

mùkjłpy 'kkl u
dkfēd vułkx&2

I ğ; k 237@dkfēd&2@2003&55½25½@2002
nşjknw] 06 ekp] 2003

vf/kl pıuk

çdh.k

I fo/kku ds vuŕNn 309 ds ijUrđ }kjk çnık 'kŕDr dk ç; kx djds Jh jkT; iky fuEufyf[kr fu; ekoyh cukrs g&

mùkjłpy I jdkjh I ōd ½uđkkl u , oa vihy½ fu; ekoyh] 2003

1- I ŕ{klr uke vłş i kjEHk&

¼½ ; g fu; ekoyh ^mùkjłpy I jdkjh I ōd ½uđkkl u , oa vihy½ fu; ekoyh] 2003** dgyk; xhA

½½ ; g rġUr çHkkoH gkxhA

¾½ ; g Hkjr dk I fo/kku* ds vuŕNn 229 I s vŕNkfnr mPp U; k; ky;] uşhrty ds vfekdkfj; ka vış deŕkfj; ka ds fl ok; I fo/kku ds vuŕNn 309 ds ijUrđ ds v/khu jkT; iky ds fu; e cukus dh 'kŕDr ds v/khu I jdkjh I ōdka ij ykxwglxhA

2- i fjHk'kk, &

tc rd fo'k; ; k I nHkZ ea dkbZ çfrdy çkr u gğ bl fu; ekoyh e&

¼d½^fu; ŕDr çkf/kdkjh** dk rRi; Z I đ ar I ōk fu; ekoyh ds v/khu inkaj fu; ŕDr djus ds fy, I 'kŕDr çkf/kdkjh I sgğ

¼k½^I fo/kku** dk rRi; Z Hkjr dk I fo/kku I sgğ

½½^vk; kx** dk rRi; Z mYkjłpy ykd I ōk vk; kx I sgğ

¾k½^foHkxh; tkp** dk rRi; Z bl fu; ekoyh ds fu; e&7 ds v/khu tkp I sgğ

¾½^vuđkkl fud çkf/kdkjh** dk rRi; Z fu; e&6 ds v/khu 'kŕLr; k; vf/kjksir djus ds fy, I 'kŕDr fdl h çkf/kdkjh I sgğ

¼p½^jkT; iky** dk rRi; Z mYkjłpy ds jkT; iky I sgğ

¼N½^I jdkj** dk rRi; Z mYkjłpy dh jkT; I jdkj I sgğ

¼t½^I jdkjh I ōd** dk rRi; Z mYkjłpy jkT; ds dk; &dyki ka ds I ōk ea ykd I ōk vłş in ij fu; ŕr fdl h 0; ŕDr I sgğ

¼b½^I eı d] [k] x vłş ?k ds inká dk rRi; Z I đ ar I ōk fu; ekoyh ; k bl I ōk ea I e; &I e; ij tkjh I jdkj ds vkskka ea bl : i ea mfYyf[kr inkaj I sgğ

¼w½^I ōk** dk rRi; Z mYkjłpy jkT; ds dk; &dyki ka ds I ōk ea ykd I ōk vka vłş inkaj I sgğ

3- 'kŕLr; k&

fuEufyf[kr 'kŕLr; k; mi; ŕr vłş i; k; r dkj.k gkus ij vłş tşk vks micŕkr gğ I jdkjh I ōdka ij vf/kjksir dh tk I dşh %&

¼d½ y?kq 'kŕLr; k&

¼ d½ i fjfulnk(

¼nk½ fdl h fofufnZV vof/k ds fy, oru of) dks jkduk(

1/4hu 1/2 vkns kka dh mi s k ; k mudk mYy?ku djus ds dkj.k l jdkj dks gbl vkfFkd gkfu dks i w k r % ; k v a k r % o r u l s o l y f d ; k t k u k (

1/4pkj 1/2 l e w ^?k** i n k a d k s / k j . k d j u s o k y s 0 ; f D r ; k a d s e k e y s e a t e k u k %

i j U r q , d s t e k u s d h / k u j k f ' k f d l h H k h f L F k r e j m l e k l d s o r u d j f t l e a t e k u k v f / k j k f i r f d ; k x ; k g l j i P p h l c f r ' k r l s v f / k d u g h a g l o c h A

1/4 [k 1/2 n h ? k l ' k k f L r ; k &

1/4 d 1/2 l p ; h c H k k o d s l k f k o r u o f) d k j k d u k (

1/4 n k 1/2 f d l h f u e u r j i n ; k J s k h ; k l e ; o r u e k u ; k f d l h l e ; o r u e k u e a f u e u r j c e e i j v o u f r d j u k (

1/4 h u 1/2 l o k l s g v k u k t k s H k f o " ; e a f u ; k s t u l s f u j / g r u g h a d j r k g k

1/4 p k j 1/2 l o k l s i n P ; f r t k s H k f o " ; e a f u ; k s t u l s f u j / g r d j r k g k A

l i " V h d j . k & b l f u ; e d s v F k l d s v l r x r f u e u f y f [k r d k s ' k k f L r d h d k s V e a u g h a e k u k t k ; s k l v F k k r - % &

1/4 d 1/2 f d l h f o H k k x h ; i j h { k k m Y k h . k l d j u s e a f o Q y j g u s i j ; k l o k d k s ' k k f l r d j u s o k y s f u ; e k a ; k v k n s k k a d s v u d k j f d l h v U ; ' k r l d k s i j k d j u s e a f o Q y j g u s i j f d l h l j d k j h l o d d h o r u o f) d k j k d u k (

1/4 n k 1/2 l o k e a i f j o h { k k i j f u ; f D r f d l h 0 ; f D r d k i f j o h { k k v o f / k d s n k j u ; k m l d h l e k f l r i j f u ; f D r d s f u c a k u ; k , d h i f j o h { k k d k s ' k k f l r d j u s o k y s f u ; e k a ; k v k n s k k a d s v u d k j l o k e a c f r o r u (

1/4 h u 1/2 i f j o h { k k i j f u ; f r f d l h 0 ; f D r d h i f j o h { k k v o f / k d s n k j u ; k m l d h l e k f l r i j l o k d s f u c a k u ; k , d h i f j o h { k k d k s ' k k f l r d j u s o k y s f u ; e k a v k j v k n s k k a d s v u d k j l o k d k i ; b l ; u A

