

## **Karnataka Civil Services (Classification, Control And Appeal) Rules, 1957**

### **CONTENTS**

#### **PART 1 :- GENERAL**

1. Short Title And Commencement
2. Interpretation
3. Application
4. Protetion Of Rights And Privileges Conferred By Any Law

#### **PART 2 :- CLASSIFICATION**

5. Classification Of Services
6. Constitution Of State Civil Services

#### **PART 3 :- APPOINTING AUTHORITIES**

7. Appointments To State Civil Services

#### **PART 4 :- DISCIPLINE PENALTIES**

8. Nature Of Penalties
9. Disciplinary Authorities
10. Suspension
11. Procedure For Imposing Major Penalties
- 11A. Action On The Inquiry Report
12. Procedure For Imposing Minor Penalties
- 12A. Communication Of Orders
13. Joint Inquiry
14. Special Procedure In Certain Cases
- 14A. Procedure In Cases Entrusted To The Lokayukta
15. Provisions Regarding Lent Officers
16. Provision Regarding Borrowed Officers
- 16A. Provision Regarding Reappointed Officers

#### **PART 5 :- APPEALS**

17. Orders Against Which No Appeal Lies
18. Appeals, Against Orders Imposing Penalties
19. Appeal Against Other Order
20. Period Of Limitation For Appeals
21. Form And Contents Of Appeal
22. Submission Of Appeals
23. Withholding Of Appeals
24. Transmission Of Appeals

## 25. Consideration Of Appeals

### **PART 6 :- REVIEW**

#### 26. Review

#### 27. Review Of Orders In Disciplinary Cases

### **PART 7 :- MISCELLANEOUS**

#### 28. Appearance Of Legal Practitioner

#### 28A. Service Of Order, Notices, Etc

#### 28B. Power To Relax Time-Limit And To Condone Delay

#### 28C. Supply Of Copy Of Commissions Advice

#### 28 D. Provision Regarding Members Of The Karnataka Judicial Service, Etc

#### 29. Repeal And Savings

## **Karnataka Civil Services (Classification, Control And Appeal) Rules, 1957**

### **PART 1 GENERAL**

#### **1. Short Title And Commencement :-**

(a) These rules may be called the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

(b) They shall come into force at once.

#### **2. Interpretation :-**

In these rules, unless the context otherwise requires-

(a) Appointing Authority in relation to a Government servant means:-

(i) The authority empowered to make appointments to the Service of which the Government Servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or

(ii) The authority empowered to make appointments to the post which the Government servant for the time being holds, or

(iii) The authority which appointed the Government servant to such service, grade or post, as the case may be, whichever authority is the highest authority;

(b) Commission means the Karnataka Public Service Commission;

(c) Disciplinary Authority in relation to the imposition of a penalty on a Government servant means the authority competent under these rules to impose on him that penalty;

(d) Government servant means a person who is a member of the Civil Services of the State of Karnataka or who hold a Civil post in

connection with the affairs of the State of Karnataka and includes any person whose services are temporarily placed at the disposal of the Government of India, the Government of another State, a local authority, any person or persons whether incorporated or not and also any person in the service of the Central or another State Government or a local or other authority whose services are temporarily placed at the disposal of the Government of Karnataka.

(e) Governor means the Governor of Karnataka; 2 [xxx]

(f) Schedule means the Schedule to these Rules;

(g) Service means a civil service of the State;

### **3. Application :-**

(1) These rules apply to all Government servants except:-

(a) Persons employed in any Industrial undertaking of the Government other than the Government Central Press, Bangalore, Government Branch Press, Mysore and Government Branch Press, Mercara, to whom the provisions of the Industrial Employment (Standing Orders) Act, 1946 (Central Act XX of 1946), are applicable.]

(b) Persons in casual employment;

(c) Persons subject to discharge from service on less than one months notice;

1. Substituted by Notification No. GAD 6 CAR 58, dated 1-7-1959.

2. Omitted by Notification No. GAD 28 SN 69, dated 12-12-1973.  
kud 24-1-1974.

(d) Persons for whose appointment and other matters covered by these rules, special provisions are made by or under any law for the time being in force, or in any contract, in regard to the matters covered by such law or such contract; and

(e) members of the All India Services.(2) Notwithstanding anything contained in sub-rule (1), these rules shall apply to other Government servants temporarily transferred to a service or post coming within exception

(a) or (d) in sub-rule (1) to whom, but for such transfer, these rules would apply.

(3) Notwithstanding anything contained in sub-rule (1), the Governor may, by notification published in the official Gazette, exclude, from the operation of all or any of these rules, the holder of any post or the holders of any class of posts to whom the Governor shall declare that the rules cannot suitably be applied and such rules shall there upon, to the extent of such exclusion, cease

to apply:

Provided that no such declaration shall be made in respect of a holder of a pensionable post or a whole time permanent post.

(4) If any doubt arises-

(a) As to whether these Rules apply to any person; and

(b) As to whether any person to whom these Rules apply belongs to be a particular service, or as to which service of two or more services such person belongs, the matter shall be referred to the Governor, whose decision thereon shall be final.

#### **4. Protection Of Rights And Privileges Conferred By Any Law**

**:-**

Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled by or under any law for the time being in force.

### **PART 2 CLASSIFICATION**

#### **5. Classification Of Services :-**

(1) The Civil Services of the State of Karnataka shall be classified as follows:-

(i) State Civil Services, Group A

(ii) State Civil Services, Group B

(iii) State Civil Services, Group C and

(iv) State Civil Services, Group D

(2) If a service consists of more than one grade, different grades may be included in different groups.

3(a) State Civil Services Group "A" shall consist of posts carrying the scales of pay of Rs. 7400-200-8800-260-10880-320-13120 and above.

(b) State Civil Services Group B shall consist of posts carrying the scales of pay of Rs. 5575-125-5700-150-7200-200-8800-260-10620 and above but below the scale of pay of Rs. 7400-200-8800-260-10880-320-13120.

(c) State Civil Services Group C shall consist of the posts carrying the scales of pay above the scale of pay of Rs. 2500-50-2700-75-3450-100-3850 but below the scales of pay of Rs. 5575-125-5700-150-7200-200-8800-260-10620, but other than the posts specified in Schedule-IV, and

(d) State Civil Services Group D shall consist of posts specified in Schedule-IV and the posts carrying the scale of pay of Rs. 2500-50-2700-75-3450-100-3850".

Explanation:-For the purposes of this sub-rule "scale of pay" means the revised scales of pay specified in respect of various posts in the Karnataka Civil Services (Revised Pay) Rules, 1999 and related orders.]

1. Substituted by Notification No. DPAR 70 SSR 79 dated 15-6-1981 (GSR No. 149, dated 15-6-1981 (w.e.f. 25-6-1981).

2. Substituted by Notification No. DPAR 2 SDE 99, Dated 17-6-1999 (w.e.f. 1-4-1998)

Note.-All references to State Civil Services Class I, Class II, Class III and Class IV in these rules and in all other rules, orders, schedules, notifications, regulations, or instructions in force, immediately before the commencement of these Rules, shall be construed as reference to the State Civil Services Group A, Group B, Group C and Group D, respectively and any reference to "Class or Classes" therein in this context shall be construed as reference to "Group or Groups" as the case may be.

