

CCS (CCA) RULES

AAO EXAM PAPER -II

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CCS(CCA) Rules 1965

Short title and commencement –

(1) These Rules may be called the **Central Civil Service (Classification, Control and Appeal) Rules, 1965.**

Appointing Authority

Appointing Authority in relation to a government servant is the highest of the following authorities

The term "appointing authority," in relation to a Government servant, refers to the following:

1. The authority empowered to make appointments to the Service of which the Government servant is currently a member.
2. The authority empowered to make appointments to the grade of the Service in which the Government servant is currently included.
3. The authority empowered to make appointments to the specific post that the Government servant holds at present.
4. The authority that appointed the Government servant to the relevant Service, grade, or post. Additionally, if the Government servant has been a permanent member of another Service or has held a permanent post and has been continuously employed by the Government, it also includes the authority that appointed them to that Service, any grade within that Service, or that post.
5. **Appointments to Group 'A' Services and Posts-**All appointments to Central Civil Services, Group 'A' and Central Civil Posts, Group 'A', shall be made by the President. Provided that the President may, by a general or a special order delegate to any other authority the power to make such appointments.
6. **Appointments to other Services and Posts-** All appointments to the Central Civil Services (other than the General Central Service) Group 'B', Group 'C' and Group 'D' shall be made by the authorities specified in this behalf in the Schedule

PENALTIES AND DISCIPLINARY AUTHORITIES

Rule 11. Penalties The following are the penalties that may be imposed on a government servant:-

Minor Penalties –

1. Censure
2. Withholding of promotions
3. Recovery from pay of the whole or part of any pecuniary loss to government caused by the official's negligence or breach of orders
- 3 a) Reduction to a lower stage in the time – scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension
- 4 Withholding of future increments of pay

Major Penalties –

- 5 Reduction to a lower stage in the time scale of pay other than (3-a) for specified period
- 6 Reduction to a lower time – scale of pay, grade, post or service
- 7 Compulsory Retirement
- 8 Removal from service
- 9 Dismissal from service – Rule 11

Distinguish between 'censure and warning

'Censure' is a statutory punishment that can be imposed on a Government Servant under CCS (CCA) Rules for good and sufficient reason after following the prescribed procedure.

'Warning'- is not a statutory punishment but is a communication to the Government servant concerned commenting critically on his lapses. Warning is issued when the lapse on the part of the Government servant is not so serious. The procedure prescribed in CCS (CCA) Rules need not be observed for issuing a warning.

Withholding an increment

The penalty of withholding an increment takes effect from the date the increment becomes due for the officer after the issuance of the punishment orders. This penalty does not apply to any increments that were due prior to the issuance of the punishment orders, even if they were not drawn due to the officer being on leave or other administrative reasons.

When a penalty of withholding an increment is imposed on an employee, the authority must specify the duration for which the penalty will remain in effect. If the penalty order states that the next increment is withheld for a specified period, it means that all increments due during that period will also be withheld. An officer cannot receive increments following the withheld increment without first receiving the next one. However, if the order states that "one increment" is withheld for a specified period, the official will still be able to draw subsequent increments during that time, although they will be reduced by the one increment that has been withheld.

At least a censure must be awarded if an official is to be penalized.

Rule 12. Disciplinary Authorities

Disciplinary Authority refers to the authority competent to impose penalties as specified in Rule 11. These penalties can be imposed by the President, the Appointing Authority, or an authority listed in the Schedule appended to the rules.

If the designated Appointing or Disciplinary Authority is unable to act due to personal involvement in the charges, the case must be referred to the Government for the appointment of an ad hoc Disciplinary Authority via a Presidential order under Rule 12(2) of the CCS (CCA) Rules, 1965.

Rule -13. Authority to Institute Proceedings:

1. The President or an authority empowered by him may:
 - (a) Institute disciplinary proceedings against any Government servant.
 - (b) Direct a disciplinary authority to initiate proceedings against any Government servant eligible for penalties under Rule 11.

SUSPENSION – ENTITLEMENTS

Suspension: Meaning, Purpose, and Procedures

Meaning and Purpose

Suspension is an executive action that temporarily keeps a Government servant out of duty while awaiting the outcome of disciplinary actions for misconduct, delinquency, or similar issues. **It is not considered a penalty in itself.**

Circumstances for Suspension

A Government servant may be suspended under Rule 10(1) of the CCS (CCA) Rules, 1965, in the following situations:

- **Pending Disciplinary Proceedings:** When disciplinary action is contemplated or ongoing **(maximum 270 days).**
- **Criminal Investigations:** When a criminal case is under investigation, inquiry, or trial **(maximum 2 years).**
- **Prejudicial Activities:** If deemed by the competent authority to be engaging in activities harmful to state security (maximum 2 years).

Suspension may also apply if a Government servant is released on bail related to charges connected to their official duties or involving moral turpitude.

When Not to Suspend

- Suspension should not be used for minor offenses unrelated to official duties.
- If a Government servant is absent without permission but not officially suspended, and their whereabouts are unknown, the suspension should be lifted and removal proceedings initiated instead.

