government servants (Non-Industrial) in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during the year be in excess of one-fourth of the combined total of the gross income which has upto that time accrued to the General Funds of the Association during that year and of the balance at the credit of those funds at the commencement of that year, and

(k) subject to any condition contained in the notification, any other object notified by the appropriate Government in the *Official Gazette*.

26. *Annual Audit*.—The Association shall make due provision for the annual audit of the accounts of the Association by competent auditors appointed by the Managing Committee in accordance with rule 18 of the Bombay Trade Unions Regulations, 1927.

27. *Inspection of Books of Accounts*.—The books of accounts of the Association shall be open to the inspection of any member or officer at the head office of the union during the hours during which the office of the Association is open on any week day excluding holidays.

28. *Amendment of Rules.*—Subject to the approval of Government, the rules may be amended, altered, replaced, rescinded or added to at any time by a majority of the members present at a General Meeting provided previous notice of at least seven days is given to the members of the proposed alterations.

29. *Dissolution of the Association.*—The Association shall not be dissolved except by the vote of a majority of three-fourths members present at a General Meeting called for the purpose, provided the total number of votes cast at such a meeting is not less than two-thirds of the total number of the members then on the rolls of the Association.

The funds of the Association after meeting all the liabilities shall be disposed of in accordance with the decision of the dissolution meeting.

THE MAHARASHTRA CIVIL SERVICES

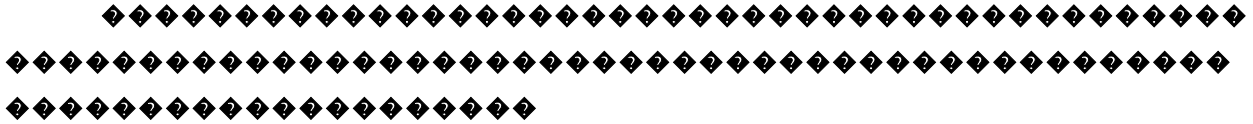
*(Discipline and Appeal)*

*Rules, 1979*

*(As Amended upto 31.3.2008)*

**Contents**

**Rules:-**



**PART I- GENERAL**

1. [Short title and Commencement](#)
2. [Interpretation](#)
3. [Application](#)

**PART II- SUSPENSION**

4. [Suspension](#)

**PART III- PENALTIES & DISCIPLINARY AUTHORITIES**

5. [Penalties](#)
6. [Disciplinary Authorities](#)
7. [Authority to institute proceedings](#)

**PART IV- PROCEDURE FOR IMPOSING PENALTIES**

8. [Procedure for imposing major penalties](#)

9. [Action on Inquiry report](#)
10. [Procedure for imposing minor penalties](#)
11. [Communication of orders](#)
12. [Common Proceedings](#)
13. [Special Procedure in certain cases](#)
14. [Provisions regarding officers lent to any Government in India, local authority etc](#)
15. [Provisions regarding officers borrowed from any Government in India, local authority etc](#)

#### **PART V- APPEALS**

16. [Orders against which no appeal lies](#)
17. [Orders against which appeal lies](#)
18. [Appellate authorities](#)
19. [Period of limitation for appeals](#)
20. [Mode, form and contents of appeal](#)
21. [Submission of appeals](#)
22. [Transmission of appeals](#)
23. [Consideration of appeals](#)
24. [Implementation of orders in appeal](#)

#### **PART VI- REVIEW**

25. [Revision](#)
- 25A. [Review](#)

#### **PART VII- MISCELLANEOUS**

26. [Service of orders, notices etc](#)
27. [Power to relax time limit and to condone delay](#)

28. [Supply of copy of Commission's advice](#)

29. [Repeal and saving](#)

30. [Removal of doubt](#)

[ANNEXURE](#)

[ANNEXURE \(additional\)](#)

\* Source- A book titled ♦The Maharashtra Civil Services (Discipline And Appeal Rules, 1979♦ authored by Shridhar Joshi, I.A.S. (Retd.) Ex Vice Chairman, ♦M. A. T. and published by Yashada, Pune.

THE MAHARASHTRA CIVIL SERVICES

***(Discipline and Appeal)***

***Rules, 1979***

***(As amended up to 31-03-2008)***

No. MDA-1078-RMC. - In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules, namely:-

**PART I ♦ GENERAL**

# 1. Short title and commencement

These rules may be called the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

They shall come into force on the 12th day of July 1979.

## 2. Interpretation

In these rules, unless the context otherwise requires-

a) **"Appointing authority"** in relation to a Government servant means-

- (i) ◆◆◆The authority competent to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or
- (ii) ◆◆the authority competent to make appointments to the post which the Government servant for the time being holds, or
- (iii) ◆◆the authority which appointed the Government servant to such Service, ◆ grade or post, as the case may be, or
- (iv) ◆where a Government Servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post, whichever authority is the highest authority;

- b) "**Commission**" means the Maharashtra Public Service Commission;
- c) "**Disciplinary authority**" means the authority competent under these rules to impose on a Government servant any of the penalties specified in rule 5;
- d) "**Head of Department**" shall have the meaning assigned to it in clause (23) of rule 9 of the Bombay Civil Services, Rules 1958;
- e) "**Head of Office**" means the authority declared to be such under clause (X-a) of rule 2 of the Bombay Financial Rules 1959;
- f) "**Government**" means the Government of Maharashtra;
- g) "**Government servant**" means a person who-
- i. is appointed to any Civil Service or post in connection with the affairs of the State, and include such Government servant whose services are temporarily placed at the disposal of any other Government in India, or a company, or corporation owned or controlled by Government, or a local authority or other authority, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the State;
  - ii. is a member of a Service of or holds a civil post under, any other Government in India and whose services are temporarily placed at the disposal of Government or
  - iii. is in the service of a local or other authority and whose services are temporarily placed at the disposal of Government;