#### **6. Constitution Of State Civil Services :-**

The State Civil Services Group A, B, C and D shall consist of the services and posts specified in schedules I, II and III.

### **PART 3 APPOINTING AUTHORITIES**

#### **7. Appointments To State Civil Services :-**

(1) Save as otherwise provided, all first appointments to the State Civil Services Group A and Group B shall be made by the Government.

Provided that, where, in respect of any posts under State Civil Services Group B, any other appointing authority is specified, first appointments to such posts shall be made by the authority so specified.

(2) "All first appointments to the State Civil Services Groups C and D shall be made by the authorities mentioned in column 2 of Schedules II and III."

### **PART 4 DISCIPLINE PENALTIES**

#### **8. Nature Of Penalties :-**

One or more of the following penalties] 1 for good and sufficient reasons and as hereinafter provided, may be imposed on Government servants, namely.-

(i) Fine in the case of Government servants belonging to State Civil Services, Group-D; 1. Omitted by Notification No. GAD 50 SSR 74

(GSR No. 265) dated 2-9-1975 w.e.f. 18-9- 1975.

(ii) Censure; 1

[(iii) "Withholding of increments;

(iii-a) Withholding of promotion"]

(iv) Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the State Government or to the Central Government, any other State Government, any person, body or authority, to whom the service of the Officer had been lent;

[\*[(iv-a) Reduction to a lower stage in the time scale of pay for a period with a specific direction as to whether or not the Government servant will earn increments of pay during the period of such reduction with reference to the reduced pay or whether the pay shall remain constant and with a further direction whether on the expiry of the period of penalty the reduction will or will not have the effect of postponing the future increments of his pay;]

[(v) "Reduction to a lower time scale of pay, grade, post or service which shall, unless otherwise directed, be a bar to the promotion of the Government servant to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding:-

(a) Seniority and pay in the scale of pay, grade, post or service to which the Government servant is reduced.

(b) Conditions of restoration to the scale of pay grade or post of service from which the Government servant was reduced and his seniority and pay on such restoration to that scale of pay, grade, post or service;]

(vi) Compulsory retirement;

(vii) Removal from service which shall not be a disqualification for future employment;

1. Substituted by Notification No. GAD 28 SSR69 dated 12-12-1973, KGD 24-1-1974 (GSR 14)

2. Substituted by Notification No. GAD 28 SSR 69 dated 12-12-1973, KGD 24-1-1974, GSR 14.

3. \*Amended in Notification No. DPAR 39 SDE 81, Dated 27-6-84. GSR 181.(viii) Dismissal from service which shall ordinarily be a disqualification for future employment.

[Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority, no penalty other than those specified in clauses (vi) to (viii) shall be imposed for an established charge of corruption.]

[Explanation 1.-For purposes of this proviso the expression

"corruption" shall have the meaning assigned to the expression "Criminal misconduct by a public servant" in section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).]

[Explanation 2.-The following shall not amount to a penalty within the meaning of this rule:-

(i) Withholding of increments of a Government servant for failure to pass a departmental examination in accordance with the rules or orders governing the Service or post or the terms of his appointment;

(ii) Stoppage of a Government servant at the efficiency bar in the time scale on the ground of his unfitness to cross the bar;

(iii) Non-promotion, whether in a substantive or officiating capacity, of a Government servant, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;

(iv) Reversion to a lower Service, grade or post of a Government servant officiating in a higher Service, grade or post on the ground that he is considered, after trial to be unsuitable for such higher Service, grade or post or on administrative grounds unconnected with his conduct (such as the return of the permanent incumbent from leave or deputation, availability of a more suitable officer and the like);

1 . Inserted by GSR 87, dated 27-2-1970 w.e.f. 26-3-1970. Notification No. GAD 41 SSR 69, Dated 27-2-1970.

2. Renumbered by GSR 14, dated 12-12-1973 w.e.f. 24-1-1974.

3. Amendment in Notification No. DPAR 16 SDE 90, Dated 23-10-1990.

(v) Reversion to his permanent Service, grade or post of a Government servant appointed on probation to another Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation:

(vi) Compulsory retirement of a Government servant in accordance with the provision relating to his superannuation or retirement;

(vii) Termination of services:-

(a) Of a person employed under an agreement, in accordance with the terms of such agreement; or

[(b) Of a Government servant appointed in probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or

(c) Of a temporary Government servant in accordance with the provisions of sub-rule (1) of rule 5 of the Karnataka State Civil

**9. Disciplinary Authorities :-**

(1) The Governor may impose any of the penalties specified in rule 8 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1) but subject to the provisions of subrule (3):-

(a) 1 [\* \* \* \*]1

(aa) The Inspector General of Police may impose on Assistant Director, Serologist, Physicist, Toxicologist, Ballistic Expert and Questioned Documents Experts of the Forensic Science Laboratory, Bangalore, any of the penalties specified in clauses 1A [(iii),

(iiia), (iv) and (iva)] 1A of rule 8; (b) (i) 2 [ x x x]

1. Omitted by Notification No. GAD 28 SSR 69 dated 12-12-1973. 1A.Substituted by Notification No. GAS 28 SSR 69, dated 12-12-1973 KGD 24-1-1974.

2. Omitted vide Notification No. DPAR 9 SDE 2003 datd 13-11-2003 (KGD 15-11-2003)

(ii) The Deputy Commissioners may impose on Tahsildars and Block Development Officers any of the penalties specified in clauses (ii) to (iiia) of rule 8.

["(bb) The Heads of Department in the scale of pay of not less than Rupees 4,700-6,400 (or its equivalent as may be revised from time to time) and those belonging to the All India Services may impose on a member of the State Civil Service holding a Group B post or a Group-A post carrying a pay scale of not more than Rupees 2,600-4,575 (or its equivalent as may be revised from time to time) working in their administrative control, any of the penalties specified in clauses (ii), (iii), (iiia), (iv) and (iva) of rule 8;

(bbb) The Heads of the Department in the scale of pay of less than Rupees 4,700-6,400 (or its equivalent as may be revised from time to time) and those belonging to the All India Services may impose on a member of the State Civil Service holding a Group-B post working in their administrative control, any of the penalties specified in clauses (ii), (iii), (iiia), (iv) and (iva) of rule 8".]

["(bbb-1) The Commissioner for Health and Family Welfare Services may impose on any Government servant upto and inclusive of the level of Joint Director

[(Pay Scale of Rs. 10620-14960)] 3 (as may be revised from time to time) belonging to the Health and Family Welfare Services, any



of the penalties specified in clauses (ii), (iii), (iiia), (iv) and (iva) of rule 8;

(bbb-2) The Chief Administrative Officer in the Office of the Director, Medical Education may impose on any Government servant belonging to Medical Education Services Group C and D cadres working in the Office of the Director, Medical Education, any of the penalties specified in Clauses (i) to (iva) of rule 8;

1. Substituted by Notification No. DPAR 13 SDE 97, dated 1-9-1998 (w.e.f. 1-9-1998). (KGD 7-9-1998)

2. Inserted by Notification No. DPAR 11 SDE 2002 (II) dated 9-8-2002 (w.e.f. 20-8-2002).

3. Substituted by Notification No. DPAR 1 SDE2003, dated 16-8-2003 KGD 26-8-2003. (bbb-3) The District offices, Heads of Institutions, Superintendent of Hospitals, Heads of the offices, Principals, D.M.O., Civil Surgeon may impose on any of the Government servants belonging to Medical Education Services Group C and D cadres working under their administrative control in the Offices, Institutions, or Hospitals outside the office of Director, Medical Education, any of the penalties specified in clauses (i) to (iva) of rule 8; Explanation: District Officers include Superintendents of Browing and Lady Curzon Hospital, Victoria Hospital, Vanivilas Hospital and Minto Hospital, Principals of Government Dental College and Bangalore Medical College, Superintendents of K.R. Hospital, Mysore, Cheluvamba Hospital, Mysore, PKTB Hospital, Mysore, CG Hospital, Davangere, Women and Children Hospital, Davangere, Government Wenlock Hospital, Mangalore, Lady Goshen Hospital, Mangalore, Superintendent and Mental Hospital, Dharwad.

