

**GOVERNMENT OF MADHYA PRADESH  
GENERAL ADMINISTRATION DEPARTMENT**

**MEMORANDUM**

No. 1436-976-I (iii)-64

Bhopal, dated the 12th August 1964—Sravana 21, 1886

To,

All Departments of Government,  
The President, Board of Revenue,  
All Commissioners of Divisions  
All Heads of Departments, and  
All Collectors,  
Madhya Pradesh.

**Sub.**—Departmental enquiry case—Arrangement of files.

**Ref.**—This department's memo No. 1839-2705-I (i)-62, dated the 31st May, 1963.

According to para 7 (i) of the instructions enclosed with this Departments memorandum referred to above, while referreing disciplinary cases to the Public Service Commission Departments have to see that the papers to be sent are complete and arranged in proper order. The Commission has brought to the notice of the State Government that despite these instructions the method of arranging papers in departmental enquiry cases is not uniform. In a majority of cases the records are not properly maintained. A variety of unnecessary papers are filed in a haphazard manner without a proper index. A diary or order-sheet indicating the proceedings from day to day is not maintained and it is often not possible to ascertain what order were passed on any particular application of the accused Government servant asking for e.g. copies of statement of witnesses, requesting production of documents, summoning of witnesses etc. The result is that scrutiny of such cases by the Commission is not only made unnecessarily difficult but there is also the possibility of their missing important points effecting the merits of the case. In order to avoid this contingency and also to achieve uniformity it has been decided that the instructions contained in the enclosed annexure should henceforth be followed in arranging case files of departmental enquiries. These instructions should be secrupulously followed in all departmental enquiry cases irrespective of the fact whether the case has to be referred to the Commission or not.

2. When two or more officials are involved in a misdemeanour a joint enquiry may be held against them. A joint enquiry should ordinarily be held in cases where the cahrges concern the part played by all the officials in the same incident or transation or in the courses of a series of incidents or acts which together from one and the same transaction; unless the authority ordering the departmental enquiry, or reasons to be recorded, considers that separate enquiries against each will be more convenient.

**A. S. SIDDIQUI,**  
*Deputy secretary to Government of Madhya Pradesh,  
General Administration Department.*

**ANNEXURE**

The case files of the departmental enquiry should be arranged in the following manner :—

- (1) departmental enquiry case files should be maintained in two parts to be called 'A' file and 'B' file.
- (2) the 'A' file should contain the following papers and in the order mentioned below :—

(i) Order sheets showing the day to day progress of the case. The form of the order sheets will be as follows

:—  
Revenue or Criminal case order sheets—

- (ii) Charge sheet.
- (iii) Allegations on which the charges have been framed.
- (iv) Reply to the charge sheet.
- (v) Any further queries and replies in respect of the charge sheet, if made.
- (vi) List of documents filed by the Prosecution and admitted in evidence. This list should be in the following form :—

S. No. (1)	Short decription of the documents (2)	Remarks (3)
EX. P—1		
P—2		
P—3		
and so on		

(vii) Actual documents filed by the Prosecution

These should be marked as Exhibit-P-1, EX. P-2, EX. P-3 and so on. When they are referred to in the statements of witnesses there also they should be described as such (EX. P-1, 2, 3 etc.).

Herein Prosecution documents which do not require any proof, e.g. certified copies of orders of judgements of Court, may be placed and marked or numbered by the Enquiry Officer if they are referred to in the report or order of the departmental enquiry case.

(viii) Statements of prosecution witnessess, if any

(ix) Examination of the accused officer (A/O). In this examination Enquiry Officer (E/O) may like to clarify any doubtful point, besides generally giving the A/O an opportunity to explain facts brought out in the statement of witnesses for the prosecution.

(x) Written statements, if any, filed by the A/O.

(xi) List of documents filed by the A/O.

(xii) Actual documents filed by the A/O.

**Note.-1.**—The procedure to be followed for (xi) and (xii) will be the same as for (v) and (vi) except that the Exhibits will be marked Ex-D-1, D-2, D-3, etc. instead of Ex-P-1, P-2 etc.,

**Note 2.**—Bulky documents like Registers or heavy records may be marked as Articles Art. P-1, 2, 3 etc., or Art. D-1, D-2, D-3, etc., respectively and kept separately outside the 'A' and 'B' files

(xiii) Statement of defence witnesses, if any.

(xiv) Further written statement or argument, if any, filed by the A/O.

(xv) Report of the E/O.

**Note.**— If the D. E. has been conducted by the authority who will pass final orders himself, there would be not report. Instead there would be the final order in the case after (xv) and (xvi) mentioned below.

(xvi) Show cause notice, if any.

(xvii) Reply to the show cause notice.

(xviii) Final order.

**Note.**—(1) It may be noted that the D. E. case file belongs to the final authority which passes the order. The proceedings of the E. O. should therefore be continued by the final authority in the same file. This does not of course apply to routine notes being recorded separately.

(2) When procedural irregularity is alleged by the accused officer or the appellant comments thereon should be included in the forwarding letter to the Commission.

(3) Comments on fresh points, if any, raised in the reply to the show cause notice or in the appeal should also be included in this letter.

**2. The 'B' File.**—This should contain unimportant and miscellaneous papers by which correspondence like application for copies, notices, application for summoning witnesses or documents, is carried on and other relating to the case.

**Note.**—The above instructions are on the lines of the arrangement of case files made in the Revenue and Criminal Courts, and the records of these Courts can provide some guidance to the E/Os.

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