

NO.C.19018/2/95-VIG.
GOVERNMENT OF MIZORAM
VIGILANCE DEPARTMENT.

Aizawl, the 21st July 2006.

OFFICE MEMORANDUM

Subject:- Guidelines in regard to departmental proceedings and criminal case being Proceeded with simultaneously.

On the basis of the guidelines and in the light of judgement of Apex Court, the undersigned is directed to say that the following guidelines shall be followed when departmental proceedings and the criminal case are proceeding simultaneously .

- (i) Departmental proceedings and proceedings in a Criminal case can proceed simultaneously and there is no bar in their being conducted simultaneously though separately.
- (ii) If the Departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.
- (iii) Whether the nature of a charge in a criminal case is of a grave nature and complicated questions of fact and law are involved in that case, it will depend upon the nature of the offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge sheet.
- (iv) The factor mentioned in (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but due regard has to be given to the fact that departmental proceedings cannot be unduly delayed.
- (v) If the criminal case does not proceed or its disposal is unduly delayed, the departmental proceedings even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date so that if the employee is found not guilty the honour may be vindicated and in case he is found guilty, administration may get rid of him at the earliest.
- (vi) If an employee has been acquitted of a criminal charge, the same by itself would not be a ground not to initiate a departmental proceeding against him or to drop the same in the event an order of acquittal is passed.
- (vii) If within the period of 6 months criminal case is not over, then the departmental proceeding can very well proceed further so that the same can be concluded at an early date.

This Office Memorandum partially modify this Department's O.M.NO.C.11017/1/85-VIG Dt. 2/6/1992 and this guidelines should be brought to the notice of all disciplinary authorities for their guidance and strict compliance.

Receipt of this Office Memorandum may please be acknowledged

Sd/-

(T. SANGKUNGA)

Joint Secretary to the Govt. of Mizoram,
Vigilance Department.

Memo No.C.19018/2/95-VIG

Aizawl, the 21st July 2006.

Copy to:-

- 1) P.S. to Governor, Mizoram Aizawl.
- 2) P.S. to Chief Minister, Mizoram Aizawl.
- 3) P.S. to all Ministers/Speaker/Dy. Speaker, Mizoram.
- 4) All Administrative Department, Govt. of Mizoram.
- 5) All Head of Departments, Govt. of Mizoram.
- 6) Guard File.

L. P.
21/7/06
(LAWMTHANGA)

Deputy Secretary to the Govt. of Mizoram,
Vigilance Department.