["Superintendent, SDS Tuberculosis and chest Diseases Hospital, Hosur Road, Bangalore, Principal, Mysore Medical College, Mysore, Principal, Rajiv Gandhi Chest Diseases Hospital, Bangalore"]

(bbb-4) The Chief Administrative Officer in the Office of the Director, Health and Family Welfare Services, may impose on any of the Government servants belonging to Health and Family Welfare Services or Public Health Service Group C and D cadres working under his administrative control in the Office of the Director, any of the penalties specified in clauses (i) to (iva) of rule 8;

(bbb-5) The District Officers, Heads of Institutions, Superintendents of Hospitals, Heads of Offices, Principals, D.M.O., Civil Surgeon may impose on any of the Government servants belonging to Health and Family Welfare Services or Public Health

Services Group C and D cadres and working under their Administrative Control in the offices outside the Office of the Director, Health and Family Welfare Services, any of the penalties specified in clauses (i) to (iva) of rule 8".

1. Inserted vide Notification No. DPAR 21 SDE 2003 (II) dated 20-2-2004 (K.G.D. 21-2-2004). Explanation: District Officers shall include District Health and Family Welfare Officer, District Surgeon, Principal, HFWTC, Principal, DTC, Superintendent KCG Hospital, Superintendent, Jayanagar General Hospital, Superintendent, HSIS Gosha Hospital, Superintendent, Chest and TB Hospital.]

(c) Any of the penalties specified in rule 8 may be imposed on a member of a State Civil Service by the Appointing Authority or the authority specified in the Schedules in this behalf;

(d) Any of the penalties specified in rule 8 may also be imposed on members of the State Civil Services, Group C and D, by the head of the office in which he is serving, except where the head of that office is lower in rank than the authority competent to impose the penalty under clause (c);

[Provided that the penalty of fine specified in clause (i) of rule 8 may also be imposed on members of the State Civil Services, Class D, by Gazetted Officers who are in charge of the Ministerial establishment of the Office, and other Non-Gazetted Officers who are in charge of such establishments.]

[(e) Any of the penalties specified in rule 8 may be imposed on a member of the State Civil Services, Group C and D belonging to any department (other than the Karnataka Judicial Department)] 2 by the Deputy Commissioner of the District in which such member is working and an appeal against the order of the Deputy Commissioner under this clause shall lie to the Head of the Department to which such member belongs.

[(f) The Secretaries to Government may impose the penalties specified in clauses (ii), (iii) and (iiia) of rule 8 on a member of the Karnataka Secretariat Service Group B working under their administrative Control".]

1. Added by Notification No. GAD 28 GSR 59, 7-2-1962.

2. Inserted by GSR 186, dated 11-7-1973, w.e.f. 2-8-1973. Notification No. GAD 12 SSR 73, dated 11-7-1975.

3. Inserted by GSR 152 dated 27-5-1975 w.e.f. 12-12-1975. Notification No. GAD 12 SSR 75, dated 27-5-1975.

(2A) Without prejudice to sub-rule (1) and subject to sub-rule (3), where a Government servant who is a Member of any class or grade of a State Service (hereinafter in this subrule referred to as

the parent service) is deputed for service of any class or grade of another State Service (hereinafter in this sub-rule referred to as the deputed service) the authority which appointed him in the class or grade of the deputed service shall have the powers of the Appointing Authority for placing him under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceeding against him: "Provided that the authority which appointed in the deputed service shall as soon as possible inform the appointing authority in the parent service the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be".

(3) Notwithstanding anything contained in this rule, no penalty specified in clauses (v) to (viii) of rule 8 shall be imposed by any authority lower than the Appointing Authority.

### **10. Suspension :-**

(1) The Appointing Authority or any authority to which it is subordinate or any other authority empowered by the Government in this behalf may place a Government servant under suspension-

[(a) "Where there is prima facie evidence to show that he was caught red-handed while accepting gratification other than legal remuneration by the persons authorised to investigate under the provisions of the Prevention of Corruption Act, 1988 or under any other law;

(b) where a charge sheet is filed before the competent Court against him for any offence involving moral turpitude committed in the course of his duty; or

(c) where a charge sheet is filed before the competent Court against him on charges of corruption, embezzlement or criminal misappropriation of Government money;

(d) where there is prima facie evidence of gross dereliction of duty against him."]

1. Substituted by Notification No. DPAR 4 SDE 2000, dated 15-4-2002 (w.e.f. 15-4-2002). " Provided that, where the order of suspension is made by an authority empowered by Government in this behalf which is lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made".

(2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority-

(a) with effect from the date of his detention, if he is detained in

custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.-The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment if any, shall be taken into account".]

["(3) The authority competent to place a Government servant under suspension shall examine the relevant material relating to the case and consider whether there is prima facie evidence to support the charges made against the Government servant and if it is satisfied on such examination that prima facie evidence exists, it may place the Government servant concerned under suspension."]

[(4) xxx]

1. Substituted by Notification No. GAS 28 SSR 69, dated 12-12-1973 KGD dated 24-1-1974.

2. Substituted by Notification No. DPAR 4 SDE 2000, dated 15-4-2002 (w.e.f. 15-4-2002).

3. Omitted by Notification No. DPAR 4 SDE 2000, dated 15-4-2000 (w.e.f. 15-4-2002).

[(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, that authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.]

(6) Where a Government servant has been suspended by an authority other than Government and final orders in the inquiry

pending against him have not been passed within a period of six months from the date of order of suspension, the case shall be reported to Government for such orders as it may deem fit.

(7) \*\*\*

(8) Notwithstanding anything contained in sub-rule (1) the following authorities may impose suspension pending inquiry, as hereunder:- Class of member of the Authority which may State Civil Service impose suspension

(i) Members of the Karnataka Judicial Service High Court of Karnataka

(ii) Tahsildar Grade-II Principal Secretary/ Secretary to Government, Revenue Department.]

1. Substituted by Notification No. GAD 28SSR 69, dated 12-12-1973 KGD 24-1-1974.

\* \* \* Omitted vide Notification No. GAD 18 SSR 74 dated 6-8-1974 w.e.f. 29-8-1974.

\* \* Substituted vide Notification No. DPAR 9 SDE 2003, dated 13-11-2003. KGD 11-12-2003.

(1) Asst. Commissioner of Sub-Divisions are delegated the power of suspension of Village Accountants under rule 10(1) vide Notification No. GAD 4 SSR 73, dated 23rd June 1973.