4- fuyEcu&

1/4 1/2 d k b l l j d k j h l o d f t l d s v k p j . k d s f o #) d k b l t k p v u d ; k r g S ; k m l d h d k ; b k g h p y j g h g S f u ; f D r c k f / k d k j h d s f o o s d i j t k p d h l e k f l r d s y f e c r j g u s r d] f u y E c u d s v / k h u j [k k t k l d s k %

c f r c l / k ; g g S f d f u y E c u r c r d u g h a d j u k p k f g , t c r d f d l j d k j h l o d d s f o #) v f h k d f k u b r u s x E H k j u g k a f d m u d s L F k k f i r g l s t k u s d h n ' k k e a l k e l u ; r % n h ? k l ' k k f L r d k l e q r v k / k j g l s l d r k g l %

v x a j c f r c l / k ; g g S f d j k T ; i k y j k j b l f u f e y k t k j h v k n s k j k j l ' k D r l a d / k r f o H k k x k / ; { k l e w ^ d * v k j ^ [k i n k a d s l j d k j h l o d ; k l j d k j h l o d k a d s o x l d k s b l f u ; e d s v / k h u f u y f e c r d j l d s k %

i j U r q ; g v k j H k h f d l e w ^ x ** v k j ^ ? k ** i n k a d s f d l h l j d k j h l o d ; k l j d k j h l o d k a d s o x l d s e k e y s e a f u ; f D r c k f / k d k j h v i u h ' k f D r b l f u ; e d s v / k h u v i u s l s f u e u r j c k f / k d k j h d k s c R ; k ; k s t r d j l d s k A

1/2 1/2 d k b l l j d k j h l o d] f t l d s l a c k e a ; k f t l d s f o #) f d l h v k i j k f / k d v k j k i l s l a c k e r d k b l v l o s k . k j t k p ; k f o p k j . k j t k s l j d k j h l o d d s : i e a m l d h f L F k r l s l a d / k r g S ; k f t l l s m l d s d r d ; k a d s f u o z u d j u s e a l a d V m R i U u g k u s d h l H k k o u k g l s ; k f t l e a u s r d v / k e r k v l r x l r g S y f e c r g l j f u ; f D r c k f / k d k j h ; k , d s c k f / k d k j h j k j k] f t l s b l f u ; e k o y h d s v / k h u f u y f e c r d j u s d h ' k f D r c R ; k ; k s t r d h x b l g l s m l d s f o o s d i j r c r d f u y f e c r j [k k t k l d s k t c r d f d m l v k j k i l s l a d / k r l e L r d k ; b k f g ; k l e k l r u g l s t k ; A

1/8 1/2 1/2 d k b l l j d k j h l o d ; f n o g v M = k f y l ? k . V s l s v f / k d d h v o f / k d s f y , v f h k { k e a f u #) f d ; k x ; k g l s p k g s f u j k k v k i j k f / k d v k j k i i j ; k v U ; F k k f d ; k x ; k g l j f u y f e c r d j u s d s

fy,] I {ke çkf/kdkjh ds vkn'sk }kjk fujk'k ds fnukad I s ; FkkfLFkfr fuyEcu ds v/khu j [kk x; k ; k fujl'j j [kk x; k I e>k tk; skA

¼k½mi ; Ør I jdkjh I ød vfHk {kk I s fueØr fd; s tkus ds i 'pkr- vius fujk'k ds çkjs ea I {ke çkf/kdkjh dks fyf[kr : i I s I Ør djsk v'g I e>s x; s fuyEcu ds fo#) vH; konu Hkh dj I dskA I {ke çkf/kdkjh ekeys ds rF; ka v'g I fjfLFkfr; ka ds I kFk&I kFk bl fu; e ea fn; s x; s mi cl/kka ds çdk'k ea vH; konu ij fopkj djus ds i 'pkr- vfHk {kk I s fueØr gkus ds fnukad I s I e>s x; s fuyEcu dks tkjh j [kus ; k ml dk çfrl øj.k ; k mi karj.k djus ds fy, I eØr vkn'sk ikfjr djskA

¼½ dkbZ I jdkjh I ød ml ds fl) n'sk Bgjk; s tkus ds fnukad I § ; fn fdl h vij'k ds fy, fl) n'sk Bgjk; s tkus ds dkj.k ml s vM'rfyl ?k.Vs I s vf'kd vof/k ds dkjkokl dh I tk nh xbZ gS v'g ml s , d s fl) n'sk ds QyLo: i rRdky inP; r ugha fd; k x; k gS ; k gVk; k ugha x; k gS rks bl fu; ekoyh ds v/khu fuyEcu ds fy, I {ke çkf/kdkjh ds fdl h vkn'sk I § ; FkkfLFkfr] fuyEcu ds v/khu j [kk x; k ; k fujl'j j [kk x; k I e>k tk; skA

Li "Vhdj.k&bl mi fu; e ea fufn'Z vM'rfyl ?k.Vs dh vof/k dh x.kuk fl) n'sk Bgjk; s tkus ds i 'pkr- v'g bl ç; kstu ds fy, dkjkokl dh v'k'rk; d dkyof/k; ka dk § ; fn dkbZ gk § /; ku ea j [kk tk; skA

¼½ tga fdl h I jdkjh I ød ij vkj'k'ir inP; r ; k I øk I s gVk; s tkus dh 'k'fLr dks bl fu; ekoyh ; k bl fu; ekoyh }kjk fo[kM'ir fu; ekoyh ds v/khu vihy ea ; k i ufo'Zk'adu ea v'k'rk dj fn; k tk; v'g ekeys dh vx'j t'ap ; k dk; b'gh ds fy, fdl'gha vU; fun'k'ka ds I kFk çs'kr dj fn; k tk; ogk&

¼d½ ; fn og 'k'fLr fn; s tkus ds Bhd i øZ fuyEcu ds v/khu Fkk] rks ml ds fuyEcu ds vkn'sk dk § mi ; Ør fdl'gha , d s fun'k'ka ds v/; /khu jgrs gq] inP; r ; k gVkus ds ey vkn'sk ds fnukad dks v'g I § fujl'j ço'k g'rk I e>k tk; skA

