Office Memorandum

Subject: Procedure to be followed for suspension of All India Service officers posted in Ministries/Departments/State Governments under AIS (D&A) Rules, 1969 — regarding.

The undersigned is directed to say that this Department vide Notification (GSR No. 814) dated 23.12.2015 amended provisions of Rule 3, Rule 18 and Rule 25 of the AIS (D&A) Rules, 1969 (Annexure - I). In the light of the amendments carried out and existing provisions under AIS (D&A) Rules, 1969 a procedure has been framed and copy of the same is enclosed (Annexure - II). The said procedure is required to be followed by Ministries/Departments/State Governments for suspension of All India Service.

2. All Ministries/Departments/State Governments are requested to follow the above mentioned procedure in letter and spirit.

3. This issues with the approval of the “Competent Authority”.

(Rajesh Kumar Yadav)
Under Secretary to the Government of India
Tele: 23094714

To
Secretaries to the Govt. of India,
All Ministries/Departments.

Copy to:
1. All Chief Secretaries of States/UTs.
2. UTS/IPS Section, MHA.
3. IFS Section, Ministry of Environment and Forests.
4. AVD-IA/IB, DoPT.
5. NIC, DoPT with request the upload the OM on the website of the Department (at OM&Orders-Service-Discipline & Appeal).

(Rajesh Kumar Yadav)
Under Secretary to the Government of India
भारत का राजपत्र
The Gazette of India

सं. 814] नई दिल्ली, अक्टूबर 23, 2015/ पृष्ठ 2, 1937
No. 814] NEW DELHI, WEDNESDAY, DECEMBER 23, 2015/PAUSA 2, 1937

कार्यकार, बोर्ड विकास तथा पैन्न मंडल
(कार्यकार और प्रबन्धक विभाग)

नई दिल्ली, 21 अक्टूबर, 2015

शा.व.वि.1001(व)—केन्द्र सरकार अधिकारी भारतीय सेवा अधिनियम, 1951 (1951 का 61) की धारा 3 की उप धारा (1)
द्वारा प्रति गतिविद्या का प्रश्रोत्करण करते हुए राज्य सरकारों के परमार्थ से अधिक भारतीय सेवा (अनुबंधन तथा अपील) नियमावली, 1969
में और संशोधन करते के लिए एतद्वारा निम्नलिखित नियम बनाती है, अवश्यः

1. (i) इन नियमों का नाम अधिक भारतीय सेवा (अनुबंधन तथा अपील) संशोधन नियमावली, 2015 है।

(ii) ये प्रतिवर्षीय राजन ने प्रकाशन की तारीख से साथ ही होती है।

2. अधिक भारतीय सेवा (अनुबंधन तथा अपील) नियमावली, 1969 में (इसके प्रति इसे उक्त नियम कहा जाएगा) के नियम 3 के उप-नियम (1) निम्नलिखित परंपरा जोड़ा जाएगा अर्थातः

(i) उप नियम (1) में दूसरे परंपरुक में हीनतो स्थानों पर अपने बाले शब्द "पैतृक दिन" के स्थान पर शब्द "गुणित दिन" प्रतिस्थापित किए जाएँगे।

(ii) नियम 3 के उप नियम (1) के अवधारणा (ल) उप नियम (ग) का प्रतिस्थापित किया जाएगा, अर्थातः

(ल) केन्द्र सरकार के अधिकारी वापसी आईएस अधिकारियों की केन्द्रीय मंत्री की स्थान संशोधित नियमावलियाँ
पर, कार्यकार और प्रबन्धक विभाग के प्रभारी संस्मरण के अनुसार में निम्नलिखित किया जाएगा

(iii) नियम 3 के उप नियम (8) के उप-उप नियम (ग) में "जन्म दिन" और "एक नौ जन्म दिन" शब्द के स्थान पर क्रमशः शब्द
"मात्र दिन" और एक नौ शीर्ष दिन" प्रतिस्थापित किया जाएगा।

5432 GI/2015

(1)
3. उक्त नियममत्री में, नियम 18 में, उप-नियम (4) के लिए निम्नलिखित उप-नियम प्रस्तावित किया गया, नामतः-

