

F.No.142/40/2015-AVD.I
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 8th October, 2015.


OFFICE MEMORANDUM

Subject:- Procedure for empanelment and appointment of retired officers as the Inquiry Officers for conducting Departmental Inquiries- reg.

The undersigned is directed to refer to this Department's office memorandum of even number dated 8th October, 2015 laying down the procedure for empanelment and appointment of retired officers as the Inquiry Officers for conducting Departmental Inquiries by the cadre controlling authorities. The services of the Inquiry Officers would be utilized by the Ministries/Departments under Government of India, State Government and PSUs for conducting Departmental Inquiries against the delinquent officials.

2. Comments/views of Ministries/Departments and State Governments are invited on the procedure laid down in the office memorandum under reference within three weeks from the posting of this office memorandum on the website of this Department(persmin.gov.in).

3. All the stake holders are requested to send their comments on the procedure for empanelment and appointment of retired officers as the Inquiry Officers for conducting Departmental Inquiries within the stipulated period. The comments may either be sent over fax (fax No.011-23092963) or e-mailed at usat1@nic.in.

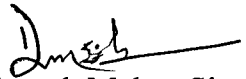

(Rajneesh Mohan Singh)
Under Secretary to the Government of India
Tele. No.23040291

To

1. All the Ministries/Department under the Central Government as standard circulation list.
2. Principal Secretaries(GAD/Personnel) of the State Governments(By Speed Post).

Copy to :-

1. The Secretary, Central Vigilance Commission, Satarkta Bhawan, New Delhi.
2. NIC, DoPT for posting this OM on the website of this Department.


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New Delhi, the 8th October, 2015.

OFFICE MEMORANDUM

Subject:- Procedure for empanelment and appointment of retired officers as the Inquiry Officers for conducting Departmental Inquiries- reg.

The undersigned is directed to state that the issue of utilizing the services of retired officers for conducting departmental inquiries had been under consideration of the Department. It has now been decided that panels of retired officers from the Ministries/Departments under Government of India, State Government and PSUs for conducting Departmental Inquiries against the delinquent officials would be created and maintained by the respective cadre controlling authorities. To begin with the DoPT will prepare a panel and other cadres can draw from it till they make their panel.

2. **Procedure for empanelment of retired officers as the Inquiry Officers** –Panels of retired officers not below the rank of Deputy Secretary in Central Government and equivalent officer in the State Governments/PSUs to be appointed as the Inquiry Officer for the purpose of conducting departmental inquiries would be maintained level/rank wise and place-specific where offices are located by each cadre controlling authority.
3. **Validity of the panel** - The panel of the retired officers created for the purpose of appointing Inquiry officers for conducting departmental inquiry will be valid for a period of three years.
4. Following are the eligibility conditions for appointment of willing retired officers as the Inquiry Officers to conduct departmental inquiries:-
 - (i) The retired officers willing to serve as the Inquiry officer should not be more than 70 years of age as on the 1st April of the year of his/her empanelment.
 - (ii) He/she should be in sound health - both physically and mentally.
 - (iii) He/she should not be an accused officer in any pending inquiry.
5. Willingness of the retired officer to serve as the Inquiry Officer for conducting departmental inquiry will be called for by inviting applications. A format of the application calling for willingness from the retired officer willing to serve as the Inquiry officer is enclosed.

6. A three-member committee consisting of Joint Secretary level officers including CVO of the concerned Ministry/Department/State Government/PSUs would be constituted by the respective cadre controlling authority. After receipt of willingness of the retired officers, names of the officers will be screened by the committee so constituted and panel of officers (Database) will be created rank-wise viz., Deputy Secretary, Director, Joint Secretary, Addl. Secretary, Secretary, etc. Approval of Minister-in-charge may be solicited for making the panel of the officers of the level of Joint Secretary and above. Appointment of Inquiry officer from amongst the panel of retired officers (Database) will be done by a random draw of lot. For this purpose, a software may be developed.

7. The Committee constituted for making panel of retired officers as the Inquiry Officer has to keep in mind the following before empanelling the retired officer for his/her appointment as the Inquiry officer :-

(i) Applications of retired officers willing to serve as an Inquiry Officer should be scrutinized carefully to ensure that the applicant meets the eligibility criteria.

(ii) The retired officer willing to serve as the Inquiry officer should have impeccable integrity and clean service record.

8. The number of disciplinary cases assigned to an Inquiry Officer may be restricted to 20 cases in a year, with not more than 4 cases at a time.