- h) **"Legal Practitioner"** means an advocate, vakil or attorney of any High Court, mukhta or revenue agent;
- i) \* **"Major penalty"** means any of the penalties specified in item (vii) to (ix) (both inclusive) of sub-rule (1) of rule 5;
- j) \*\* **"Minor penalty"** means any of the penalties specified in item (i) to (vi) (both inclusive) of sub-rule (1) of rule 5;
- k) **"Regional Head of Department"** means any of the officers specified in the Appendix to these rules.
- l) **"Service"** means a Civil Service of the State;
- m) **"State"** means the State of Maharashtra.

**\* Clause (i) substituted by notification no. CDR-1005/C.R.24/05/11 dated 29/12/2006.**

**\*\* Clause (j) substituted by notification no. CDR-1005/C.R.24/05/11 dated 29/12/2006.**



### 3. Application

- (1) Except as otherwise provided by or under these rules, these rules shall apply to every Government servant not being,
  - (a) any member of an All India Service,
  - (b) person in casual employment of Government,
  - (c) an Inspector of Police or a member of the subordinate ranks as defined in clause (16) of section 2 of the Bombay Police Act, 1951,
  - (d) any person for whom special provision is made in respect of matters covered by these rules, by or under any law for the time being in force or under any agreement entered into by or with previous approval of the Governor before or after the commencement of these rules, in regard to matters covered by such special provisions,
  
- (2) Notwithstanding anything contained in Sub-rule (1), the Governor may, by order exclude any class of Government Servants from the operation of all or any of these rules.
  
- (3) If any doubt arises
  - (a) whether these rules or any of them apply to any person or



Provided that, where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority, the circumstances in which the order was made.

(2) ♦♦♦♦A Government servant shall be deemed to have been placed under suspension by an order of appointing authority-

(a) ♦♦♦♦with effect from the date of his detention, if he is detained in police or judicial custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) ♦♦♦♦With effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

**Explanation -**

The period of forty eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) ♦♦♦♦Where a penalty of dismissal, removal or compulsory retirement from Service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have

continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

- (4) ♦♦♦♦ Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of, or by, a decision of a court of law, and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

\* ♦ [Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.]

**\* Proviso inserted by Notification No. CDR-1188/I582/CR-38-88/XI, dated 12.10.1990.**

- (5) ♦♦♦♦ (a) ♦♦♦♦ An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) ♦♦♦♦ Where a Government servant is suspended or is deemed to have been suspended (Whether in connection with any disciplinary proceeding or other -wise), and



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

**Major Penalties -**

- (vii) compulsory retirement;
- (viii) removal from Service which shall not be a disqualification for future employment under Government;
- (ix) dismissal from Service which shall ordinarily be a disqualification for future employment under Government:

**++** [Provided that, in every case in which 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 (ix) shall be imposed;

Provided further that, in any exceptional case and for special reasons recorded in writing any other penalty may be imposed].

### **Explanation -**

The following shall not amount a penalty within the meaning of this rule, namely -

- (i) Withholding of increments of pay of Government servant for his failure to pass any departmental examination or the \* [Hindi and Marathi language examination] in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;
- (ii) stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible, on administrative grounds unconnected with his conduct;
- (iv) reversion of a Government servant officiating in a higher Service grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;
- (v) reversion of a Government servant appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;

- (vi) replacement of the services of a Government servant, whose services had been borrowed from any Government in India or any authority under its control, at the disposal of such Government, or authority;
- (vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services ♦
  - (a) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or
  - (b) of a temporary Government servant unconnected with his conduct; or
  - (c) of a Government servant employed under an agreement, in accordance with the terms of such agreement.

(2) Where a penalty mentioned in item (v) or (vi) in sub-rule (1) is imposed on a Government servant, the authority imposing the penalty shall expressly state in the order imposing the penalty that the period for which the reduction is to be effective will be exclusive of any interval spent on leave before the period is completed.

+ Sub-rule (1) Substituted by Notification No. 1097/CR No. 32/97/XJ dated 5-2-1998.

++ Both the provisos shown in the brackets below the Major Penalty of dismissal were added vide notification number CDR 1188/1582/CR.38-88/XI dated 12- 10- 1990

\* The words in the bracket in explanation (I) below sub- rule (1) were inserted vide notification number CDR.1187/246/5/XI dated 04- 02- 1987





## 6. Disciplinary authorities

- (1) The Governor may impose any of the penalties specified in rule 5 on any Government servant.
- (2) Without prejudice to the provisions of sub-rule (1), Appointing Authorities may impose any on the penalties specified in rule 5 upon members of Class III and Class IV Services serving under them, whom they have power to appoint:

Provided that the Heads of Offices shall exercise the powers of imposing minor penalties on the Class III and Class IV Government servants under their respective administrative control:

Provided further that Heads of Departments and Regional Head of Departments shall exercise the powers of imposing minor penalties only in relation to Government servants of State Service (Class II) under their respective control:

\* [[Provided also that, the Heads of Departments shall exercise the powers of imposing minor penalties only in relation to Government servants of State service (Class-I) under their respective administrative control who draw pay in a scale, the minimum of which does not exceed +(Rs. 10650)].

