

**GOVERNMENT OF MADHYA PRADESH  
GENERAL ADMINISTRATION DEPARTMENT**

No. 805-1185-I (iii)-60

Bhopal, dated the 28th March 1961—Chtr. 7, 1883

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

**Sub.**—Departmental enquiry—question of supplying copies of the preliminary enquiry report and the statements of witnesses recorded in the preliminary enquiry to an accused Government servant.

The question has been examined whether or not copies of the report of preliminary enquiry and the statements of witnesses recorded during the course of the preliminary enquiry should be supplied to an accused (delinquent) Government servant, on demand by him, at the time of the regular department enquiry against him. The following is the State Government's decision :—

(i) it is not necessary to supply a copy of the report of the preliminary enquiry to the delinquent Government servant and his demand for it can be refused unless the report is specifically referred to in the charges framed or in the statement of allegations on which the charges are based.

(ii) If a witness is examined against a delinquent Government servant, the latter, if he so desires, should be given copies of the previous statements of that witness in the following cases so as to enable him effectively to cross-examine the witness—

(a) If such statement had been recorded in a regular police investigation under Chapter XIV of the Code of Criminal Procedure even though there was no regular criminal case.

(b) If there was a preliminary enquiry preceding the holding of a regular departmental enquiry, statements made in such a preliminary enquiry .

2. It is requested that the contents of this memo, may be brought to the notice of all officers who are entrusted with departmental enquiries against Government servants from time to time. These officers may be further instructed that during the departmental enquiry and while submitting a report of such an enquiry reference should be made only to the material which has come on record during the course of the departmental enquiry and not to the material which has been recorded during the course of the preliminary enquiry, but not brought on record in the regular departmental enquiry. This should not, however, be regarded as prohibiting the use of the material of which copies have been supplied in accordance with clause (ii) of the instructions contained in para. 1 above.

3. Attention of Enquiry Officers may also be drawn to rule 55 of the Civil Services (Classification, Control and Appeal) Rules read with para 16 of GBC I-13, which read as follows :—

"Although a departmental enquiry is a quasi-judicial proceeding, there is nothing in rule 55 to require that the admission of evidence therein should be restricted by the law relating to evidence in judicial proceedings. All evidence which in the opinion of the Enquiry Officer leads to a reasonable inference of guilt or otherwise should be admitted."

By order and in the name of the Governor of Madhya Pradesh,  
L. B. SARJE,

*Deputy secretary to Government, Madhya Pradesh,  
General Administration Department.*