¼k½ ; fn og fuyEcu ds v/khu ugha Fkk] rks ; fn ml s vihy ; k i ujh{k.k djus okys çk'fedkjh }kjk bl çdkj funs'kr fd; k tk; § inP; r ; k gVkus ds ey vkn'sk dks v'g I s fu; Ør çkf/kdkjh ds vkn'sk I s fuyEcu ds v/khu j [kk x; k I e>k tk; sk %

çfrcU/k ; g gSfd bl mi fu; e ea fdl h çkr dk ; g v'k'Z ugha yxk; k tk; sk fd og , d s ekeys ea tga fdl h I jdkjh I ød ij inP; r ; k I øk I s gVk; s tkus dh vf/kj'k'ir 'k'fLr dks bl fu; ekoyh ds v/khu fdl h vihy ; k i ujh{k.k ea mu vfHk'Fkuka d' ftu ij 'k'fLr vf/kj'k'ir dh x; h Fkh] x'q'ka I s fHku vk/kj ij v'k'rk dj fn; k x; k gk § fdl'ur ekeys dh vx'j t'ap ; k dk; b'gh ds fy, ; k fdl'gha vU; funs'ka ds I kFk çs'kr dj fn; k x; k gk § mu vfHk'Fkuka ij ml ds fo#) vx'j t'ap yf'ecr jgrs gq fuyEcu vkn'sk] bl çdkj fd ml dk H'ary {kh çHko ugha g'sk] ikfjr djus dh vuq'kl fud çkf/kdkjh dh 'k'fDr dks çHkfor djrk gA

¼½ tga fdl h I jdkjh I ød ij vkj'k'ir inP; r ; k I øk I s gVkus dh 'k'fLr dks fdl h fofek U; k; ky; ds fofu'p; ; k ifj.kkeLo: i v'k'rk dj fn; k tk; ; k 'k'k; ?k's'kr dj fn; k tk; ; k 'k'k; dj fn; k tk; v'g fu; Ør çkf/kdkjh ekeys dh ifj'LFkfr; ka ij fopkj djus ij] ml ds fo#) mu vfHk'Fkuka ftu ij inP; r ; k gVkus dh 'k'fLr ey: i ea vkj'k'ir dh xbZ Fkh] vx'j t'ap djus dk fofu'p; djrk g's p'ks os vfHk'Fku vius ey ea jga ; k ml'ga Li "V dj fn; k tk; ; k muds foj.kka dks v'g vPNh rjg fofu'p'V dj fn; k tk; ; k muds fdl h Nk's Hk'x dk yk' dj fn; k tk;] ogk&

¼d½ ; fn og 'k'fLr fn; s tkus ds Bhd i øZ fuyEcu ds v/khu Fkk] rks ml ds fuyEcu ds vkn'sk dks fu; Ør çkf/kdkjh ds fdl h funs'k ds v/; /khu jgrs gq inP; r ; k gVkus ds ey vkn'sk ds fnukad dh v'g I s fujl'j ço'k g'rk I e>k tk; skA

¼k½ ; fn og fuyEcu ds v/khu ugha Fkk] rks ml s ; fn fu; Ør çkf/kdkjh }kjk bl çdkj funs'kr fd; k tk;] inP; r ; k gVkus ds ey vkn'sk ds fnukad dks v'g I s I {ke çkf/kdkjh ds fdl h vkn'sk }kjk fuyEcu ds v/khu j [kk x; k I e>k tk; skA

¼½ tga dkbZ I jdkjh I ød ¼p'ks fdl h vuq'kl fud dk; b'gh ds I ø'k ea ; k vU; Fkk½ fuy'ecr dj fn; k tk; ; k fuy'ecr fd; k x; k I e>k tk; v'g dkbZ vU; vuq'kl fud dk; b'gh ml

fuyEcu ds nŕŕku ml ds fo#) çkjEhk dj nh tk;] ogka fuyfEcr djus ds fy, I {ke çkf/kdkjh vŕŕkfyf[kr fd; s tkus okys dkj .kka l s ; g funŕk ns l dsçk fd ljdkjh l ød rc rd fuyfEcr cuk jgŕçk tc rd , ð h l eLr ; k dkbz dk; ðkgh l ekr u dj nh tk; A

1/8½ bl fu; e ds v/khu fn; k x; k ; k fn; k x; k l e>k x; k ; k çoyk cuk gŕk dkbz fuyEcu vknŕk rc rd çoyk cuk jgŕçk tc rd fd l h l {ke çkf/kdkjh }kjk ml smi kŕrfjr ; k çfrl ør u dj fn; k tk; A

1/8½ bl fu; e ds v/khu fuyEcu ds v/khu l e>k x; k dkbz ljdkjh l ød Qkbuŕu'k; y gŕMçp] [k.M nŕŕ Hkx nks l s plj ds QUMkeŕV y : y&53 ds mi çU/kka ds vuq kj miknku HkYk i kus dk gdnkj gŕçkA

5- fuyEcu vof/k ea oru vŕŕ Hkŕks vkn&

bl fu; ekoyh ds v/khu ; FkflLFkr foHkxh; tŕp ; k vkijf/kd ekeys ds vk/kkj ij vknŕk i kŕjr gks tkus ds i'pkr- l æf/kr ljdkjh l ød ds oru vŕŕ HkYkka ds çkjs ea fofu'p; vŕŕ mDr vof/k dks M; wh ij fcrk; k x; k ekuk tk; çk vFkok ugha ij fopkj djrs gq mDr ljdkjh l ød dks ukŕVI ndj Qkbuŕu'k; y gŕMçp] [k.M nŕŕ Hkx nks l s plj ds fu; e&54 ds v/khu fofufnZV vof/k ds Hkhrj Li"Vhdj.k ekakus ds i'pkr- vuqkkl fud çkf/kdkjh }kjk fd; k tk; çkA

6- vuqkkl fud i kf/kdkjh&

fdl h ljdkjh l ød dk fu; QDr çkf/kdkjh ml dk vuqkkl fud çkf/kdkjh gŕçk tks bl fu; ekoyh ds mi çU/kka ds v/; /khu jgrs gq ml ij fu; e&4 ea fofufnZV 'kkfLr; ka ea dkbz 'kkfLr vkf/kjŕŕ dj l dsçk%