- # [[(3) Without prejudice to the provisions of sub-rule (1), the Commissioners of Divisions shall, in the course of implementation of the Employment Guarantee Scheme under the Maharashtra Employment Guarantee Act, 1977(Mah. XX of 1978), exercise the powers of imposing minor penalties only in relation to Government servants of State Service, Class I, drawing pay in a scale the minimum of which is +[Rs. 10650) or

less and of State Services, Class II, and shall also exercise .the powers of imposing any of the penalties specified in rule 5 in relation to members of Class III and Class IV Services serving in the said Scheme.]]

**\* The Proviso inserted by Notification No. CDR.1185/2777/3/XI, dated 17.4.1986.**

**# Sub-rule (3) inserted by Notification No. CDR 1187/1351/27- XI dated 18/6/1987.**

**+ Letters and figures "Rs. 3000/- ♦substituted by Notification number CDR- 1189/ 1258/ 20/ XI dated 18- 10- 1989, in third Proviso below sub- rule (2) and in sub- rule (3) were further substituted by the letters and figures Rs. 10650/- by Notification No. CDR- 1001/773/C.R.13/01/XI, dated 29.10.2004.**

## **7. Authority to institute proceedings**

(1) The Governor or any other authority empowered by him by general or special order may-

(a) institute disciplinary proceedings against any Government servant;

(b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 5.



### **Explanation-**

Where a disciplinary authority itself holds an inquiry under this rule, any reference to an inquiring authority in this rule shall, unless the context otherwise requires, be construed as reference to the disciplinary authority.

(3) ♦ Where it is proposed to hold an inquiry against a Government servant under this ♦ rule, the disciplinary authority shall draw up or cause to be drawn up-

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputation of misconduct or misbehaviour in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the Government servant; and

(b) a list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained.

(4) ♦ The disciplinary authority shall deliver or cause to be delivered to the Government servant, a copy of articles of charge the statement of the imputations of misconduct or misbehaviour, and a list of documents and of the witnesses by which each article of charge is proposed to be sustained, and shall by a written notice require the

Government servant to submit to it within such time as may be specified in the notice, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) ♦ On receipt of the written statement of defence the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary as to do, appoint, under sub-rule (2) an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 9 of these rules.

(b) ♦ If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so appoint under sub-rule (2) of these rules an inquiring authority for the purpose.

(c) ♦ ♦ Where the disciplinary authority appoints an inquiring authority it may, by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present the case in support of the articles of charge before the inquiring authority.

(6) The disciplinary authority shall where it is not the inquiring authority, forward to the inquiring authority-

- (i) ♦♦♦♦♦ a copy of each of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (ii) ♦♦♦♦♦ a copy of the written statement of defence, if any, submitted by the Government servants;
- (iii) ♦♦♦ copies of statements of witnesses if any, referred to in sub-rule (3) of this rule;
- (iv) ♦♦♦ evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
- (v) a copy of the order appointing the presenting Officer.

(7) ♦ The Government servant shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf, or within such further time not exceeding ten days, as the inquiring authority may allow.

(8) The Government servant may take the assistance of any other Government servant \* [or retired Government Servant] 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.

(9) ♦ If the Government servant who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain signature of the Government servant thereon.

(10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the Government servant pleads guilty.

(11) The inquiring authority shall, if the Government servant fails to appear within the specified time or refuses or admits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove article of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence,

(i) ♦ inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3) of this rule.

(ii) ♦ submit a list of witnesses to be examined on his behalf.

(iii) give a notice within ten days of the order or within such further time not ♦♦ exceeding ten days as the inquiring authority may allow, for the discovery or production of any

documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3) of this rule, indicating the relevance of such documents.

(12) Where the Government servant applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3) of this rule, the inquiring authority shall furnish him with such copies as early as possible, and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(13) Where the inquiring authority receives a notice from the Government servant for the discovery or production of documents, the inquiring authority shall forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition.

Provided that, the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(14) On receipt of the requisition referred to in sub-rule (13), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority:

Provided that, if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority and the inquiring authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production of discovery of such documents.



(15) The inquiry shall be commenced on the date fixed in that behalf by the inquiring authority and shall be continued thereafter on such date or dates as may be fixed time to time by that authority.

(16) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of, the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine, the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(17) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the

Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice:

Provided that no new evidence shall be permitted or called for or any witness shall be recalled to fill up any gap in the evidence unless there is an inherent lacuna or defect in the evidence which has been produced originally.

- (18) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In either case a copy of the statement of defence shall be given to the Presenting Officer appointed, if any.
- (19) The Evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross- examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.
- (20) The inquiring authority may, after the Government servant closes his case and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.
- (21) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, appointed, if any, and the Government servant, or permit them to file the written briefs of their respective case, if they so desire.
- (22) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit a written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or

otherwise fails or refuses to comply with the provisions of this rule, the inquiring may hold the inquiry ex-parte.

(23) (a) Where a disciplinary authority competent to impose any of the minor penalties but not competent to impose any of the major penalties has itself inquired into or caused to be inquired into any of the articles of charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that any of the major penalties should be imposed on the Government servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose such major penalty.

(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness, and may impose on the Government servant such penalty as it may deem fit in accordance with these rules.

Provided that if any witnesses are recalled, they may be cross-examined by or on behalf of the Government servant.

