

F.No. C-11016/22/2010 -Ad.V
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
(Ad. V Section)

Room No. 460, Hotel Samrat,
Chanakyapuri, New Delhi.
Date 7th October, 2010.

To

All Chief Commissioners/ Director Generals.
Narcotics Commissioner
Directorate of Publicity & Public Relations

Sub: Consultation of UPSC – requirements to be made for sending a complete and timely reference on disciplinary matters – reg.

Sir/ Madam,

Union Public Service Commission is required to be consulted on disciplinary matters under Article 320(c) of Constitution of India read with Regulation 5 of UPSC (Exemption from Consultation) Regulations, 1958. Apart from cases involving Group 'A' officers which are dealt with in the Board, cases involving Group 'B', 'C' & 'D', officers, for which the disciplinary action was initiated in the Commissionerate/Directorate , are also required to be referred to UPSC where it is proposed to take action under Rule 9 of CCS (Pension) rules, 1972 *or* where the President is required to pass an order on an Appeal submitted prior to the issuance of Board's order F.No. C-11016/2/2010-Ad.V dated 13.7.2010 *or* where, the President as a Revisionary Authority proposes to modify an order passed by a subordinate authority.

Department of Personnel has prescribed a proforma for making reference to the UPSC in a disciplinary matter along with relevant case records. In respect of cases involving Gr. B, C and D employees (including retired employees), the said proforma is required to be filled up in the Commissionerate/Directorate and sent along with the case records , before a reference is made to the Board (Ad.V) for further examination and reference to the UPSC, where required.

Based on the common deficiencies observed by the UPSC in the proposals referred to it by various Ministries/Departments, the Commission has issued a list of requirements vide their letter No. F.6/50/2009-SI dt. 13.7.10 which are to be met while sending a proposal for Commission's advice in disciplinary matters. A copy of the said letter is also available on the website of UPSC i.e. www.upsc.gov.in.

It is requested that wherever a proposal relating to Group 'B', 'C' & 'D' employee requiring references to UPSC is involved, the list of requirements indicated by the UPSC are kept in view while finalizing the case for reference to the Board involving consultation with UPSC.

Separately, the DOPT has issued an O.M. No. 39011/12/2010-Estt.(B) dated 14.9.2010 requiring that while forwarding the case records to UPSC , a certificate shall be appended duly

signed by the concerned Jt. Secretary in the Ministry/ Department concerned that the case records are being sent to UPSC for advice after complying that all the items as applicable in the proforma The OM also provides for initiation of administrative/ disciplinary action , if the proforma/ case records have been forwarded to UPSC in a casual manner. It is therefore imperative that in respect of cases where the UPSC proforma is prepared in the Commissionerate/Directorate, a certificate on the lines indicated in the DOPT OM *ibid* is given by the concerned Addl. Commissioner/ Commissioner, while making reference to the Board. The Board would be sending a certificate at the level of Jt. Secretary/ CVO only if such a certificate is given by the Addl. Commissioner/Commissioner concerned.

It is requested that the contents of this letter , with enclosures , may be circulated to all Commissioners/ Addl. Commissioners dealing with disciplinary matters for information and compliance.

This issues with the approval of Chief Vigilance Officer

Yours faithfully

Encl: 1. DOPT OM DT 14.9.10
2. UPSC letter F.6/50/2009-SI dt. 13.7.10

(Vijay Kumar)
Deputy Secretary to the Govt. of India