çfrcçk ; g gŕ fd fdl h 0; fDr dks fdl h , ð s çkf/kdkjh }kjk] tks ml ds v/khuLFk gks ft l ds }kjk ml dh okLrfod : i ea fu; QDr dh x; h Fkh] inP; ç ; k gvK; k ugha tk; çk%

vxrj çfrcçk ; g gŕ fd mYkjkpy Jskh&nks l øk 1/2?kq 'kkfLr; ka dk vkjŕŕ .k½ fu; ekoyh] 2002 ds v/khu vf/kl ŕpr foHkxh/; {k bl fu; ekoyh ds mi çU/kka ds v/khu jgrs gq] bl fu; ekoyh ds fu; e&3 ea mfYyf[kr y?kq 'kkfLr; k vf/kjŕŕ djus ds fy, l 'kDr gŕçk%

çfrcçk ; g Hh gŕ fd bl fu; ekoyh ds v/khu jkT; ljdkj vf/kl ŕpr vknŕk }kjk l eŕg 'x' vŕŕ '?k' ds inka ds fdl h ljdkjh l ød ds ekeys ea inP; çr ; k l øk l s gvK; s tkus ds fl ok; fdl h Hh 'kkfLr dks vf/kjŕŕ djus dh 'kDr dks fu; QDr çkf/kdkjh ds v/khuLFk fdl h çkf/kdkjh dks , ð h 'krkç ds v/; k/khu jgrs gq tŕ h ml ea fofgr dh tk; çr; k; kŕtr dj l drh gŕ

7- nh?kz 'kkfLr; k vf/kjŕŕ djus ds fy, i fØ; k&

fdl h ljdkjh l ød ij dkbz nh?kz 'kkfLr vf/kjŕŕ djus ds i wZ fuEufyf[kr jŕfr l s tŕp dh tk; çh %&

¼ d½ vuqkkl fud çkf/kdkjh Lo; avkŕŕka dh tŕp dj l drk gŕ; k vius v/khuLFk fdl h çkfeçkdkjh dks vkjŕŕka dh tŕp djus ds fy, tŕp vf/kdkjh ds : i ea fu; QDr dj l drk gŕ

1/nk½ vopkj ds , ð s rF; ka dks ftu ij dk; ðkgh dk fd; k tkuk çLrkfor gŕŕ fuf'pr vkjŕŕ ; k vkjŕŕka ds : i ea : i kŕrfjr fd; k tk; çk ft l s vkjŕŕ & i = dgk tk; çkA vkjŕŕ & i = vuqkkl fud çkf/kdkjh }kjk vuçŕŕnr vŕŕ gLrk{kŕŕr fd; k tk; çk %

çfrcçk ; g gŕ fd tgka fu; QDr çkf/kdkjh jkT; iky gka ogka vkjŕŕ & i = l æfkr foHkx ds ; FkflLFkr] çedk l po ; k l po }kjk vuçŕŕnr fd; k tk l dsçkA

1/rhu½ fojŕpr vkjŕŕ brus l fçkr vŕŕ Li"V gŕçk ft l s vkjŕŕ ljdkjh l ød ds fo#) rF; ka vŕŕ ijflLFkr; ka ds i; kŕr min'ku gks l dŕ vkjŕŕ & i = ea çLrkfor nLrkosth l kç; ka vŕŕ ml s fl) djus ds fy, çLrkfor xokgka ds uke ekŕ[kd l kç; ka ds l kFk] ; fn dkbz gŕŕ vkjŕŕ & i = ea mfYyf[kr fd; s tk; çkA

1/pkj½ vkjŕŕ ljdkjh l ød l s ; g viçk dh tk; çh fd og fdl h fofufnZV fnuak dks tks vkjŕŕ & i = ds tkjh gŕçk ds fnuak l s 15 fnu l s de ugha gŕçk] 0; fDrxr : i l s viuh

çfrj{kk ea ,d fyf[kr dFku çLrçr djs vlg ;g dFku djs fd vkjki&i= ea mfYyf[kr fdl h l k{kh dk çfrijh{kk djuk pkgrk gS vlg D;k og viuh çfrj{kk ea l k{; nus ;k çLrçr djuk pkgrk gS ml dks ;g Hkh l rpr fd;k tk; sck fd fofufnZV fnukad dks ml ds miLFkr u gks ;k fyf[kr dFku nk[ky u djus dh n'kk ea ;g mi/kkj.kk dh tk; sch fd ml ds ikl çLrçr djus ds fy, dñ ugha gS vlg tkp vf/kdkjh ,d i{k; tkp ijh djs dh dk; bkg dh djskA

¼ k p ½ vkjki&i= ml ea mfYyf[kr nLrkosth l k{; ka dh çr vlg l k{; ka dh l rph vlg muds dFku] ; fn dkbZ gk ds l kFk vkjki r l jdkjh l od dks 0; fDrxr : i l s ;k jftLVhNñr Mkd }kjk dk; k; vfhky[ka ea mfYyf[kr irs ij rkehy dh tk; sch] mi; Ør jhr l s vkjki&i= rkehy u dj; s tk l dus dh n'kk ea vkjki&i= dks 0; ki d ifjpkYu oksy fdl h nñud l ekpj&i= ea çdk'ku }kjk rkehy dj; k tk, xk%

çfrçk ;g gS fd tgka nLrkosth l k{; fo'kky gks ogka bl dh çr vkjki&i= ds l kFk çLrçr djus ds çtk; vkjki r l jdkjh l od dks ml s tkp vf/kdkjh ds l e{k fujh{k.k djus dh vuçk nh tk; schA

¼ N % tgka vkjki r l jdkjh l od miLFkr gk gS vlg vkjki ka dks Lohdkj djrk gS ogka tkp vf/kdkjh ,d h vfhkLohNñr ds vk/kj ij viuh fjikZ vuqkl fud çk/kdkjh dks çLrçr djskA