(24) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

Provided that, if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine cross-examine and re-examine any such witnesses as hereinbefore provided.

Provided that, if any witnesses are recalled, they may be cross-examined by or on behalf of the Government servant.

(25) After conclusion of the inquiry, a report shall be prepared by the inquiring authority, such report shall contain-

(a) the articles of the 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 therefor;

◆+ [(e) Recommendation regarding the quantum of punishment]

(26) Where, in the opinion of the inquiring authority, the proceedings of the inquiry establish any article of charge, different from the original article of the charge and it may record its finding on such article of charge:

◆◆◆◆◆◆ Provided that, the findings on such article of charge shall not be recorded unless the Government servant has admitted the facts on which such article of charge

is based or has had a reasonable opportunity of defending himself against such article of charge.

(27) 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 sub-rule (25);

(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.

\* The words in the bracket shown in sub- rule 8 inserted by Notification No. CDR. 1096/CR-83/96-11 dated 10-6-1998.

+ Clause (e) of Sub-rule (25) deleted by Notification No. CDR 1096/ CR-58-96/XI dated 1-12-1997.



## 9. Action on the inquiry report

- (1)◆ The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report, and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 8 of the these rules as far as may be.
  
- (2)◆ The disciplinary authority shall, if it is not the inquiring authority, consider the record of the inquiry and record its findings on each charge. If it disagrees with the findings of the inquiring authority on any article of charge, it shall record its reasons for such disagreement.
  
- (3)◆◆ If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the minor penalties should be imposed on the Government servant, it shall, notwithstanding anything contained in rule 10 of these rules on the basis of the evidence adduced during the inquiry held under rule 8 determine what penalty, if any should be imposed on the, Government servant and make an order imposing such penalty:

Provided that, in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the

Commission for its advice, and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

- + [(4) If the disciplinary authority, having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (v) to (ix) of sub-rule (1) of rule 5, should, be imposed on the Government servant, it shall make an order imposing such penalty and it shall not be necessary' to give. the Government servant any opportunity of making representation on the penalty proposed to be imposed

Provided that, in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the Disciplinary authority to the Commission for its advice, and such advice shall be taken into consideration before making an order imposing any such penalty on the Government servant.]

**+ Substituted for earlier Sub-rule (4) by Notification No. CDR. 1184/1380/27/XI♦ dated 15.11.1985.**

## **10. Procedure for imposing minor Penalties**

(1) Save as provided in sub-rule (3) of rule 9, no order imposing on a Government servant♦ any of the minor penalties shall be made except after

- (a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in rule 8, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking into consideration the representation, if any, submitted by the Government servant under clause (a) of this rule and the record of inquiry, if any, held under clause (b) of this rule;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Commission where such consultation is necessary.

(2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed, after considering the representation if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government's servant or to withhold increment of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period + [or to impose any of the penalties specified in clauses (v) and (vi) of sub-rule (1) of the rule (5)], an inquiry shall be held in the manner laid down in sub-rule (3) to (27) of rule 8, before making any order of imposing on the Government servant any such penalty.

(3) The record of the proceeding in such cases shall include-

(i) a copy of the intimation to the Government servant of the proposal to take action against to him;

(ii) a copy of the statement or imputations of misconduct or misbehaviour delivered to him;

(iii) his representations, if any;

(iv) the evidence produced during the inquiry;

(v) the advice of the Commission, if any;

(vi) the findings on each imputation of misconduct or misbehaviour; and



(vii) the orders on the case together with the reasons therefor.

**+ The words shown in the bracket in sub- rule (2) inserted vide notification no. CDA-1005/C.R.24/05/11 dated 29/12/2006.**

## **11. Communication of orders**

Orders made by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or, where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiry authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority, (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission, and, where the disciplinary authority, has not accepted the advice of the Commission, a brief statement of the reasons for such non - acceptance.

## **12. Common proceedings**

(1) Where two or more Government servants are concerned in any, case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Where the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(3) Every order for taking disciplinary action in a common proceeding shall specify-

(i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;

(ii) the penalties specified in rule 5 which such disciplinary authority shall be competent to impose; and

(iii) whether the procedure laid down in rule 8 and rule 9 or rule 10 shall be followed in the proceeding.

## **13. ♦ Special procedure in certain cases**

Notwithstanding anything contained in rules 8 to rule 12 of these rules.

(i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or

(iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules, or the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.

\* [Provided that the Government Servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i)

Provided further that the Commission shall be consulted. Where such consultation is necessary before any orders are made in any case under this rule].

(iv) \* \* Disciplinary proceeding come to an end immediately on the death of the delinquent Government servant. No disciplinary proceedings under these rules, can therefore, be continued after the death of the concerned Government servant.

**\* Both Provisos below clause (iii) were inserted in place of earlier provisos by Notification No. CDR.1188/1582/CR. 38.88/XI, dated 12.10.1990.**

\*\* Sub-rule (iv) is added vide notification no. CDR 1199/C.R.13/99/11 dated 23/2/2000.

## **14. ♦ Provisions regarding Officers lent to any Government in India, Local authority, etc.**

- (1) Where the Services of a Government servant are lent by one department of Government to another department of Government or to any other Government in India or to an authority subordinate thereto or to a local or other authority (including any Company or corporation owned or controlled by Government) (hereinafter in this rule referred to as "the borrowing authority") the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him:

Provided that, the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this rule referred to as " the lending authority") of the circumstances leading to the order of suspension of such Government servant or the commencement of the disciplinary proceeding, as the case may be.