Deemed Suspension

(a) While in Service

1. **Deemed Suspension (Rule 10(2)):** A Government servant is deemed suspended if:
 - Detained in custody (criminal or otherwise) for over 48 hours, including preventive detention or debt-related arrests.
 - Convicted and sentenced to imprisonment exceeding 48 hours.

2. **Effect of Release on Bail:** If released on bail after detention over 48 hours, deemed suspension remains until revoked by the competent authority (maximum duration: 2 years).

(b) While Not in Service

3. **Continuation of Suspension (Rule 10(3)):** If a dismissal, removal, or compulsory retirement penalty is set aside on appeal or revision, suspension continues from the original dismissal date until further orders.
4. **Court Decisions (Rule 10(4)):** If a dismissal or removal is voided by a court, the departmental authorities may conduct further inquiries into unexamined charges based on case specifics.

Orders of Suspension

- Suspension requires a specific written order from the competent authority.
- In cases of deemed suspension under Rules 10(2), (3), or (4), suspension occurs automatically, although a formal order is preferred for administrative records.

Date of Effect of Suspension

1. **Effective Date:** Suspension orders take effect from the date issued or later, not retrospectively.
2. **Subsequent Day:** If a Government servant has completed their duty on a particular day, suspension can start the following day.
3. **Deemed Suspension Dates:**
 - From the date of detention exceeding 48 hours.
 - From the date of conviction and sentencing exceeding 48 hours.
 - From the date of the original order of dismissal/removal/compulsory retirement if such penalty is set aside.

Duration/End of Suspension

1. **Continuance:** Suspension remains in effect until revoked by the competent authority. It ends automatically upon dismissal, removal, or compulsory retirement resulting from departmental or court proceedings, or if the criminal case concludes with acquittal/discharge. Under Rule 10 (5) (a)

Review of Suspension

1. **Validity Period:** An order of suspension is valid for 90 days unless extended after review.
2. **Review Committee Composition:**
 - If the President is not the disciplinary or appellate authority: includes the disciplinary authority, appellate authority, and another officer of equal rank.
 - If the President is the appellate authority: includes the disciplinary authority and two officers of equal or higher rank.
 - If the President is the disciplinary authority: three officers of higher rank than the suspended official.
3. **Permanent or Ad Hoc Committees:** The administrative department may set up review committees on a permanent or ad hoc basis.
4. **Continuous Detention:** No review is required for deemed suspension if the Government servant remains detained after 90 days. The review period begins upon release from detention or when the release is communicated to the appointing authority, whichever is later.

Revoking of Suspension

1. **Circumstances for Revocation (Rule 10 (5) (c)):**
 - **Departmental Proceedings:**
 - No formal proceedings for dismissal, removal, compulsory retirement, or reduction in rank are needed.
 - Final order is not dismissal, removal, or compulsory retirement.
 - Government servant is exonerated of charges.
 - In appeal or revision, the order is modified to something other than dismissal, removal, or compulsory retirement, with no further inquiry ordered.
 - **Criminal Offence:**
 - Decision made not to file a charge-sheet in court following arrest and detention.
 - Higher court appeal/revision against acquittal fails.
 - Acquitted in trial court, or higher court appeal succeeds, and no continued suspension is proposed, even if departmental proceedings may follow.

Competent Authority

1. **Authorities Authorized to Suspend (Rule 10 (1)):**

- The "Appointing Authority" as defined in Rule 2a.
 - Any authority subordinate to the Appointing Authority.
 - The "Disciplinary Authority" as defined in Rule 2 (g).
 - Any authority empowered by the President through general or special order.
2. **Reporting Requirement:** If a suspension order is issued by an authority lower than the Appointing Authority, it must report the circumstances of the order to the Appointing Authority.

Headquarters During Suspension

1. An officer under suspension must adhere to all service conditions, including not leaving their designated headquarters (HQ) without prior permission. The HQ will be the station of posting prior to suspension.
2. The competent authority may change the HQ of a suspended officer if deemed necessary for public interest.
3. Requests for a change of HQ by a suspended officer may be granted if it doesn't incur additional costs or complicate investigations or disciplinary proceedings.
4. The HQ for a suspended officer released on bail will be subject to any court-imposed restrictions.

Appeal Against Suspension

1. Under Rule 23(i), a Government servant can appeal against an order of suspension made under Rule 10.

Resignation Under Suspension

1. If a suspended Government servant submits a resignation, the competent authority must assess whether accepting it serves the public interest. **Resignations are typically not accepted in serious cases of misconduct** unless the evidence is weak or the proceedings are protracted, making acceptance more cost-effective.
2. Acceptance of resignation requires **prior approval**: the Head of the Department for Group C and D employees, and the Minister in charge for Group A and B employees.

Voluntary Retirement/Resignation

1. **Notice of Voluntary Retirement:** Under FR 56(k) or Rule 48(1) of the CCS (Pension) Rules, 1972, a Government servant can submit notice for