"(4) (क) अधिकारी जिन्हें अभियंता द्वारा नियुक्त किया गया है, अभियंता अव्यवस्था, जिन्हें नियम 21 के अंतर्गत रोका गया है, अपनी सहायता और अन्य संबंधित संस्थाओं के साथ निकाल दिया। वह अन्य मंत्री अवधि के माध्यम से संबंधित अधिकारियों को संबंधित करने के लिए अधिकार होगा, और अन्य मंत्री अवधि के माध्यम से संबंधित अधिकारियों को संबंधित करने के लिए अधिकार होगा।"

4. उक्त नियममत्री में, नियम 25 में, उप-नियम (4) के लिए निम्नलिखित उप-नियम प्रस्तावित किया गया, नामतः-

"(4) (क) विद्युत अधिकारी पर अधिकार के किरदार के लिए है, तथा इसमें संबंधित राज्य मंत्रालय के माध्यम से प्रस्तुत किया गया। वह अधिकार अधिकार के किरदार के लिए है, तथा इस के अधिकार और संबंधित राज्य मंत्रालय या अभियंता सहायता, जिसमें मंत्रालय या संबंधित संस्थाओं के माध्यम से प्रस्तुत किया गया, राज्य मंत्रालय के मंत्री प्रमुख के संबंधित विवरण के माध्यम से जब तक उनके विनियम कराने के लिए, उनके अधिकार को संबंधित करने के लिए अधिकार होगा, और अन्य संबंधित संस्थाओं के संबंधित अधिकार को संबंधित करने के लिए।"

5. अनुसूची 2 के पृष्ठ 1 में यथा प्रस्तावित केंद्रीय संस्थान की मूल्यांकन संबंधित विवरण संबंधित संस्थानों निम्नलिखित में प्रस्तावित की गई थी:

<table>
<thead>
<tr>
<th>स्थान</th>
<th>संबंधित मंत्रालय अधिकारी, कार्यालय और संस्थान नियुक्ति, भारत सरकार</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>मंत्रियों, कार्यालयों और संस्थान नियुक्ति, भारत सरकार</td>
</tr>
<tr>
<td>(ii)</td>
<td>संबंधित मंत्रालयों और संस्थानों से भारत सरकार के विभाग व उनके द्वारा नियुक्त संस्थान जो अपने मंत्रियों, कार्यालयों और संस्थान नियुक्ति में नीचे के गांव का न हो</td>
</tr>
<tr>
<td>(iii)</td>
<td>अन्य मंत्रियों, कार्यालयों और संस्थान नियुक्ति, भारत सरकार</td>
</tr>
</tbody>
</table>

[पत्र में: 11018/01/2013- अ.भ.स.-III] 

दिवाली नाम विषय, निरेखित (संबंधी)
G.S.R.1001(E).—In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the State Governments, hereby makes the following rules further to amend the All India Services (Discipline and Appeal) Rules, 1969, namely:—

1. (1) These rules may be called the All India Services (Discipline and Appeal) Amendment Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the All India Service (Discipline and Appeal) Rules, 1969 (hereinafter referred to as the said rules), in rule 3-

(i) in sub-rule (1), in the third proviso, for the words “forty-five days” occurring at both the places, the words “thirty days” shall be substituted;
(ii) a new sub-sub-rule (c) under sub-rule(1) of rule 3 shall be inserted, namely:-

"(c) IAS officers working under Central Government shall only be suspended on the recommendations of the Central Review Committee as amended with the approval of Minister-in-charge, Department of Personnel & Training."

(iii) in sub-sub rule (a) of sub-rule(8) of rule 3, the words 'ninety days' and 'one hundred-eighty days' shall be substituted with the words 'sixty days' and 'one hundred-twenty days' respectively."

(iv) in sub-rule (6A), the word "ordinarily" shall be omitted;

(v) for sub-rule (9), the following sub-rule shall be substituted, namely:-

"(9) (a) Every order of suspension and every order of revocation shall be made in the stipulated standard form appended to these rules;

(b) A copy of the order shall be endorsed to the Appointing Authority, if the order is made by some other authority; and to the Lending Authority in the case of borrowed officer;

(c) The reasons for issue of every such order shall be communicated to the Appointing Authority and the Lending Authority, through confidential letters along with the order itself; and

(d) A copy of the suspension order along with the reasons or grounds of suspension shall be communicated to the Cadre Controlling authority in the Central Government not later than forty-eight hours."