- (2) In the light of the findings in the disciplinary proceeding conducted against the Government servant, -

- (i) if the borrowing authority is of the opinion that any of the minor penalties should be imposed on the Government servant it may after consultation with the lending authority, make such orders on the case as it deems necessary:

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

- (ii) if the borrowing authority is of the opinion that any of the major penalties should be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it, the proceedings of the inquiry; and thereupon the lending authority may, if it is the disciplinary authority, pass such orders therein as it may deem necessary or if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary

Provided that, before passing any order, the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 9 of these rules.

- (3) The orders under clause (ii) of sub-rule (2) of this rule may be passed by the disciplinary authority either on the basis of the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary, as far as may be in accordance with the provisions of rule 8 of these rules.

## **15. ♦ Provision regarding Officers borrowed from any Government in India, local authority etc**

- (1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed by one department of Government from another department of Government or from any Government in India or from any authority, subordinate thereto or from a local or other authority, (including a company or corporation owned or controlled by Government) the authority lending his services (hereinafter in this rule referred to as "the lending authority" ) shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be.
- (2) In the light of the findings in the disciplinary proceeding conducted against the Government servant-
- (i) if the disciplinary authority is of the opinion that any of the minor penalties♦ should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 9 of these rules after consultation with the lending authority, pass such orders on the case as it may deem necessary.

Provided that, in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

- (ii) if the disciplinary authority is of the opinion that any of the major penalties should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

## **PART V ◆ APPEALS**

### **16. ◆ Orders against which no appeal lies**

Notwithstanding anything contained in this part, no appeal shall lie(s) against-

- (i) ◆◆ any order made by the Governor;
- (ii) any order of an interlocutory nature or of the nature of a step- in-aid or the final ◆◆ disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) any other order passed by an inquiring authority in the course of an inquiry under rule 8 of these rules.

### **17. ◆ Orders against which appeal lies**

Subject to the provisions of rule 16, a Government servant may prefer an appeal against all or any of the following orders, namely :-

- (i) an order of suspension made or deemed to have been made under rule 4 of these rules;
- (ii) an order imposing any of the penalties specified in rule 5 of these rules, whether made by the disciplinary authority or by any appellate or reviewing authority;
- (iii) an order enhancing any penalty, imposed under rule 5 of these rules;
- (iv) an order which-
  - a) denies or varies to his disadvantages his pay allowances, pension or other conditions of service as regulated by rules or by agreement; or
  - (b) denies promotion to which he is otherwise eligible according to the recruitment rule and which is due to him according to his seniority;
  - (c) interprets to his disadvantage the provisions of any such rule or agreement;
- (v) an order
  - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;
  - (b) reverting him while officiating in a higher Service, "grade or post to a lower Service, grade 'or post, otherwise 'than as a penalty;
  - (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules governing pension;
  - (d) determining the subsistence and the other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;
  - (e) determining his pay and allowances
    - (i) ♦♦ for the period of suspension, or

- (ii) for the period from the date of his dismissal, removal, or compulsory retirement from service, or from the date of his reduction to a lower Service, grade, post, time-scale or stage in a time-scale of pay, to the date of his reinstatement or restoration to his Service, grade or post, or
- (f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower Service, grade, post, time- scale of pay or stage in a time-scale of pay to the date of his re-instatement or restoration to his Service, grade or post shall be treated as a period spent on duty for any purpose.

**Explanation-** In this rule,

- (i) the expression "Government Servant" includes a person who has ceased to be in Government service.
- (ii) the expression "Pension includes additional pension, gratuity and any other retirement benefits.

## 18. Appellate authorities

- (1) Subject to the provisions of any law for the time being in force,



\* (i) a member of class I or class II services (Group A or Group B service, including a person who belonged to any of these classes immediately before he ceased to be in service ),may appeal to

a) Government against the orders passed by the authorities subordinate to Government, imposing penalties on him or

b) The Governor, against the orders passed by the Government or any authority not subordinate to Government imposing penalties on him.

(ii) a member of class III or Class IV Service (including a person who belonged to any of those classes immediately before he ceased to be in Service), may appeal to the immediate superior of the Officer imposing a penalty upon him under rule 5 of these rules; [**\*\***and no further appeal shall be admissible to him.]

+ [Provided that - - - - -~~◆~~ - - - - -]

(2) Notwithstanding anything contained in sub-rule (1) of this rule-

(i) an appeal against an order in a common proceeding held under rule 12 of these rules shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate:

+ + [Provided that where such authority is subordinate to the Governor in respect of a Government servant for whom Governor is the appellate authority in terms of clause (i) of sub-rule (1), the appeal shall lie to the Governor.]

◆(ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person

is immediately subordinate.

**\* The clause (i) in sub- rule (1) substituted vide notification NO. CDR.1199/CR-16/99/XI/dated 18- 04- 2001**

**\*\* Bracketed words in clause (ii) of sub- rule (1) inserted by Notification No. CDR.1188/1582/CR-38-88/XI, dated 12-10-1990**

**+ Proviso deleted by Notification No. CDR, 1188/1582/CR-38-88/XI, dated 12-10-1990.**

**+ + Proviso inserted by Notification, No. CDR. 1188/1582/CR-38-88/XI, dated 12.10.1990.**

## **19.Period of limitation for appeals**

No appeal preferred under this Part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that, the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

## **20. ◆ Mode, form and contents of appeal**

- (1) Every person preferring an appeal shall do so separately and in his own name and shall address it to the authority to which the appeal lies.
  