(2) Deputy Commissioners are delegated power of suspension of Group C and Group D service of all State Civil Services except the Karnataka Judicial Service working in the district under the immediate administrative control of any officer who does not have jurisdiction beyond the limits of the district vide Notification No. DPAR 24 SSR 75 dated 11-12-1975.

(3) Divisional Joint Directors of Agriculture are delegated power of suspension of gramasevakas vide GAD 37 SSR 76, dated 4th August 1976.

(4) Secretaries to Government are delegated the powers of suspension of Group C and D officials of the Karnataka Secretariat Service working under their administrative control. Vide notification No. GAD 38 SSR 74(I) dated 19th October, 1974.

(5) Major Head of Departments specified in Appendix I of KCSRs are empowered to suspend Group B officers vide Notification No. DPAR 34 SSR 74, dated 3rd September 76.

(6) Secretary to Government Department of Personnel and Administrative Reforms is empowered to suspend all Group C and Group D officials belonging to the Karnataka Government Secretariat Service].

(7) All Additional Secretaries, Joint Secretaries and Deputy

Secretaries to Government are empowered to place under suspension any Government servant belonging to Karnataka Government Secretariat Service, holding a Group C or D post and working under their control.]

(8) The Commissioner for Health and Family Welfare Services is empowered to place under suspension the General Duty Medical Officers.

1. Inserted under Notification No. DPAR 15SDE 96, dated 20-6-1997.

2. Inserted under Notification No. DPAR 7 SDE 99, dated 14-3-2000.

3. Inserted under Notification No. DPAR 26 SDE 2001, dated 7-12-2001

(9) Commissioner for Public Instructions is empowered to place under suspension Group A Junior Scale Officers of the Department of Public Instructions]

[10](a) The Commissioner for Health and Family Welfare Services is empowered to place under suspension any Government servant holding a post carrying a scale of pay upto and inclusive of the scale of pay of Rs. 1062014960 (as may be revised from time to time) belonging to the Health and Family Welfare Department Services; and

(b) Empowers the officers specified in Table I and II below to place under suspension the Government servants holding Group C and Group D posts working under their administrative control:-

Table-I Department of Health and Family Welfare Services

1. Chief Administrative Officer, Directorate of Health and Family Welfare Services.

2. District Health and Family Welfare Officer.

3. District Surgeon

4. Principal, Health and Family Welfare Training Centre.

5. Principal, District Training Centre

6. Superintendent, K.C.G. Hospital, Bangalore

7. Superintendent, Jayanagar General Hospital, Bangalore

8. Superintendent, Chest and T.B. Hospital, Bangalore

9. Superintendent, HSIS Gosha Hospital, Bangalore

10. District Officer

1. Inserted under Notification No. DPAR 29 SDE 2002, dated 4-2-2003.

2. Omitted by Notification No. DPAR 6 SDE 2004, Dated 16-7-2004 (KGD 12-8-2004)

3. Inserted under Notification No. DPAR 11 SDE 2002(1), dated 19-

6-2002.

Table-II

Department of Medical Education

1. Chief Administrative Officer, Directorate of Medical Education.
2. Superintendent, Bowring and Lady Curzon Hospital, Bangalore.
3. Superintendent, Victoria Hospital, Bangalore
4. Superintendent, Vanivalas Hospital, Bangalore
5. Superintendent, Minto Hospital, Bangalore
6. Principal, Government Dental College, Bangalore
7. Principal, Bangalore Medical College, Bangalore
8. Superintendent, K.R. Hospital, Mysore
9. Superintendent, Cheluvamba Hospital, Mysore.
10. Superintendent, P.K.T.B. Hospital, Mysore
11. Superintendent, C.G. Hospital, Davangere
12. Superintendent, Women and Children Hospital, Davangere
13. Superintendent, Government Wenlock Hospital, Mangalore
14. Superintendent, Lady Goshen Hospital, Mangalore
15. Superintendent, Mental Hospital, Dharwad.]
- \*\*[16. Superintendent, SDS Tuberculosis and chest Diseases Hospital, Hosur Road, Bangalore.
17. Principal, Mysore Medical College, Mysore.
18. Principal, Rajiv Gandhi Chest Diseases Hospital, Bangalore.

**11. Procedure For Imposing Major Penalties :-**

(1) No order imposing any of the penalties specified in clauses (v) to (viii) of rule 8 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 11A.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviours against a Government servant, it may itself inquire into, or appoint under this rule an authority to inquire into the truth thereof.

[\*Proviso-Omitted]

Explanation.-Where the Disciplinary Authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22), to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority.

\*\* Substituted by Notification No. GAD 28 SSR 69dated, 12-12-1973 KGD 21-1-1974.

\* Inserted by Notification No. DPAR 5 SDE 86, Dated 7-5-86.

1. Omitted by Notification No. DPAR4 SDE 2000, dated 15-4-2002

(w.e.f. 15-4-2002) (KGD 15-4-2002).

(3) Where it is proposed to hold an inquiry against a Government servant under this rule and rule 11A, the Disciplinary Authority shall draw up or cause to be drawn up.-

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;

(ii) a statement of the imputations of misconduct or misconduct in support of each article of charge, which shall contain,-

(a) a statement of all relevant facts including any admission or confession made by the Government servant;

(b) a list of documents by which, and list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) The Disciplinary Authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint, under sub-rule (2), an Inquiring Authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 11A.

(b) If no written statement of defence is submitted by the Government servant, the Disciplinary Authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub-rule (2) an inquiry Authority for the purpose.

(c) Where the Disciplinary Authority itself inquires into any articles of charge or appoints an Inquiring Authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

(6) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority.



- (i) a copy of the articles of charge and the statement of imputations of misconduct or misbehaviour;
  - (ii) a copy of the written statement of defence, if any, submitted by the Government servant;
  - (iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3);
  - (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
  - (v) a copy of the order appointing the "Presenting Officer". 1
- ["\*Proviso omitted]

(7) The Government servant shall appear in person before the Inquiring Authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by a notice in writing, specify in this behalf or within such further time, not exceeding ten days, as the Inquiring Authority may allow.

\* Added by Notification No. DPAR25 SDE 82, Dated 23-8-83 and DPAR 5 SDE 86, dated 7-5- 86.

1. Omitted by Notification No. DPAR 4 SDE 2000, dated 15-4-2002 (w.e.f. 15-4-2002) (KGD 15-4-2002)

\*(8) The Government servant may take the assistance of any other Government servant 1 [or a retired Government servant] to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or, the Disciplinary Authority, having regard to the circumstances of the case, so permits.

[Provided that if the retired Government servant is also a legal practitioner, the Government servant shall not engage such person unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner or the Disciplinary Authority having regard to the circumstances of the case, so permits.]

(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statements of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

(10) The Inquiring Authority shall return a finding of guilt in

respect of those articles of charge to which the Government servant pleads guilty.

(11) The Inquiring Authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence;

(i) inspect within five days of the order or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in subrule (3);

1. Amended Notification No. DPAR 41 SDE 84, Dated 17-6-85 (KGD 11-7-1985).

2. Inserted by DPAR 41 SDE 84, dated 17-6-85.

(ii) submit a list of witnesses to be examined on his behalf;

(iii) apply orally or in writing to inspect and take extracts of the statements, if any, of witnesses mentioned in the list referred to in sub-rule (3) and the Inquiring Authority shall permit him to take such extracts as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority.