(vi) after sub-rule (9) as so substituted, the following sub-rule shall be inserted, namely:-

"(10) As soon as a member of the Service is placed under suspension or is deemed to have been placed under suspension, the information in this regard shall be communicated to Government of India expeditiously and within the period of forty-eight hours."

3. In the said rules, in rule 18, for sub-rule (4), the following sub-rule shall be substituted, namely:-

"(4) (a) The authority which made the order appealed against shall, on receipt of a copy of every appeal, which is not withheld under rule 21, forward the same with its comments thereon together with the relevant records to the appellate authority within thirty days from the receipt of the appeal by the State Governments and without waiting for any direction from the Central Government; and

(b) If the original appeal along with the comments of the State Government is not received by the Central Government within stipulated period, the Central Government shall take a decision on the advance copy of the appeal received by them."

4. In the said rules, in rule 25, for sub-rule (4), the following sub-rule shall be substituted, namely:-

"(4) (a) If the memorial is against the orders of a State Government, it shall be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the authority concerned in the Central Government, and the State Government concerned, or as the case may be, the Ministry or authority in the Central Government shall forward the same together within thirty days from the receipt of the memorial by the State Governments with a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of its opinion thereon; and

(b) If the original memorial along with the comments of the Ministry or the State Government concerned, or as the case may be, is not received by the Central Government within stipulated period, the Central Government shall take decision on the advance copy of the memorial received by them."

5. The composition of Central Ministry’s Review Committee as provided in para 1 of Schedule 2 shall be substituted with the following:-

| (i) | Secretary, Department of Personnel & Training, Govt. of India | Chairperson |
| (ii) | Secretary to the Government of India in the concerned Ministry/Department or a member nominated by him not below the level of Additional Secretary | Member |
| (iii) | Additional Secretary / Establishment Officer, Department of Personnel & Training, Govt. of India | Member |

[F. No. 11018/01/2013-AIS-III] DIWAKAR NATH MISRA, Director (Services)
The principal rules were published in the Gazette of India, vide Notification No. 7/15/63-AIS (II), dated the 20th March, 1969 and subsequently amended as under:

(i) G.S.R No.588, dated the 24th April, 1971,
(ii) Notification No. 13/4/71-AIS(III), dated the 11th January, 1972,
(iii) Notification No. 31/7/72-AIS(III), dated the 22nd May, 1972,
(iv) G.S.R No.872, dated the 19th July, 1975,
(v) G.S.R No.985, dated the 9th August, 1975,
(vi) G.S.R No.988, dated the 9th August, 1975,
(vii) G.S.R No.358, dated the 19th March, 1977,
(viii) G.S.R No. 983, dated the 30th July, 1977,
(ix) G.S.R No. 753, dated the 17th June, 1978,
(x) G.S.R No.1415, dated the 2nd December, 1978,
(xi) Notification No. 11018/13/78-AIS(III), dated the 4th January, 1979,
(xii) Notification No.11018/11/78-AIS(III), dated the 16th June, 1979,
(xiii) G.S.R No.1220, dated the 29th November, 1980,
(xiv) G.S.R No. 959, dated the 31st October, 1981,
(xv) G.S.R No. 92, dated the 31st January, 1982,
(xvi) G.S.R No. 612, dated 20th August, 1983,
(xvii) G.S.R No. 162, dated the 18th February, 1984,
(xviii) Notification No. 11018/2/87-AIS(III), dated the 9th February, 1988,
(xix) Notification No. 11018/7/87-AIS(III), dated the 26th February, 1988,
(xx) G.S.R No. 130, dated the 25th July, 1998,
(xxi) G.S.R No. 177, dated the 12th September, 1998,
(xxii) G.S.R No. 212, dated the 17th June, 2000,
(xxiii) G.S.R No. 118, dated the 13th April, 2002,
(xxiv) G.S.R No. 249, dated the 12th July, 2003,
(xxv) G.S.R No. 714(E), dated 30th September, 2009,
(xxvi) G.S.R No. 212, dated the 22nd November, 2010 and
(xxvii) G.S.R No. 408(E), dated the 16th June, 2014.
Procedure to be followed for suspension of All India Service officers posted in Ministries/Departments/State Governments under AIS(D&A) Rules, 1969