¼ kr ½ tgka vkjki r l jdkjh l od vkjki ka dks bl dk djrk gS ogka tkp vf/kdkjh vkjki&i= ea çLrçr l k{kh dks çykus dh dk; bkg dh djsk vlg vkjki r l jdkjh l od dh miLFkr ea ft l s ,d s l k{; ka dh çfrijh{kk dk vol j fn; k tk; sck] muds ekS[kd l k{; dks vfhkfyf[kr djskA mi; Ør l k{; ka dks vfhkfyf[kr djus ds i'pkr- tkp vfedkjh ml ekS[kd l k{; dks ekçsck vlg ml s vfhkfyf[kr djsk ft l s vkjki r l jdkjh l od us viuh çfrj{kk ea vius fyf[kr dFku ea çLrçr djuk pkgk Fk %

çfrçk ;g gS fd tkp vf/kdkjh ,d s dkj.kka l s tks fyf[kr : i ea vfhkfyf[kr fd; s tk; sç fdl h l k{kh dks çykus l s bl dk dj l dskA

¼ k B ½ tkp vf/kdkjh mYkj çns k fohkxh; tkp ¼ k{; ka dks gkftj gks vlg nLrkost is k djus ds fy, çk; djuk ½ vf/kfu; e] 1976 % tks mYkj kpy ea m0ç0 i p x Bu vf/kfu; e] 2000 dh /kkj 86 ds çkfo/kkka ds vlrxr çhkkoh gS ds mi cl/kka ds vuq kj vius l e{k fdl h l k{kh dks l k{; nus ds fy, çy k l dsk ;k fdl h 0; fDr l s nLrkost çLrçr djus dh viçk dj l dskA

¼ uk S ½ tkp vf/kdkjh l R; dk irk ykus ;k vkjki ka l s l d ær rF; ka dk mfpr çek.k çkr djus dh n'V l s fdl h Hkh l e;] fdl h l k{kh l s ;k vkjki r 0; fDr l s dkbZ Hkh ç'u] tks og pkgS i N l drk gS

¼ n l ½ tgka vkjki r l jdkjh l od tkp ea fdl h fu; r fnukad ij ;k dk; bkg ds fdl h Hkh l rj ij ml s l rpk rkehy fd; s tkus ;k fnukad dh tkudjh j[kus ds çkotm miLFkr ugha gk gS rks tkp vf/kdkjh ,d i{k; tkp dh dk; bkg dh djskA ,d s ekeys ea tkp vf/kdkjh vkjki r l jdkjh l od dh vuq l Fkr ea vkjki&i= ea mfYyf[kr l k{; ka ds dFku dks vfhkfyf[kr djskA

¼ k j g ½ vuqkl fud çk/kdkjh] ; fn og ,d k djuk vko'; d l e>rk gk vkns k }kjk ml dh vlg l s vkjki ds l eFku ea ekeys dks çLrçr djus ds fy, fdl h l jdkjh l ok ;k fofekd 0; ol k; h dks ft l s çLrçr drkZ vf/kdkjh dgk tk; sck] fu; Ør dj l drk gS

¼ ck j g ½ l jdkjh l od viuh vlg l s ekeys dks çLrçr djus ds fy, fdl h vU; l jdkjh l od dh l gk; rk ys l drk gS fd l r q bl ç; kstu ds fy, fdl h fof/kd 0; ol k; h dh l ok rc rd ugha ys l drk gS tc rd fd vuqkl fud çk/kdkjh }kjk fu; Ør çLrçr drkZ vfedkjh dkbZ fof/kd 0; ol k; h u gks ;k vuqkl fud çk/kdkjh us ekeys dh ifj l Fkr; ka dks /; ku ea j[krs gq] ,d h vuçk u nç nh gks %

çfrçk ;g gS fd ;g fu; e fuEufyf[kr ekeyka ea ykxw ugha gksck%

- ¼ d½ tgka fdl h 0; fDr ij dkbZ nh?kZ 'kkfLr , d s vkpj.k ds vk/kkj ij vfkjksir dh x; h gks tksfdl h vki jkf/kd vkjki ij ml sfl)nksk Bgjk; § ; k
- ¼nk½ tgka vuqkl fud çkf/kdkjh dk , d s dkj.kka l s tks ml ds }kjk fyf[kr : i ea vfkfyf[kr fd; s tk; æç ; g lek/kku gks tkrk gS fd bl fu; ekoyh ea micá/kr jhfr l s tka djuk ; qDr; qR : i l s 0; ogkfjd ugha g§ ; k
- ¼hu½ tgka jkT; iky dk ; g lek/kku gks tk; s fd jkT; dh l g{kk ds fgr ea bl fu; ekoyh ea micá/kr jhfr l s tka fd; k tkuk lehphu ugha g§

8- tka fjikZ dk iLr fd; k tkuk&

tka ijh gks tkus ij tka vfkdkjh tka ds leLr vfkfyf[ka ds lfk viuh tka fjikZ vuqkl fud çkf/kdkjh dks çLr djxka tka fjikZ ea l f{kr rF; ka dk i; klr vfkfyf[k] l k{; v§ çR; d vkjki ij fu"d"Z dk foj.k v§ ml ds dkj.k vlrfoZV gka tka vfkdkjh 'kkfLr ds çks ea dkbZ l rfr ugha djxka

9- tka fjikZ ij dk; bkg&

- ¼½ vuqkl fud çkf/kdkjh ljdkjh l od dks l puk nrs gq , d s dkj.kka l s tks fyf[kr : i ea vfkfyf[kr fd; s tk; æç ekeyk i q% tka ds fy, ml h ; k fdl h vl; tka vfkdkjh dks çR dj l dxka rnijkr tka vfkdkjh ml Lrj l s ft l s vuqkl fud çkf/kdkjh }kjk funf'kr fd; k x; k g§ fu; e&7 ds micá/ka ds vuq kj tka dh dk; bkg djxka
- ½½ vuqkl fud çkf/kdkjh ; fn og fdl h vkjki ds fu"d"Z ij tka vfkdkjh l s vl ger gks rks ml vfkfyf[kr fd; s tkus okys dkj.kka l s vius fu"d"Z dks vfkfyf[kr djxka
- ¾½ vkjki fl) u gks dh n'kk ea vuqkl fud çkf/kdkjh }kjk vkjksir ljdkjh l od dks vkjki ka l s foe qR dj fn; k tk; æk v§ rnuq kj ml s l rpr dj fn; k tk; æka
- ¾¾ ; fn leLr ; k fdl ugha vkjki ka ds fu"d"Z dks /; ku ea j[krs gq vuqkl fud çkf/kdkjh dh ; g jk; gks fd fu; e&3 ea fofunZV dkbZ 'kkfLr vkjksir ljdkjh l od ij vfkjksir gksuh pfg,] rks og mifu; e ½½ ds v/khu tka fjikZ v§ ml ds vfkfyf[kr fu"d"Z dh , d çr vkjksir ljdkjh l od dks nsk v§ ml s ml dk vl; kosu] ; fn og , d k pgrk g§ , d ; qDr; qR fofunZV le; ds Hkrj çLr djus dh vi§kk djxka vuqkl fud çkf/kdkjh tka v§ vkjksir ljdkjh l od ds vl; kosu l s l æá/kr leLr l q ar vfkfyf[ka dks /; ku ea j[krs gq] ; fn dkbZ g§ v§ bl fu; ekoyh ds fu; e&16 ds micá/ka ds v/; k/khu jgrs gq bl fu; ekoyh ds fu; e&3 ea mfYyf[kr , d ; k vf/kd 'kkfLr; k vf/kjksir djrs gq , d ; qDr l ar vksk ikjr djxk v§ ml s vkjksir ljdkjh l od dks l d rpr djxka