(iv) give a notice within ten days of the order or within such further time not exceeding ten days as the Inquiring Authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3):-

Provided that the Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisition:-

Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority:-

Provided that if the authority having the custody or possession of

the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and day to which the inquiry is adjourned. The Inquiring Authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary in the interests of justice.

Note.-New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called to only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the Disciplinary Authority is closed, the Government servant shall be required to state his defence, orally or in writing as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In either case a copy of the statement of defence shall

be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.

(18) The Inquiring Authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.

(19) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Government servant, or permit them to file written briefs of their respective case, if they so desire.

(20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of this rule at any stage of the enquiry the Inquiring Authority may hold the inquiry ex-parte.

(21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (i) to (iva) of rule 8 but not competent to impose any of the penalties specified in clauses (v) to (viii) of rule 8, has itself inquired into or caused to be inquired into the articles of any charge and that authority having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (viii) of rule 8 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.

(b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the Government servant such penalty as it may deem fit in accordance with these

rules.

(22) Whenever any Inquiring Authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself:

Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross examine and re-examine any such witnesses as herein before provided.

"(22A) Notwithstanding anything contained in these rules, where a Government servant facing a disciplinary proceeding is transferred, deputed or otherwise posted out of jurisdiction of the disciplinary authority which initiated such disciplinary proceeding, the same authority.<sup>1</sup> Inserted by Notification No. DPAR 19 SDE 95, Dated 7-3-2002 (w.e.f. 11-4-2002). shall continue and conclude or cause to be continued and concluded the inquiry into the articles of charges against such Government servant in accordance with these rules and forward the entire record of the proceedings to the disciplinary authority within whose jurisdiction the Government servant is presently working and the latter Disciplinary Authority may on the evidence on record or if it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, recall the witness, examine, cross examine or re-examine the witness and pass such order as it deems fit, in accordance with these rules."]

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-

(a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;

(b) the defence of the Government servant in respect of each articles of charge;

(c) an assessment of the evidence in respect of each article of charge.

(d) the findings on each article of charge and the reasons therefor.

Explanation.-If in the opinion of the Inquiring Authority the proceeding of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be

recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The Inquiring Authority, where it is not itself the Disciplinary Authority shall forward to the Disciplinary Authority the record of inquiry which shall include

(a) the report prepared by it under clause (i);

(b) the written statement of defence, if any submitted by the Government servant;

(c) the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry; and

(e) the orders, if any made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

**11A.** Action On The Inquiry Report :- The Disciplinary Authority, if it is not itself the Inquiring Authority may, for reasons to be recorded by it in writing, remit the case to the Inquiring Authority for further inquiry and report and the Inquiring Authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 11 as far as may be.

(2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiring Authority on any article of charge record its reasons for such dis-agreement and record its own findings on such charge if the evidence on record is sufficient for the purpose.

(3) If the Disciplinary Authority having regard to its findings, on all or any of the articles of charge is of the opinion that [one or more of the penalties specified in rule 8] should be imposed on the Government servant, it shall, notwithstanding anything contained in rule 12, make an order imposing such penalty:

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice on the penalties proposed to be imposed on the Government servant and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

(4) 1 [x x x ]

11. Sub-rule (3) has been amended by Notification No. DPAR 70 SSR 76, dated 15-1-1977 and sub-rule (4) deleted. KGD 20-1-1977 GSR 29.

## **12. Procedure For Imposing Minor Penalties :-**

(1) Subject to the provisions of sub-rule (3) of rule 11-A, no order imposing on a Government servant any of the penalties specified in clauses (i) to (iva) of rule 8 shall be made except after,-

(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-rules (3) to (23) of rule 11, in every case in which the Disciplinary Authority is of the opinion that such inquiry is necessary:-

["Provided that no order imposing a penalty of withholding increments with cumulative effect shall be made without holding an inquiry in the manner laid down in sub-rules (3) to (23) of rule 11."]

(c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Commission where such consultation is necessary.

(2) The record of the proceedings in such cases shall include,-

(i) a copy of the intimation to the Government servant of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;

(iii) his representation, if any;

1. Inserted by Notification No. DPAR 13 SDE 97, dated 1-9-1998, (w.e.f. 1-9-98) (KGD 7-9- 1998).

(iv) the evidence produced during the inquiry;

(v) the advice of the commission, if any;

(vi) the finding on each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefor.

**12A.** Communication Of Orders :- Orders made by the Disciplinary Authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiry, if

any, held by the Disciplinary Authority and a copy of its findings on each article of charge or, where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority and the statement of the finding of the Disciplinary Authority together with brief reasons for its disagreement, if any, with the findings of the Inquiring Authority (unless they have already been supplied to him) and where the inquiry is held by the \*Lokayukta or an Upalokayukta under rule 14A, a copy of the findings of the Inquiring Officer with the recommendations of the \*Lokayukta or an Upalokayukta as the case may be and also a copy of the advice, if any, given by the Commission and, where the Disciplinary Authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.] [Provided that it shall not be necessary to supply copies of the said documents where the Disciplinary Authority exonerates the Government servant or where such documents have already been supplied to the Government servant".

### **13. Joint Inquiry :-**

(1) Where two or more Government servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

\* Substituted by Notification No. DPAR 5 SDE 86, dated 7-5-1986  
KGD 7-5-86

1. Inserted by Notification No. DPAR 34SSR 76 dated 7-7-1976.  
KGD 22-7-1976.

[Provided that if the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.]

(2) Subject to the provisions of sub-rule (3) of rule 9 any such order shall specify-

(i) the authority which may function as the Disciplinary Authority for the purpose of such common proceeding;

(ii) the penalties specified in rule 8 which such Disciplinary Authority shall be competent to impose; and

(iii) whether the procedure prescribed in [rules 11 and 11A] or rule 12 may be followed in the proceeding.



#### **14. Special Procedure In Certain Cases :-**

Notwithstanding anything contained in 2 [rules 11 to 13-]

(i) where a penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the officer concerned has absconded, or where the officer concerned does not take part in the inquiry or where for any reasons to be recorded in writing it is impracticable to communicate with him, or where the Disciplinary Authority, for reasons to be recorded in writing, is, satisfied that it is not reasonably practicable to follow the procedure prescribed in the said rules; or

(iii) where the Governor is satisfied that in the interest of the security of the State it is not expedient to follow such procedure, The Disciplinary Authority may pass such orders thereon as it deems fit; Provided that the Commission shall be consulted before passing such an order in any case for which such consultation is necessary.

1. Inserted by Notification No. GAD 28 SSR 69, dated 12-12-1973 (KGD dated 24-1-1974)

2. Substituted by GAD 28 SSR 69 dated 12-12-1973 w.e.f. 24-1-1974. IIInd Proviso

#### **14A. Procedure In Cases Entrusted To The Lokayukta :-**

(1) The provisions of sub-rule (2) shall, notwithstanding anything contained in rule 9 to 11A and 13, be applicable for purposes of proceeding against Government Servants whose alleged misconduct has been investigated into by the Lokayukta or an Upalokayukta either under the provisions of the Karnataka Lokayukta Act, 1984 or on a reference from Government. 3 ["or where offences alleged against them punishable under the Prevention of Corruption Act, 1947, or the Prevention of Corruption Act, 1988 has been investigated by the Karnataka Lokayukta Police before 21st day of December, 1992."]

