

No.C.11016/2/2012-VIG
GOVERNMENT OF MIZORAM
VIGILANCE DEPARTMENT
MIZORAM SECRETARIAT BUILDING
KHATLA : AIZAWL

Dated Aizawl, the 27th August, 2014

OFFICE MEMORANDAM

Subject: Disciplinary proceedings- Framing of charge, Appointment of Inquiry Officer and Presenting Officer

Instances have come to the notice of the Government that there are certain lapses on the part of the Government in regard to disciplinary proceedings. Some Disciplinary Authorities do not pay due care and attention in framing of the Articles of charge on drawing up disciplinary proceedings to quote correct and relevant rules and regulation, appointment of Inquiry Officer and Presenting Officer which resulted in failure in prosecution of the charged officer.

It may be reiterated that the most important thing in the Departmental inquiry is correct preparation of Article of charges and making relevant supporting documents available and proper presentation of the fact by the presenting officer whose function is prosecution. The facts projected in the charge sheet are fundamental and form the very basis of inquiry. Therefore, a mistake in the factual statement made therein shall not go unchallenged. In order to avoid such an unpleasant situation, every facts mentioned in the Articles of charge and the Statement of Imputations should invariably be verified with reference to the original records by which the charge is proposed to be sustained

It has, therefore, been decided that the disciplinary authority should thoroughly examine the original records, check up the various facts with reference to the original records, arrange the verified facts in a logical manner to ensure that the allegations flow directly from the situation in which the misconduct was committed and take caution in quoting the correct rule, if any, which has been violated by the charge Officer.

It must be ensured that appointment of the Inquiry Officer is made from the Officer who has no direct or indirect official dealing with the charged Officer, higher in rank and impeccable integrity.

Appointing a colleague of the Charged Officer as Presenting Officer is undesirable as they tend to be sympathetic to the Charged Officer. Therefore, in making appointment of the Presenting Officer, due care should be taken to make appointment from the Officers of different cadre/department as far as possible but with due consideration of his suitability to perform the duties of Presenting Officer.

However, this instruction may not apply to various Battalions of the Mizoram Police as their organizations are unique.

Sd/- L.TOCHHONG

Chief Secretary /Chief Vigilance Officer to the Govt. of Mizoram

Memo No. C. 11016/2/2012-VIG

Dated Aizawl, the 27th August, 2014

Copy to:

- 1. All Heads of Administrative Department
- 2. All Heads of Department
- 3. All Deputy Commissioners
- 4. Guard File

(P.C.RALLIANA)

Under Secretary to the Govt. of Mizoram
Vigilance Department.