10- y?k 'kkfLr; k vf/kjksir djus ds fy, i fØ; k&

- ¼½ tgka vuqkl fud çkf/kdkjh dk lek/kku gks tk; fd , d h çfØ; k dks vachdkj djus ds fy, le qR v§ i; klr dkj.k g§ ogla og mifu; e ½½ ds micá/ka ds v/; k/khu jgrs gq] fu; e&3 ea mfYyf[kr , d ; k vf/kd y?k 'kkfLr; k vf/kjksir dj l dxka
- ½½ ljdkjh l od dks ml ds fo#) vl; kjsi.kka dk l k l rpr fd; k tk; æk v§ ml s , d ; qDr; qR le; ds Hkrj viuk Li"Vhdj.k çLr djus dh vi§kk dh tk; æhA vuqkl fud çkf/kdkjh mDr Li"Vhdj.k] ; fn dkbZ g§ v§ l q ar vfkfyf[ka ij fopkj djus ds i'pkr- , d k vksk t§ k og mfr le>r g§ ikjr djxk v§ tgka dkbZ 'kkfLr vfkjksir dh tk;] ogla ml ds dkj.k fn; s tk; æA vksk l æá/kr ljdkjh l od dks l d rpr fd; k tk; æka

11- vihy&

- ¼½ bl fu; ekoyh ds v/khu jkT; iky }kjk ikjr vksk ds fl ok; ljdkjh l od vuqkl fud çkf/kdkjh }kjk ikjr fdl h vksk dh vihy vxys mPrj çkf/kdkjh dks djus dk gdnkj gskA
- ½½ vihy] vihy çkf/kdkjh dks l æk/kr v§ çLr dh tk; æhA ; fn dkbZ ljdkjh l od vihy djxk rks og ml s vius uke l s çLr djxka vihy ea , d s leLr rkrRod dFku v§ rdZ gksftu ij vihy fHkZ Hkjd k djrk gka

- 13½ vihy eafdl h vlagfer Hkk'kk dk ç; kx ugha fd; k tk; skA dkbz vihy] ftl ea , d h Hkk'kk dk ç; kx fd; k tk;] l j l j h r k j i j [k k f j t d h t k l d s c h A
- 14½ vihy vk{kfir vknsk dh l d upuk ds fnukad l s 90 fnu ds Hkhrj çLrç dh tk; schA mDr vof/k ds i'pkr-dh xbz dkbz vihy l j l j h r k j i j [k k f j t d j n h t k; s c h A

12- vihy ij fopkj&

vihy çkf/kdkjh fuEufyf[kr ij fopkj djus ds i'pkr- vihy ea bl fu; ekoyh ds fu; e&13 ds [k.M ½d½ l s ½k½ ea ; FkkmfYyf[kr , d k vknsk ikfjr djsk t s k og mfpr l e>s %&

- ½d½ D; k , d s r F; ftu ij vknsk vk/kfjr Fkkj LFkfir fd; s tk pps g s
- ½k½ D; k LFkfir fd; s x; s r F; dk; bkg h djus ds fy, i; k l r vk/kj çnu d j r s g s v l s
- ½k½ D; k 'kflr vR; f/kd] i; k l r ; k vi; k l r g A

13- i qj h (k.k&

bl fu; ekoyh eafdl h ckr ds gkrs gq Hkh] l j d k j L o ç j . k k l s ; k l æ / k r l j d k j h l ø d ds v h ; k o n u i j f d l h , d s e k e y s d s v f k y s [k d k s e a k l d s c h f t l d k f o f u ' p ; m l d s v e k h u L F k f d l h ç k f / k d k j h } k j k b l f u ; e k o y h } k j k ç n v k ' k f D r d k ç ; k x d j d s f d ; k x ; k g k s v l s

- ½d½ , d s ç k f / k d k j h } k j k i k f j r v k n s k d h i f V d j l d s c h] m l d k m i k l r j d j l d s c h ; k m l s m y V l d s c h] ; k
- ½k½ funs k n s l d s c h f d e k e y s e a v x r j t k p d h t k ;] ; k
- ½k½ v n s k } k j k v f / k j k i r n . M d k s d e d j l d s c h ; k m l e a o f) d j l d s c h] ; k
- ½k½ e k e y s e a , d k v l ; v k n s k n s l d s c h t s k o g m f p r l e > A

14- i q u o y k d u &

j k T ; i k y] ; f n m l d s l æ k u e a ; g c k r y k b z x b z g k s f d v k { k i v k n s k i k f j r d j r s l e ; d k b z , d h u b z l l e x h ; k l k ; d k s i s k u f d ; k t k l d k F k ; k o g m i y o k u g h a F k k ; k f o f / k d h d k b z , d h r k f R o d = q V g k s x ; h F k h f t l d k ç H k k o e k e y s d h ç N f r d k s i f j o f r r d j r k g k s r l s o g f d l h H k h l e ; L o ç j . k k l s ; k l æ / k r l j d k j h l ø d d s v h ; k o n u i j b l f u ; e k o y h d s v e k h u v i u s } k j k i k f j r f d l h v k n s k d k i q u o y k d u d j l d s c h A