(2) (a) Where on investigation into any allegation against

(i) a member of the State Civil Services Group-A or Group-B, or

(ii) a member of the State Civil Services Group-A or Group-B and a member of the State Civil Services Group-C or Group-D or

(iii) a member of the State Civil Services Group-C or Group-D.4

["the Lokayukta or the Upa-lokayukta or, (before the twenty first day of December, 1992), the Inspector General of Police of the Karnataka Lokayukta Police is of the opinion"] that disciplinary proceedings shall be taken, he shall forward the record of the

investigation along with his recommendation to the Government and the Government, after examining such record, may either direct an inquiry into the case by the Lokayukta or the Upalokayukta or direct the appropriate Disciplinary Authority to take action in accordance with rule 12.

1. \* Substituted by Notification No. DPAR 5 SDE 86, dated 7-5-1986.

2. Ommited by Notification No. DPAR 15 SDE 95, dated 22-3-1995 (w.e.f. 25-3-1996)

3. Inserted by Notification No. DPAR 9 SDE92, Dated 21-1-1997 (w.e.f. 15-1-1986).

4. Substituted by Notification No. DPAR 9 SDE 92, dated 21-1-1997 (w.e.f. 15-1-1986).

(b) Where it is proposed to hold an inquiry into a case under clause (a) the enquiry may be conducted either by the Lokayukta or the Upalokayuka, as the case may be, or an officer on the staff of the Lokayukta authorised by the Lokayukta, or the Upalokayukta to conduct the inquiry;

Provided that the inquiry shall not be conducted by an officer lower in rank than that of Government servant against whom it is held.

Provided further that an inquiry against a Government Servant not lower in rank than that of a Deputy Commissioner shall not be conducted by any person other than the Lokayukta or the Upalokayukta or an Additional Registrar (Inquiries). Provided also that an officer on the staff of the Lokayukta authorised to conduct an inquiry under clause (b) shall not have the power to appoint another officer to conduct it wholly or in part.

(c) The Lokayukta, the Upalokayukta or the Officer authorised under clause (b) to conduct an inquiry shall conduct it in accordance with the provisions of rule 11 in so far as they are not inconsistent with the provisions of this rule and for that purpose shall have the powers of the Disciplinary Authority referred to in the said Rule.

(d) After the inquiry is completed, the record of the case along with the findings of the Inquiring Officer and the recommendation of the Lokayukta or the Upalokayukta, as the case may be, shall be sent to the Government.

(e) On receipt of the record under clause (d) the Government shall take action in accordance with the provisions of 1 [xxx] 1 rule 11A and in all such cases the Government shall be the Disciplinary Authority competent to impose any of the penalties specified in rule 8.

(3) Nothing in sub-rule (1) shall be applicable to members of the Karnataka Judicial Service or Government servants under the

1. Omitted by Notification No. DPAR 37 SDE 2001, dated 26-12-2001 (w.e.f. 31-12-2001) (KGD 31-12-2001). administrative control of such members or of the High Court of Karnataka. (Explanation.-In this rule, the expressions Lokayukta and Upalokayukta shall respectively have the meaning assigned to them in the Karnataka Lokayukta Act, 1984)."] 1 ["and the expression Karnataka Lokayukta Police means the Police Wing established under Section 15 of the Karnataka Lokayukta Act, 1984 and includes, so far as may be, the corresponding establishment under the Karnataka State Vigilance Commission Rules, 1980, and the Expression "Inspector General of Police" shall be construed accordingly".

### **15. Provisions Regarding Lent Officers :-**

(1) Where the services of a Government Servant are lent to the Central Government, any State Government or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceeding against him; Provided that the borrowing authority shall not take any disciplinary proceedings against such Government Servant or place him under suspension without the prior approval of the lending authority.

(2) In the light of the findings in the disciplinary proceeding taken against the Government servant-

(i) if the borrowing authority is of the opinion that any of the penalties specified in clause 2 [(i) to (iva)] 2 of rule 8 should be imposed on him, it may, in consultation with the lending authority, pass such orders on the case as it deems necessary: Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Government servant shall be replaced at the disposal of the lending authority;

1. Inserted by Notification No. DPAR 9 SDE 92, Dated 21-1-1997 (w.e.f. 15-1-1986).

2. Substituted by Notification No. GAD 28 SSR 69 dated 12-12-1973, KGD 24-1-1974.

(ii) if the borrowing authority is of the opinion that any of the

penalties specified in clauses (v) to (viii) of rule 8 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit it to the proceedings of the inquiry and thereupon the lending authority may, if it is the Disciplinary Authority pass such orders thereon as it deems necessary, or if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass such orders on the case as it deems necessary; Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of 1 [Rule 11A.]

Explanation.-The Disciplinary Authority may make an order under clause (ii) of sub-rule (2) on the record of the inquiry transmitted by the borrowing authority, or after holding such further inquiry as it may deem necessary as far as may be in accordance with Rule 11.

[(2A) Notwithstanding anything contained in these rules,- (i) the Government in Rural Development and Panchayat Raj Department in respect of Government servant holding a Group A or B post whose services are lent to the Zilla Panchayat or Taluk Panchayat by an order issued by the Government in Rural Development and Panchayat Raj Department under section 155 or 196 of the Karnataka Panchayat Raj Act, 1993;

(ii) the Chief Executive officer of the Zilla Panchayat in respect of,-  
(a) a Government servant holding a Group B post excluding the Government servants referred in clause (i) or a Group C or Group D post whose services are lent to the Zilla Panchayat, Taluk Panchayat, or Grama Panchayat

1. Substituted by Notification No. GAD 28 SSR 69, dated 12-12-1973 KGD 24-1-1974.

2. Substituted by Notification No. DPAR19 SDE 95, Dated 7-3-2002 (w.e.f. 11-4-2002).

(b) any doctor working in a Primary Health Centre who is a member of the Karnataka Directorate of Health and Family Welfare Service; shall have the powers of the Appointing Authority for placing such Government servant under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceedings against him and to impose any of penalties specified in clauses (i) to (iva) of rule 8 on such Government servant. It shall not be necessary for the Government in Rural Development and Panchayat Raj Department or the Chief Executive Officer of the Zilla Panchayat to get the approval of, or to consult, the lending authority or the appointing authority as the case may be, before placing such Government servant under suspension or imposing on

him any of the said penalties.

(3) Notwithstanding anything contained in these rules where a Government servant referred to in sub-rule (2A),-

(i) who is alleged to have committed any misconduct or misbehaviour while serving in Zilla Panchayat, Taluk Panchayat or Grama Panchayat is transferred, deputed or otherwise posted out of jurisdiction of the disciplinary authority referred to in sub-rule (2A) before initiation of a disciplinary proceeding against such Government Servant, the same Disciplinary authority shall have power to initiate disciplinary proceeding and to conclude or cause to be concluded the enquiry into articles of charges against such Government servant and to impose any of the penalties specified in clauses (i) to (iva) of rule 8 on such Government servant;

(ii) while facing a disciplinary proceeding is transferred, deputed or otherwise posted out of jurisdiction of the disciplinary authority referred to in sub-rule (2A) which initiated the disciplinary proceeding against such Government Servant, the same disciplinary authority shall continue and conclude or caused to be continued or concluded the enquiry into articles of charges against such Government servant in accordance with these rules and shall have power to impose any of the penalties specified in clauses (i) to (iva) of rule 8 on such Government servant:

Provided that an appeal against an order passed by the Chief Executive Officer under this sub-rule shall lie:-

(i) in the case of Government servant referred to in sub-clause (a) of clause (ii) of sub-rule (2A), to the Head of the Department to which such Government Servant belongs;

(ii) in the case of a doctor referred to in sub-clause (b) of clause (ii) of sub-rule (2A), to the Government.