9. **Terms and conditions for appointment of retired officers as the Inquiry Officer.** The designated Inquiry Officer shall require to give an undertaking as follows:-

(i) that he/she is not a witness or a complainant in the matter to be inquired into or a close relative or a known friend of the delinquent Government officer.

(ii) shall maintain strict secrecy in relation to the documents he/she receives or information/data collected by him/her in connection with the inquiry and utilize the same only for the purpose of inquiry in the case entrusted to him/her.

10. No such documents/information or data shall be divulged to any one during the Inquiry or after presentation of the Inquiry Report. All the records, reports etc. available with the Inquiry Officer shall be duly returned to the authority which appointed him/her as such, at the time of presentation of the Inquiry Report.

11. The Inquiry Officer shall conduct the inquiry proceedings in the official premises provided by the Department/Organization, which engages him/her.

12. The Inquiry Officer shall undertake travel for conducting inquiry (in unavoidable circumstances) with the approval of the Disciplinary Authority.

13. The Inquiry Officer shall submit the inquiry report after completing the inquiry within ninety days from the date of his/her appointment as the Inquiry Officer. Extension of time beyond ninety days can be granted only by the Disciplinary Authority.

14. The rates of Honorarium and other allowances payable to the Inquiry Officer will be as under:-

| Particulars/Details | | | Rate per case (in Rupees) | |
|------------------------|----------|---|----------------------------|------------------------------|
| Items | Category | Time taken to complete the inquiry proceedings | Dy. Secretary/ Director | Joint Secretary and above |
| Honorarium | 'A' | Within 30 days | 60000 | 75000 |
| | 'B' | Within 45 days | 50000 | 60000 |
| | 'C' | Within 60 days | 40000 | 50000 |
| | 'D' | Within 90 days | 30000 | 40000 |
| | 'E' | Beyond 90 days | 15000 | 20000 |
| Transport Allowance | | 40000 | | |
| Secretarial Assistance | | 30000 per case if no assistance is provided by the Department/office concerned. | | |

Payment will be made to the Inquiry Officer only when he/she submits the inquiry report within ninety days and the report is accepted by the Disciplinary Authority. If the delay in completion of the inquiry is due to non-cooperation of the charged officer or due to stay orders etc., the same will be taken into consideration while deciding the amount of honorarium to the Inquiry officer by the concerned organization/office. In case it is not possible to proceed with the matter due to stay by courts etc., the Inquiry officer may be discharged from his/her duties and payment of honorarium and other allowances will be made on *pro rata* basis.

15. Before the payment is received by the Inquiry Officer, it will be his/her responsibility to ensure that:-

- a. All case records and inquiry report (two ink signed copies) properly documented and arranged is handed over to the Disciplinary Authority.
- b. The report returns findings on each of the Article of Charge which has been enquired into and should specifically deal and address each of the procedural

objections, if any, raised by the charged officers as per the extant rules and instructions.

- c. There should not be any ambiguity in the inquiry report and therefore every care should be taken to ensure that all procedures for conducting departmental inquiries have been followed in accordance with the relevant rules/instructions of disciplinary and appeal Rules to which the delinquent Government officials are governed.

16. Appointment orders for appointing a retired officer as the Inquiry Officer will only be issued with the approval of the Disciplinary Authority of the Ministry/Department/Office concerned.

17. The Department of Personnel & Training (AVD.I) may be consulted in case of clarification(s) on any of the issues related to the appointment of retired officer as an Inquiry officer for conducting departmental inquiries.

(Rajneesh Mohan Singh)
Under Secretary to the Government of India
Tele. No.23040291

1. Secretary, Central Vigilance Commission, Satarkta Bhawan, New Delhi.
2. Under Secretary, Cab. Sec. w.r.t. ID Note No.501/1/3/2015-CA.V, dated 17.9.2015.

**APPLICATION FOR APPOINTMENT OF RETIRED GOVERNMENT
SERVANTS AS THE INQUIRY OFFICER TO CONDUCT
DEPARTMENTAL INQUIRY**

**Name of the officer :
(In capital letters)**

Date of retirement from government service :

Age on the date of submitting the application :

Last Post held before retirement :

**Details of the Ministry and posts held during
the service :**

**Have you ever assigned the responsibility of
the Inquiry Officer :**

If yes, the details thereof :

**Whether retired on attaining the age of
Superannuation or voluntary retirement :**

**Whether any penalty was imposed during
the service :**

If yes, the details thereof :

**Name and signature with date,
Permanent/Present Address &
Contact Number**

Place:

Date:

**(The empanelment of retired officers for their appointment as the Inquiry
Officer will be done by a Committee comprising of three Joint Secretary level
officers including CVO of the concerned Ministry/Department/State
Governments/PSUs)**