

GOVERNMENT OF MADHYA PRADESH
GENERAL ADMINISTRATION DEPARTMENT

Memorandum

No. 2124-CR-421-I (iii)-63

Bhopal, dated the 21st September 1963,—Bhadra 30, 1885

To,

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

Subject.—Departmental Enquiries-Punishment not to be proposed by Enquiry Officers.

It has been brought to the notice of Government that the Enquiry Officers entrusted with departmental enquiries sometimes make recommendations in their report in regard to the punishment to be awarded to the delinquent official. This is neither necessary nor desirable. The Enquiry Officer is not expected to make any recommendations in this behalf. He is only required to complete the enquiry and sum up facts and come to conclusions with regard to each charge framed against the delinquent official. As the term indicates, he is only an Enquiry Officer and after conclusion of the enquiry, he does not sit in judgment and pass any orders. It is for the competent authorities to consider what punishment should be imposed, if any. Particularly, in view of the fact that a copy of the Enquiry Officer's report is furnished to the accused official before the charges are finally held as proved by the competent authority and punishment inflicted, any recommendations regarding punishment by the Enquiry Officer would not only be superfluous but would also be capable of being misconceived by the accused officer.

2. In this connection, attention is also invited to the instructions contained in para 19 of G. B. C. I-13, which are reproduced below.—

"19. The Enquiry Officer or Tribunal should come to a **conclusion on the facts and indicate the degree of seriousness involved in the event of any adverse finding.** The Enquiring Officer need not propose any punishment. Enquiring Officers or Tribunals dealing with disciplinary cases should not refer to confidential reports of the officer against whom an enquiry is being held till they have arrived at their findings on the charges framed."

3. It is requested that the contents of this memo may please be brought to the notice of all concerned.

Sd./-

(R. S. S. RAO),

Deputy Secretary to Government, Madhya Pradesh,
General Administration Department.