#### **16. Provision Regarding Borrowed Officers :-**

(1) Where an order of suspension is made or a disciplinary proceedings is taken against a Government Servant whose services have been borrowed from the Central Government any State Government or a local or other authority, the authority lending his services (hereafter in this rule referred to as the "the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be.

(2) In the light of the findings in the disciplinary proceeding taken against the Government servant- (i) If the Disciplinary Authority is

of the opinion that any of the penalties specified in clauses (i) to (iva) of rule 8 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 11A after consultation with the lending authority, pass such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) If the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (v) to (viii) of rule 8 should be imposed on him it shall replace his services at the disposal of the lending authority and transmit it to the proceedings of the inquiry for such action as it deems necessary.

**16A.** Provision Regarding Reappointed Officers :- Where a person who has ceased to be in Government service, due to resignation, abolition of his post, termination of his appointment or any other cause, is reappointed as a Government servant, disciplinary proceedings may be taken against him in his new appointment in respect of any act or conduct during any period of his service under the Government.

## **PART 5 APPEALS**

### **17. Orders Against Which No Appeal Lies :-**

Notwithstanding anything contained in this Part, no appeal shall lie against,-

(i) any order made by the Governor

(ii) any order of an interlocutory nature or of the nature of step-in-aid for the final disposal of a disciplinary proceeding, other than an order of suspension;

(iii) any order passed by an Inquiry Authority in the course of an inquiry under rule 11.

### **18. Appeals, Against Orders Imposing Penalties :-**

(1) Every person who is a member of any of the Services specified in rule 5 shall be entitled to appeal to the extent, and to the authorities, as hereinafter provided, and not otherwise, from an order passed by an authority;-

(a) imposing any of the penalties specified in rule 8; 3["Whether

made by the Disciplinary Authority or by an Appellate or Reviewing authority".]

1. Inserted by Notification No. GAD 6 CAR 58, dated 1-7-1959.

2. Substituted by Notification No. GAD 28 SSR 69, dated 12-12-1973 KGD 24-1-1974.

3. Inserted by Notification No. GAD 28 SSR 69, dated 12-12-1973. KGD 24-1-1974.

(b) discharging him, except on abolition of the post in accordance with the terms of his contract for a fixed or for an indefinite period, provided he has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated;

(c) reducing or withholding pension admissible to him under the rules governing pensions; or

(d) placing him under suspension under rule 10.

(2) A member of the State Civil Services, Group A and B may appeal-

(a) to the Appointing Authority against an order made by an authority subordinate to it.

(b) to the Governor against an order made by any other authority, imposing upon him any of the penalties specified in rule 8, or from an order referred to in clauses (a), (b), (c) and

(d), of sub-rule (1).

(3) A member of a Service or holder of a post included in column 1 of Schedules II and III may appeal from orders passed in exercise of powers conferred by rule 9 to the authorities specified in column 5 of the said Schedules: \*[and from orders passed by the appellate authority to the authority to which appellate authority is immediately subordinate.]

Provided that, in cases of posts not included in column 1 of Schedules II and III, the holder or holders of such posts may appeal from orders passed in exercise of the powers conferred by rule 9 to the authority immediately superior to the authority imposing the penalty;

\* Inserted by Notification No. DPAR 11 SDE 83, dated 23-2-1984. KGD 15-3-1984. £[Provided further that a Government servant belonging to the State Civil Services, Group D, may appeal from an order passed in exercise of the powers conferred by the proviso to clause (d) of sub-rule (2) of rule 9 to the authority immediately superior to the authority imposing the penalty.]

1[ Provided further that a Government servant against whom an order imposing any of the penalties specified in clauses (i) to (iva)

of rule 8 is passed by the Appointing Authority or by any other Disciplinary Authority empowered to impose any of the penalties under clauses (v) to (viii) may appeal to the same Authority to whom he is entitled to appeal against an order imposing on him any of the penalties (v) to (viii)".]

\*\* [Provided also that a member of State Civil Services Group C or Group D may appeal to the Governor against any order passed by the Government imposing any of the penalties specified in rule 8.]

Note.-If any doubt arises as to who is the proper authority for the purposes of this rule, the matter shall be referred to the Government whose decision shall be final.

(4) A member of a State Civil Services Group C or State Civil Services Group D may appeal from an order referred to in clauses (b), (c) and (d) of sub-rule (1) to the authority to whom he would have been entitled to appeal under these rules had the order been an order of dismissal.

[(5) Notwithstanding anything contained in sub-rules (1) to (4),- (a) where a person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall be to be authority to which such person is immediately subordinate;

1\*. Added in Notification No. DPAR 2 SDE 85, dated 30-7-85. 2\*\* Inserted in Notification No. DPAR 33 SDE 88, Dated 10-2-89.

3. Substituted by Notification No. GAD28 SSR 69 dated 12-12-1973 KGD 24-1-1973. £ Added by Notification No. GAD 28 OSR 59, dated 7-2-1962.

(b) an appeal against an order in a common proceeding held under rule 13 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate.]

Explanation.-The expression "member of a State Civil Service" includes a person who has ceased to be a member of that Service.

### **19. Appeal Against Other Order :-**

(1) Every member of any of the Services mentioned in rule 5 shall be entitled to appeal to Government against any order passed by a subordinate authority which-

(a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of services as regulated by any order, rules or any agreement, or



(2) An appeal against an order-

(a) stopping a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar.

(b) reverting to a lower Service, grade or post, a Government servant officiating in a higher Service, grade or post, otherwise than as a penalty; and

(c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;

(ca) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;

(cb) determining his pay and allowances:

(i) for the period of suspension, or

(ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower Service, grade, post, time-scale or stage in a time scale of pay, to the date of his reinstatement or restoration to his service, grade or post, or

1. Substituted by Notification No. GAD 28 SSR69 dated 12-12-1973, KGD 24-1-1973.

(cc) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower Service, grade, post, time-scale or pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose, shall lie,-

(i) in the case of an order made in respect of a Government servant on whom the penalty of dismissal from service can be imposed only by the Governor, to the Governor, and

(ii) in the case of an order made in respect of any other Government servant, to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.]

Explanation.- In this rule:-

(i) the expression Government servant includes a person who has ceased to be in Government service;

(ii) the expression pension includes additional pension, gratuity and any other retirement benefit.

(3) Notwithstanding anything contained in these rules, there shall be no appeal against non-selection for a selection post.

## **20. Period Of Limitation For Appeals :-**

No appeal under this part shall be entertained unless it is submitted within a period of three months from the date of the order appealed against; Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

### **21. Form And Contents Of Appeal :-**

(1) Every person submitting an appeal shall do so separately and in his own name.