15- 'kflr vf/kjfir djus; k of) djus ds i w z vol j &

fu; e&12] 13 v l s 14 d s v / k h u ' k f l r v f / k j k i r d j u s ; k m l e a o f) d j u s d k d k b z v k n s k r c r d u g h a f d ; k t k ; s k t c r d f d l æ / k r l j d k j h l ø d d k s ç L r k f o r ; F k k l F k f r] v f e k j k i r d j u s ; k o f) d j u s d s f o #) d k j . k c r k u s d k ; q D r ; q r v o l j u f n ; k x ; k g k A

16- vk; kx l s ijke'k&

bl fu; ekoyh ds v/khu j k T ; i k y } k j k f d l h v k n s k d s i k f j r f d ; s t k u s d s i w z l e ; & l e ; i j ; F k k l æ k s / k r m y k j ç n s k y k d l ø k V R ; k a d k i f j l h e u ½ f o f u ; e] 1954 ½ t k s m y k j k o p y e a m 0 ç 0 i q x B u v f / k f u ; e] 2000 d h / k j k 86 d s ç k f o / k k u k a d s v l r x r ç H k k o h g s ½ d s v / k h u ; F k k v i s { k r v k ; k x l s H k h i j k e ' k z f d ; k t k ; s k A

17- fo[k.Mu v l s 0; k o f u k &

14½ m y k j ç n s k v / k h u L F k l ø k v k a d s f y , n . M , o a v i h y f u ; e k o y h] 1932 e a m f y y f [k r ' k f D r ; k a d k ç R ; k ; k s t u v l s f l f o y l ø k ½ o x h d j . k] f u ; æ . k , o a v i h y ½ f u ; e k o y h] 1930 ; k m 0 ç 0 v / k h u L F k l ø k v k a d s f y , n . M , o a v i h y f u ; e k o y h] 1932 d s v / k h u t k j h f d ; k x ; k d k b z , d k v k n s k f t l e a f d l h i k f / k d k j h d h f u ; e & 3 e a m f y y f [k r f d U g h a ' k f l r ; k a d k s v f / k j k i r d j u s d h

'kDr ; k fuyEcu dh 'kDr çR;k; kstr dh xbz glş bl fu; ekoyh ds v/khu tkjh fd;k x;k
le>k tk; sk vşj rc rd fof/keW; jgsk tc rd fd mls jnn ; k fo[kMr u dj fn;k
tk; A

½½ bl fu; ekoyh ds çöYk gkus ds fnukad dks [k.M ¼½ ea of.kr fu; ekofy; ka ds vürxir vFkok
m0 ç0 ljdkh l ad vuqkl u , oa vihy fu; ekoyh] 1999 ds vürxir yfEcr dkbz tkp
vihy] i qjh{k.k ; k i qfozykdu tkjh jgsk vşj bl fu; ekoyh ds miclekka ds v/khu fu.khr
fd;k tk; skA

½½ bl fu; ekoyh dh dkbz ckr fdl h 0; fDr dks fdl h vihy] i qjh{k.k ; k i qfozykdu ds , d s
vf/kdkj ds çorü l s ofpr ugha djsxh tks mls bl fu; ekoyh ds çkjEHk gkus ds i wZ fdl h
ikfjr vknsk ds l çak ea bl fu; ekoyh ds çorü u gkus ij çkr gks vşj bl fu; ekoyh ds
çkjEHk ds i wZ ikfjr fdl h vknsk ds l çak ea vihy] i qjh{k.k ; k i qfozykdu dks bl
fu; ekoyh ds v/khu nkf[ky dh tk; sh vşj rnuq kj fuLrkfjr dh tk; sh ekus bl fu; ekoyh
ds micl/k l Hkh l kjoku l e; ij çöYk FkA

vkKk l ş

vkkykd dşkj tşj
l fpoA

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 237/Karmik-2/2003-55(25) 2002, dated March 06, 2003.

No. 237/Karmik-2/2003-55(25) 2002

Dated Dehradun, March 06, 2003

NOTIFICATION

Miscellaneous

In exercise of the powers conferred by the proviso of Article 309 of the Constitution, the Governor is pleased to make the following Rules:--

**THE UTTARANCHAL GOVERNMENT SERVANT
(DISCIPLINE AND APPEAL) RULES, 2003**

1. Short title and Commencement--
 - (1) These rules may be called the "The Uttaranchal Government Servant (Discipline and Appeal) Rules, 2003".
 - (2) They shall come into force at once.
 - (3) They shall apply to Government Servants under the rule making power of the Governor under the proviso to Article 309 of the Constitution except the Officers and Servants of the High Court of Judicature at Nainital covered under Article 229 of the Constitution of India.
2. Definitions--

In these Rules, unless there in anything repugnant in the subject or context--

 - (a) "Appointing Authority" means the Authority empowered to made appointments to the posts under the relevant service Rules;
 - (b) "Constitution" means the Constitution of India;
 - (c) "Commission" means the Uttaranchal Public Service Commission;
 - (d) "Departmental Inquiry" means the inquiry under rule-7 of these Rules;
 - (e) "Disciplinary Authority" means an Authority empowered under rule-6 to impose penalties;
 - (f) "Governor" means the Governor of Uttaranchal;
 - (g) "Government" means the State Government of Uttaranchal;
 - (h) "Government Servant" means a person appointed to public services and posts in connection with the affairs of the State of Uttaranchal;
 - (i) "Group A, B, C and D post" means the posts mentioned as such in the relevant Service Rules or the orders of the Government issued from time to time in this regard;
 - (j) "Service" means the public services and posts in connection with the affairs of the State of Uttaranchal.
3. Penalties--

The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon the Government Servants :--

(a) Minor Penalties--

- (i) Censure;
- (ii) Withholding of increments for a specified period;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;
- (iv) Fine in case of persons holding Group "D" posts :

Provided that the amount of such fine shall in no case exceed twenty five percent of the months pay in which the fine is imposed.

(b) Major Penalties--

- (i) Withholding of increments with cumulative effect;
- (ii) Reduction to a lower post or grade or time scale or to a lower stage in a time scale;
- (iii) Removal from the Service which does not disqualify from future employment;
- (iv) Dismissal from the Service, which disqualifies from future employment.