- (2) The appeal shall be complete in itself-and shall contain all material statements and arguments on which the appellant relies, but shall not contain any disrespectful or improper language.

## **21. Submission of appeals**

(1) Every appeal shall be submitted to the authority which made the order appealed against:

Provided that:

- (a) where such authority is not the Head of the Office in which the appellant may be serving, or
  
- (b) where the appellant has ceased to be in service and such authority was not the Head of the Office in which the appellant was serving immediately before he ceased to be in Service or
  
- (c) where such authority is not subordinate to any Head of Office referred to in clause (a) or (b) the appeal shall be submitted to the Head of Office referred to in clause (a) or (b) of this sub- rule accordingly, as the appellant is or is not in service;

## 22. ♦ Transmission of appeals

- (1) The authority which made the order appealed against shall, on receipt of copy of the appeal, without any avoidable delay, and without waiting for any direction from the appellate authority, transmit to the appellate authority every appeal together with its comments thereon and the relevant records.

## 23. ♦ Consideration of appeal

- (1) ♦ In the case of appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 4 of these rules and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order, accordingly.
- (2) ♦ In the case of an appeal against an order imposing any of the penalties specified in rule 5 ♦ of these rules or enhancing any penalty imposed under that rule, the appellate authority shall consider-
- (a) whether the procedure laid down in these rules has been followed, and if not, ♦ ♦ ♦ whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
  - (b) whether the findings of the disciplinary authority are warranted by the evidence of ♦ the record; and
  - (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate, or severe; and pass orders-
    - (i) confirming, enhancing, reducing, or setting aside the penalty; or

- (ii) remitting the case to the authority which had passed the order appealed against, with such directions as it may deem fit in the circumstances the case:

Provided that-

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) the Commission shall be consulted in all cases where such consultation is necessary;
- (iii) \* [if the enhanced penalty which the appellate authority proposes to impose is one of the major penalties and an inquiry under rule 8 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 13, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 8, and thereafter, on a consideration of the proceedings of such inquiry, make such orders as it may deem fit;]
- (iv) If the enhanced penalty which the appellate authority proposes to impose is one of the major penalties and an inquiry under rule 8 of these rules has already been held in the case, the appellate authority shall \* \* [ give to the Government servant a notice stating the enhanced penalty proposed to be imposed on him and calling upon him to submit within 15 days of receipt of notice or such further time not exceeding 15 days, as may be allowed, such representation as he may wish to make on the enhanced penalty] make such orders as it may deem fit; and



- + (V) [no order imposing an enhance penalty shall be made in any other case unless the appellate has been served with a notice stating the enhance penalty proposed to be imposed on him and calling upon him to submit within 15 days

of receipt of the notice or such further time not exceeding 15 days, as may be allowed, such representation as he may wish to make on the proposed enhanced penalty].

(3) In an appeal against any other order specified in rule 17 of these rules, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

**\* Earlier proviso (iii) is substituted for earlier proviso (iii) by Notification No. CDR. 1188/1582/ CR-38-88/XI, dated 12.10.1990.**

**\*\* The words in the bracket in clause (iv) of sub- rule (2) deleted by notification CDR.1188/1582/CR-38-88/XI,dated 12.10.1990.**

**+ The entire clause (v) deleted by Notification No. CDR.1188/1582/CR-38-88/XI,dated 12.10.1990.**

## **24. Implementation of orders in appeal**

The authority, which made the order appealed against, shall give effect to the orders passed by the appellate authority.

## 25.\*[Revision]

- (1) Notwithstanding anything contained in these rules, the Governor or any authority subordinate to him to which an appeal against an order imposing any of the penalties specified in rule 5 of these rules lies may, at any time, either on his or its own motion or otherwise call for the records of an inquiry and \*[revise] any order made under these rules or under the rules repealed by rule 29 of these rules from which an appeal lies but against which no appeal has been preferred or orders against which no appeal lies, after consultation with the Commission where such consultation is necessary, and may -
- (a) confirm, modify or set aside the order; or
  - (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
  - (c) remit, the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or
  - (d) pass such other orders as it may deem fit

**\* The heading of Part IV "REVIEW" substituted by the heading "REVISION AND REVIEW", in the marginal note the words "Review" is substituted by the word "Revision" and in sub-rule (1) the words "review" substituted by the words "revise" by the Notification No. CDR. 1184/1380/27/XI, dated 15.11.1985.**

Provided that, no order imposing or enhancing any penalty shall be made by any \*\*♦ [revising authority], unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed,

and where it is proposed to impose any of the major penalties or to enhance the penalty imposed by order sought \*\* [to be revised] to any of the major penalties, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8 of these rules + [ and after giving a reasonable opportunity to the Government servant concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and trial] except after consultation with the Commission where such consultation is necessary:

Provided further that, no \*\* [power of revision] shall be exercised by the authority to which an appeal against an order imposing any of the penalties specified in rule 5 of these rules, lies unless --- -

- (i) the authority which made the order in appeal, or
- (ii) the authority to which an appeal would lie, where no appeal has been preferred is subordinate to it.