(2) Every appeal preferred under these rules shall be accompanied by a copy of the order appealed against, and shall contain all material statements and arguments relied on by the appellant, shall not contain any disrespectful or improper language, and shall be complete in itself.

### **22. Submission Of Appeals :-**

Every appeal shall be submitted to the authority which made the order appealed against;

Provided that if such authority is not the head of the office in which the appellant may be serving or, if he is not in service, the head of the office in which he was last serving, or is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority: Provided further that a copy of the appeal may be submitted directly to the appellate authority.

### **23. Withholding Of Appeals :-**

(1) The authority which made the order appealed against may withhold the appeal, if-

(i) it is an appeal against an order from which no appeal lies; or

(ii) it does not comply with any of the provisions of rule 21; or

(iii) it is not submitted within the period specified in rule 20 and no reasonable cause is shown for the delay; or

(iv) it is a repetition of an appeal already decided and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case; or

(v) it is addressed to an authority to which no appeal lies under these rules; or

(vi) it contains material or documents which are treated as

confidential and which the appellant could have come to know only as a result of the breach 1 [of Rule 12 of the Karnataka Civil Services (Conduct) Rules, 1966];

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it: Provided further that an appeal withheld under clause (ii), (v) and (vi) may be re-submitted at any time within one month from the date on which the appellant has been informed of the withholding of the appeal, and if re-submitted in a form which is in accordance with the said provisions, shall not be withheld.

(2) When an appeal is withheld under this rule, a copy or order withholding the appeal shall be submitted to the authority to whom the appeal is addressed.

(3) No appeal shall lie against the withholding of an appeal by a competent authority.

#### **24. Transmission Of Appeals :-**

(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 23 together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 23 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

#### **25. Consideration Of Appeals :-**

(1) In the case of an appeal against an order of suspension, the Appellate Authority shall consider whether in the light of the provisions 1. Substituted by Notification No. GAD 29 SSR 76 dated 17-7-1976 (w.e.f. 29-7-76) GSR 211. of rule 10 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 8, the Appellate Authority shall consider-

(a) Whether the procedure prescribed in these rules has been complied with, and, if not whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice;

(b) Whether the findings are justified; and

(c) Whether the penalty imposed is excessive, adequate or inadequate and after consultation with the Commission, if such consultation is necessary in the case, pass orders-

- (i) setting aside, reducing, confirming or enhancing the penalty; or
- (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that-

(i) the appellate authority shall not impose any enhanced penalty unless such authority or the authority which made the order appealed against is competent to impose such penalty;

(ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (viii) of rule 8 and an inquiry under rule 11 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 14 itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry, pass such orders as it may deem fit.

(3) In the case of an appeal against any order specified in clauses (b) and (c) of rule 18 or rule 19, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

## **PART 6 REVIEW**

### **26. Review :-**

The State Government may at any time, either on its own motion or otherwise, after calling for records of the case, review any order passed under these rules when any new material or evidence, which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case has come, or has been brought to its notice; 2 [or if in its opinion an order imposing any penalty cannot be given effect to or if an order imposing penalty is not legally valid".]

(a) confirm, modify or set aside the order;

(b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the order;

(c) remit the case to the authority which made the order or to any other authority directing such further action or inquiry as is

considered proper in the circumstances of the case; or

(d) pass such other orders as it deems fit. Provided that no order imposing or enhancing any penalty shall be made by the State Government unless the member of the Service concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in Clauses (v) to (viii) of Rule 8 or to enhance a minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under Rule 11 has not already been held in the case, no such penalty shall be imposed except after enquiring in the manner laid down in Rule 11 subject to the provisions of Rule 14, and except after consultation with the Commission".

1. Substituted by Notification No. DPAR 8 SDE 93, dated 22-12-1995 (w.e.f. 26-12-1995)

2. Inserted by Notification No. DPAR 13 SDE 97, Dated 1-9-1998 (w.e.f. 26-12-1995). (KGD 7- 9-1998)

Provided further that no application by a Government servant for reviewing an order in a disciplinary proceedings imposing any penalty other than those specified in Clauses (v) to (viii) of Rule 8 and in respect of which an appeal is provided shall lie.

### **27. Review Of Orders In Disciplinary Cases :-**

The authority to which an appeal against an order imposing any of the penalties specified in rule 8 lies, may, of its own motion or otherwise, call for the records of the case in a disciplinary proceeding review any order passed in such a case and after consultation with the Commission where such consultation is necessary, pass such orders as it deems fit, as if the Government servant had preferred an appeal against such order: Provided that no action under this rule shall be initiated more than six months after the date of the order to be reviewed.

## **PART 7 MISCELLANEOUS**

### **28. Appearance Of Legal Practitioner :-**

Save as otherwise provided in these rules, no legal practitioner or agent shall be allowed to appear in any proceedings under these rules.

#### **28A. Service Of Order, Notices, Etc :-**

(1) Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or communicated to him by registered post.

(2) Where the Government servant refuses to receive, or keeps out of the way for the purpose of avoiding the services of, such order, notice, or other process the same may be served by affixing a copy thereof on the notice board of the Office of the Disciplinary Authority or of the Inquiring Authority and upon some conspicuous part of the house if any, in which he is known to have last resided, or by publication in two daily newspapers having wide circulation in the State.<sup>1</sup> Inserted by Notification No. GAD 28 SSR 69, dated 12-12-1973 KGD 24-1-1974.

**28B.** Power To Relax Time-Limit And To Condone Delay :- Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

**28C.** Supply Of Copy Of Commissions Advice :- Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance shall be furnished to the Government Servant concerned along with a copy of the order passed in the case, by the authority making the order:

Provided that it shall not be necessary to supply copies of the said documents where the Disciplinary Authority exonerates the Government servant or where such documents have already been supplied to the Government servant.

**28D.** Provision Regarding Members Of The Karnataka Judicial Service, Etc :- Notwithstanding anything contained in these rules, references to the Governor or the Government in these rules shall, in so far as they relate to the control over the district courts and courts subordinate thereto by the High Court of Karnataka under article 235 of the Constitution of India, be construed as reference to the High Court of Karnataka. Provided that nothing in this rule shall affect the powers of the Governor under the Constitution of India in respect of members of the Judicial Services or the right of an appeal which a person may have under the law regulating his

conditions of service.

## **29. Repeal And Savings :-**

(1) The Civil Services (Classification, Control and Appeals) Rules and the rules contained in the Notification of the Government of India in the Home Department No. F. 9-19-30-Ests. dated 27th February

1. Inserted by Notification No. DPAR 34 SSR 76, dated 7-7-1976. KGD 22-7-1976. 1932 the Hyderabad Civil Services (Classification, Control and Appeal) Rules, the Bombay Civil Services (Classification, Control and Appeal) Rules, the Madras Civil Services (Classification, Control and Appeal) Rules and the rules contained in Chapter X of the Mysore Manual of General Circulars and Standing Orders, Part I, the Mysore Civil Services (Classification) Rules, 1955, and any notifications issued and rules and orders made under any such rules or under the proviso to Article 309 of the Constitution and all other rules and orders made by any competent authority to the extent to which they apply to persons to whom these rules apply and in so far as they relate to the classification of the State Civil Services specified in the Schedules or confer powers to make appointment impose penalties or entertain appeals are hereby repealed: Provided that-

(a) such repeals shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.

(3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.