

GOVERNMENT OF MADHYA PRADESH  
GENERAL ADMINISTRATION DEPARTMENT

MEMORANDUM

No. 2223-2864-I (iii)

Bhopal, dated the 18th October 1967—Asvn. 26, 1889

To,

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

**Sub.—Departmental Enquiry—Recording of oral evidence essential.**

The High Court of Madhya Pradesh have in a certain case quashed the order of Government removing a Government servant from service. It was held that the departmental enquiry was not conducted correctly, because no oral evidence was recorded. An extract from the judgement of the High Court is given below :—

" The failure to examine any witness in support of the charges in the departmental enquiry held by the Enquiry Officer constitutes a serious infirmity in the order passed by the Government removing the petitioner from service. The Supreme Court has, in many cases, emphasised the necessity and importance of holding a formal enquiry in order to give to the delinquent civil servant a reasonable opportunity of showing cause against the charges framed against him . . . . . It is nothing but a travesty of justice when without examining at the departmental enquiry any witness in support of the charges the Enquiry Officer and the Government both determine that the charges are proved on the basis of certain documents and notes and writings as well as the explanation given by the public servant to the charges".

2. All Departments are requested to instruct their officers entrusted with the departmental enquiry cases to bear in mind that it is also necessary to record oral evidence of witness even where documentary evidence is considered sufficient to hold the charges proved against the delinquent Government servant.

M. L. CHOPRA  
*Dy. Secy. to Govt. of Madhya Pradesh*  
*General Administration Department.*