

F. No. 11012/12/2016-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment A-III Desk

North Block, New Delhi,
Dated: 6th December, 2016

OFFICE MEMORANDUM

Subject: CCS (CCA) Rules, 1965 – Clarification regarding effect of warning, censure etc on promotion.

The undersigned is directed to refer to this Department's O.M. No. 11012/6/2008-Estt.(A) dated 7th July, 2008 on the above mentioned subject and to say that vide para 2(iii) of the said OM, it was instructed that where a departmental proceeding has been instituted, and it is considered that a Government servant deserves to be penalized for the offence/misconduct, one of the prescribed penalties may only be awarded and no warning, recordable or otherwise, should be issued to the Government servant. However, while considering cases for empanelment, the ACC has observed that in many cases, rather than exonerating the officer or imposing a penalty on him, administrative warning is issued even when disciplinary proceeding were drawn against him. Administrative warning is not recognized as a penalty.

2. In view of the above, the following position as contained in various instructions issued so far on warning/Censure etc. are reiterated for strict compliance:-

- (i) As clarified in the Ministry of Home Affairs O.M. No. 39/21/56-Estt.(A) dated 13th December, 1956, warning is administered by any authority superior to a Government employee in the event of minor lapses like negligence, carelessness, lack of thoroughness, delay etc. It is an administrative device in the hands of superior authorities for cautioning the Government employees with a view to toning up efficiency and maintaining discipline. There is, therefore, no objection to the continuance of this system. However, where a copy of the warning is also kept in the Confidential Report dossier, it will be taken to constitute an adverse entry and the officer so warned will have the right to represent against the same in accordance with the existing instructions relating to communication of adverse remarks and consideration of representations against them.
- (ii) Where a departmental proceeding has been instituted under the provisions of CCS(CC&A) Rules 1965, after the conclusion of disciplinary proceedings, the officer is either exonerated or where it is considered that some blame attaches to the officer, he should be awarded one of the recognized statutory penalties as given in Rule 11 of the CCS (CCA) Rules, 1965 i.e. at least 'Censure' should be imposed. In such a situation, a warning, recordable or otherwise, should not be issued.
- (iii) Warning, letter of caution, reprimands or advisories administered to Government servants do not amount to a penalty and, therefore, will not constitute a bar for consideration of such Government servants for promotion.

3. All the disciplinary authorities in Ministries/Departments are, therefore, requested to keep in view the above guidelines while dealing with disciplinary case against the Government servants.


4. Hindi version will follow.


(Mukesh Chaturvedi)
Director (E)
Tel: 23093176

To
Secretaries of all Ministries/ Departments

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
11. CVOs of all Ministries/Departments.
12. ADG (M&C), Press Information Bureau, DoP&T
13. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders → Establishment → CCS(CCA) Rules and "what is new".
14. Hindi Section, DoP&T



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