(2)◆◆ No proceeding for [revision] shall be commenced until after

- ◆(i) the expiry of the period of limitation for an appeal,
- ◆(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for \*\* [revision] shall be dealt with in the same manner as if it were an appeal under these rules, except that the period of limitation for its consideration shall be six months commencing from the date on which a copy of the order under \* [revision] is delivered to the applicant -



\*\* The words "reviewing authority" substituted by the words "revising authority", the words "to be reviewed" substituted by the words "to be revised", the words "power of review" substituted by the words "power of revision" And the word "review" substituted by the words "revision" by Notification No. COR. 1184/1380/27/XI, dated 15.11.1985.

+ The words shown in the bracket deleted by Notification No. CDR. 1188/1582/CR-38-88./XI, dated 12-10-1990.

-

## **25A.◆◆◆ \* Review**

The Governor may, at any time, either on his own motion or otherwise, review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of the order under review and which has the effect of changing the nature of the case, has come or has been brought, to his notice:

◆ Provided that, no order imposing or enhancing any penalty shall be made by the Governor unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed, or where it is proposed to impose any of the major penalties specified in rule 5 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under rule 8 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8, subject to the provision of rule 13, and except after consultation with the Commission where such consultation is necessary.

**\* This rule is inserted by Notification NO. CDR 1184/I380/27/XI, dated 15.11.1985.**

## **PART VII - MISCELLANEOUS**

## **26. ♦ Service of orders, notices, etc**

Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or communicated to him by registered post.

## **27. Power to relax limit and to condone delay**

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or is sufficient cause is shown, extend the time specified in these rules for any thing required to be done under these rules or condone any delay.

## **28. ♦ Supply of copy of Commission's advice**

Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and where such advice has not been accepted, also a brief statement of the reasons for such non- acceptance, shall be furnished to the Government servant concerned along with a copy of the order passed in the case by authority making the order.

## 29. Repeal and saving

(1) On the commencement of these rules, the following rules, that is to say -

(i) the Bombay Civil Services Conduct, Discipline and Appeal Rules in so far as they relate to matters provided by these rules;

(ii) the rules made under rule 54 of the Civil Services (Classification Control and Appeal) Rules as applicable to non-gazetted servants of the Government of Maharashtra who were allocated to that Government from the pre-Reorganisation State of Madhya Pradesh,

(iii) the Civil Services (Classification, Control and Appeal) Rules as applicable to gazetted servants other than those to whom the Hyderabad Civil Services (Classification, Control and Appeal) Rules are applicable;

(iv) the Hyderabad Civil Services (Classification, Control and Appeal) Rules applicable to the servants of the Government of Maharashtra who were allocated to that Government from the pre- Reorganisation State of Hyderabad; and any rules

corresponding to the rules referred to in clauses (i), (ii). (iii) and (iv) and in force immediately before the commencement of these rules and applicable to Government servants to whom these rules apply are hereby repealed :-

Provided that -

(a) such repeal shall not affect the previous operation of any notifications or orders made, or anything done, or any action taken under the rules so repealed;

(b) any proceedings under the rule so repealed which were pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

- (2) Nothing in these rules shall be construed as depriving any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders in force before the commencement of these rules.
- (3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these rules, as if such orders were made under these rules.
- (4) As from the commencement of these rules any appeal or application for review against any order made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules:

Provided that. nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

## **30. Removal of doubt**

Where a doubt arises as to whether any authority is subordinate to, or higher than, any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to Government whose decision thereon shall be final.

## **ANNEXURE**

### **{Rule 2 (K)}**

◆◆◆◆◆◆◆◆◆◆ Schedule showing authorities recognised as Regional Heads vide Government Resolution, Finance Department, No. PAY-1058/231800/S-2, dated 10<sup>th</sup> December 1958 as modified from time to time.

#### **I - Home Department**

1. The Deputy Inspector General of Police, Anti-Corruption and Prohibition Intelligence and Director, Anti-Corruption Bureau, Bombay
2. The Commissioner of Police, Pune
3. The Commissioner of Police, Nagpur
4. The Deputy Inspector General of Police, Intelligence, Bombay
5. The Deputy Inspector General of Police (Crime and Railways), Pune
6. The Deputy Inspector General of Police, Bombay Range, Nashik
7. The Deputy Inspector General of Police, Aurangabad Range, Aurangabad
8. The Deputy Inspector General of Police, Pune Range, Kolhapur
9. The Deputy Inspector General of Police, Nagpur Range, Amravati
10. The Deputy Inspector General of Police, Armed Forces, Bombay
11. The Deputy Inspector General of Police, Training and Special Units, Bombay
12. The Regional Transport Officer, Bombay Region, Bombay
13. The Regional Transport Officer, Thane Region, Thane
14. The Regional Transport Officer, Pune Region, Pune
15. The Regional Transport Officer, Aurangabad Region, Aurangabad
16. The Regional Transport Officer, Nagpur Region, Nagpur
17. The Deputy Commissioner of Prohibition and Excise (Administration), Bombay

18. The Deputy Inspector General of Prisons and Deputy Director of Correctional Services, Eastern Region, Nagpur
19. The Deputy Inspector General of Prisons and Deputy Director of Correctional Services, Western Region, Pune
20. The Deputy Inspector General of Prisons and Deputy Director of Correctional Services, Central Region, Aurangabad