Rule 3 of AIS (D&A) Rules, 1969 stipulate suspension of All India Service officers. Vide Notification dated 23.12.2015 provisions of Rule 3, Rule 18 and Rule 25 of the said Rules were amended. In the light of the amendments the following procedure is to be followed by Ministries/Departments/State Governments for suspension of All India Service officers:

(i) A member of Service when placed under suspension or deemed to have been placed under suspension, the information in this regard shall be communicated to Government of India expeditiously and **within the period of forty-eight hours**.

(ii) A copy of the suspension order along with the reasons or grounds of suspension shall be communicated to the Cadre Controlling authority in the Central Government **not later than forty-eight hours**.

(iii) A member of the Service who is detained in official custody whether on a criminal charge or otherwise for a period longer than **forty-eight hours**, shall be deemed to have been suspended by the Government concerned.

(iv) A detailed report of the suspension shall be forwarded to the Central Government **within a period of fifteen days** from the date on which the member of the Service is suspended or is deemed to have been suspended, as the case may be.

(v) Where a State Government passes an order for suspension of a member of Service it will be valid for a **period of thirty days** from the date from which the member is placed under suspension. Further extension for **thirty days** requires confirmation by the Central Government.

(vi) An order of suspension which has been extended shall remain valid for a further period not exceeding **one hundred twenty days**, at a time, unless revoked earlier on the recommendation of the Central/State Review Committee.

(vii) The period of suspension may further be extended for a period of **one eighty days** at a time on the recommendation of the Central/State Review Committee (as mentioned in Schedule 1 and 2 under AIS (D&A) Rules, 1969) as the case may be.
(viii) IAS officers working under Central Government shall only be suspended on the recommendations of the Central Review Committee as amended with the approval of Minister-in-charge, Department of Personnel & Training. Central Ministries shall submit proposal for suspension of a Member of Service to this Department with the approval of Minister-in-charge of that Ministry.

(ix) The period of suspension of a member of Service suspended on charges other than corruption shall not exceed one year but the same can be continued beyond one year on the recommendations of the Central Review Committee.

(x) The period of suspension of a member of Service suspended on charges of corruption shall not exceed two years but the same can be continued beyond two years on the recommendations of the Central review Committee.

(xi) Appeal against suspension order shall be sent to the appellate authority along with comments within thirty days from the receipt of the appeal by the State Governments. If the original appeal along with the comments of the State Government is not received by the Central Government within stipulated period, the Central Government shall take a decision on the advance copy of the appeal received by them.

(xii) If the memorial is against the orders of a State Government, it shall be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the authority concerned in the Central Government, and the State Government concerned, or as the case may be, the Ministry or authority in the Central Government shall forward the same together within thirty days from the receipt of the memorial by the State Governments with a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of its opinion thereon and if the original memorial along with the comments of the Ministry or the State Government concerned or as the case may be, is not received by the Central Government within stipulated period, the Central Government shall take decision on the advance copy of the memorial received by them.
(xiii) The Review Committee constituted by the State Government shall consist—

(a) Chief Secretary - Chairman.

(b) Senior most Additional Chief Secretary/Chairman, Board of Revenue/ Financial Commissioner or an officer of equivalent rank and status - Member.

(c) Secretary, Department of Personnel in the State Government - Member Secretary.

(xiv) The composition of Central Ministry’s Review Committee as provided in para 1 of Schedule 2 shall comprise of the following:-

<table>
<thead>
<tr>
<th>(i)</th>
<th>Secretary, Department of Personnel &amp; Training, Govt. of India</th>
<th>Chairperson</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii)</td>
<td>Secretary to the Government of India in the concerned Ministry/Department or a member nominated by him not below the level of Additional Secretary</td>
<td>Member</td>
</tr>
<tr>
<td>(iii)</td>
<td>Additional Secretary / Establishment Officer, Department of Personnel &amp; Training, Govt. of India</td>
<td>Member</td>
</tr>
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