## **II- Revenue and Forests Department**

1. The Deputy Director of Land Records, Nagpur
2. The Deputy Director of Land Records, Pune
3. The Deputy Director of Land Records, Bombay
4. The Deputy Director of Land Records, Aurangabad
5. The Conservator of Forests, Nashik Circle
6. The Conservator of Forests, Pune Circle
7. The Conservator of Forests, Nagpur Circle
8. The Conservator of Forests, Amravati Circle
9. The Conservator of Forests, Thane Circle
10. The Conservator of Forests, Kolhapur Circle
11. The Conservator of Forests, Chandrapur Circle
12. The Conservator of Forests, Aurangabad Circle
13. The Chief Wild Life Warden, Pune
14. The Conservator of Forests, Working Plants, Pune
15. The Conservator of Forests, Evoluation, Pune
16. The Conservator of Forests, Tendue Leaves Circle, Nagpur

## **III - Agriculture and Co-operation Department**

1. The Superintending Agricultural Officer, Nagpur
2. The Superintending Agricultural Officer, Bombay
3. The Superintending Agricultural Officer, Pune
4. The Superintending Agricultural Officer, Aurangabad
5. The Superintending Agricultural Officer, Konkan Region, Thane
6. The Superintending Agricultural Officer, Kolhapur
7. The Superintending Agricultural Officer, Amravati
8. The Regional Deputy Director of Animal Husbandry, Nagpur
9. The Regional Deputy Director of Animal Husbandry, Bombay
10. The Regional Deputy Director of Animal Husbandry, Pune
11. The Regional Deputy Director of Animal Husbandry, Aurangabad
12. The Regional Dairy Development Officer, Pune
13. The Regional Dairy Development Officer, Nagpur
14. The Regional Dairy Development Officer, Konkan Bhavan, Konkan
15. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Bombay
16. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Pune
17. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Nagpur
18. The Deputy Director of Cottage Industries and Deputy Registrar for Industrial Cooperatives, Aurangabad
19. The Deputy Registrar of Co-operative Societies, Nagpur
20. The Deputy Registrar of Co-operative Societies, Amravati
21. The Deputy Registrar of Co-operative Societies, Aurangabad
22. The Deputy Registrar of Co-operative Societies, Pune
23. The Deputy Registrar of Co-operative Societies, Nashik
24. The Deputy Registrar of Co-operative Societies, Bombay
25. The Deputy Registrar of Co-operative Societies, (Sugar)

#### **IV - Education and Youth Services Department**

1. The Deputy Director of Education, Greater Bombay
2. The Deputy Director of Education, Pune
3. The Deputy Director of Education, Nagpur
4. The Deputy Director of Education, Aurangabad
5. The Deputy Director of Education, Nashik
6. The Deputy Director of Education, Amravati
7. The Deputy Director of Education, Kolhapur
8. The Deputy Director of Technical Education, Greater Bombay
9. The Deputy Director of Technical Education, Pune
10. The Deputy Director of Technical Education, Nagpur
11. The Deputy Director of Technical Education, Aurangabad

#### **V- Urban Development and Public Health Department**

1. The Deputy Director of Health Services, Bombay Circle, Bombay
2. The Deputy Director of Health Services, Nashik Circle, Nashik
3. The Deputy Director of Health Services, Pune Circle, Pune
4. The Deputy Director of Health Services, Kolhapur Circle, Kolhapur
5. The Deputy Director of Health Services, Nagpur Circle, Nagpur
6. The Deputy Director of Health Services, Akola Circle, Akola
7. The Deputy Director of Health Services, Aurangabad Circle, Aurangabad
8. Assistant Director of Ayurved, Nagpur
9. Assistant Director of Ayurved, Pune
10. Joint Commissioner, Food & Drugs Administration, Bombay Circle, Bombay
11. Joint Commissioner, Food & Drugs Administration, Bombay Division, Bombay
12. Joint Commissioner, Food & Drugs Administration, Nagpur Division, Nagpur
13. Joint Commissioner, Food & Drugs Administration, Pune Division, Pune



14. Joint Commissioner, Food & Drugs Administration, Aurangabad Division, Aurangabad
15. Administrative Medical Officer, Employees State Insurance Scheme, Bombay
16. Administrative Medical Officer, Employees State Insurance Scheme, Pune
17. Administrative Medical Officer, Employees State Insurance Scheme, Nagpur
18. Deputy Director of Town Planning, Bombay Division, Bombay
19. Deputy Director of Town Planning, Pune Division, Pune
20. Deputy Director of Town Planning, Nagpur Division, Nagpur
21. Deputy Director of Town Planning, Aurangabad Division, Aurangabad

### **VI - Finance Department**

1. Chief Auditor, Local Fund Accounts, Bombau
2. The Deputy Director of Accounts & Treasuries, Pune
3. The Deputy Director of Accounts & Treasuries, Nagpur

### **VII - Industries, Energy & Labour Department**

1. The Joint Director of Industries, Bombay Region
2. The Joint Director of Industries, Bombay Metropolitan Region
3. The Joint Director of Industries, Pune
4. The Joint Director of Industries, Aurangabad
5. The Joint Director of Industries, Nagpur
6. The Deputy Commissioner of Labour, Nagpur
7. The Deputy Commissioner of Labour, Pune

### **VIII- Social Welfare, Cultural Affairs, Sports and Tourism Department**

1. The Divisional Social Welfare Officer, Bombay
2. The Divisional Social Welfare Officer, Ngapur
3. The Divisional Social Welfare Officer, Pune
4. The Divisional Social Welfare Officer, Aurangabad

### **IX - Rural Development Department**

1. Joint Director, Groundwater Surveys and Development Agency, Pune