Explanation--The following shall not amount to penalty within the meaning of this Rule, namely :-

- (i) Withholding of increment of a Government Servant for failure to pass a departmental examination or for failure to fulfil any other condition in accordance with the rules or orders governing the service;
- (ii) Reversion of a person appointed on probation to the Service during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing such probation;
- (iii) Termination of the Service of a person appointed on probation during or at the end of the period of probation in accordance with the terms of the Service for the rules and orders governing such probation.

4. Suspension--

- (1) A Government Servant against whose conduct an inquiry is contemplated, or is proceeding may be placed under suspension pending the conclusion of the inquiry in the discretion of the Appointing Authority:

Provided that suspension should not be resorted to unless the allegations against the Government Servant are so serious that in the event of their being established may ordinarily warrant major penalty :

Provided further that concerned Head of the Department empowered by the Governor by an order in this behalf may place a Government Servant or class of Government Servants belonging to Group 'A' and 'B' posts under suspension under this Rule:

Provided also that in the case of any Government Servant or class of Government Servants belonging to Group 'C' and 'D' posts, the Appointing Authority may delegate its power under this Rule to the next lower authority.

- (2) A Government Servant in respect of, or against whom an investigation, inquiry or trial relating to a criminal charge, which is connected with his position as a Government Servant or which is likely to embarrass him in the discharge of his duties or which

involves moral turpitude, is pending, may, at the discretion of the Appointing Authority or the Authority to whom the power of suspension has been delegated under these rules, be placed under suspension until the termination of all proceedings relating to that charge.

- (3) (a) A Government Servant shall be deemed to have been placed or, as the case may be, continued to be placed under suspension by an order of the Competent Authority to suspend, with effect from the date of his detention, if he is detained in custody, whether the detention is on criminal charge or otherwise, period exceeding forty eight hours.
- (b) The aforesaid Government Servant shall, after the release from the custody, inform in writing to the Competent Authority about his detention and may also make representation against the deemed suspension. The Competent Authority shall after considering the representation in the light of the facts and circumstances of the case as well as the provisions contained in this rule, pass appropriate order continuing the deemed suspension from the date of release from custody or revoking or modifying it.
- (4) Government Servant shall be deemed to have been placed or, as the case may be, continued to be placed under suspension by an order of the Competent Authority to suspend under these rules, 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 removed consequent to such conviction.

Explanation--A period of forty eight hours referred to in sub-rule 11 be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment shall be taken to account.

- (5) Where a penalty of dismissal or removal from Service imposed upon a Government Servant is set aside in appeal or on review under these rules or under rules resinded by these rules and the case is remitted for further inquiry or action or with any other directions:
- (a) If he was under suspension immediately before the penalty was awarded to him, the order of his suspension shall, subject to any such directions as aforesaid, be deemed to have continued in force on and from the date of the original order of dismissal or removal;
- (b) If he was not under suspension, he shall, if so directed by the appellate or Reviewing Authority, be deemed to have been placed under suspension by an order of the Appointing Authority on and from the date of the original order of dismissal or removal :

Provided that nothing in this sub-rule shall be construed as affecting the power of the Disciplinary Authority in a case where a penalty of dismissal or removal in Service imposed upon a Government Servant is set aside in appeal or on review under these rules grounds other than the merits of the allegations which, the said penalty was imposed but the case is remitted for further inquiry or action or with any other directions to pass an order of suspension being further inquiry against him on those allegations so, however, that any such suspension shall not have retrospective effect.

- (6) Where penalty of dismissal or removal from Service imposed upon a Government Servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Appointing Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, whether the allegations remain in their original form or are clarified or their particulars better specified or any part thereof of a minor nature omitted :
- (a) If he was under suspension immediately before the penalty was awarded to him, the order of his suspension shall, subject to any direction of the Appointing Authority, be

deemed to have continued in force on and from the date of the original order of dismissal or removal;

- (b) If he was not under such suspension, he shall, if so directed by the Appointing Authority, be deemed to have been placed under suspension by an order of the Competent Authority on and from the date of the original order of dismissal or removal.
- (7) 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, the Competent Authority 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 till the termination of all or any of such proceedings.
- (8) Any suspension ordered or deemed, to have been ordered or to have continued in force under this Rule shall continue to remain in force until it is modified or revoked by the Competent Authority.
- (9) A Government Servant placed under suspension or deemed to have been placed under suspension under this rule shall be entitled to subsistence allowance in accordance with the provisions of Fundamental Rule-53 of the Financial Hand Book, Volume-II, Part II to IV.
5. Pay and allowances etc. of the suspension period--
After the order is passed in the departmental enquiry or in the criminal case, as the case may be under these rules, the decision as to the pay and allowances of the suspension period of the concerned Government Servant and also whether the said period shall be treated as spent on duty or not, shall be taken by the Disciplinary Authority after giving a notice to the said Government Servant and calling for his explanation within a specified period under rule-54 of the Financial Hand Book Volume-II part II to IV.
6. Disciplinary authority--
The Appointing Authority of a Government Servant shall be his Disciplinary Authority who, subject to the provisions of these rules, may impose any of the penalties specified in rule-3 on him:
- Provided that no person shall be dismissed or removed by an authority subordinate to that by which he was actually appointed:
- Provided further that the Head of Department notified under the Uttaranchal Class II Services (Imposition of Minor Punishments) Rules, 2003 subject to the provisions of these rules, shall be empowered to impose minor penalties mentioned in rule-3 of these rules:
- Provided also that in case of a Government Servant belonging to Group 'C' and 'D' posts, the Government, by a notified order, may delegate the power to impose any penalty, except dismissal or removal from Service under these rules, to any Authority subordinate to the Appointing Authority and subject to such conditions as may be prescribed therein.
7. Procedure for imposing major penalties--
Before imposing any major penalty on a Government Servant, an inquiry shall be held in the following manner:--
- (i) The Disciplinary Authority may himself inquire into the charges or appoint an Authority subordinate to him as Inquiry Officer to inquire into the charges.
- (ii) The facts constituting the misconduct on which it is proposed to take action shall be reduced in the form of definite charge or charges to be called charge sheet. The chargesheet shall be approved by the Disciplinary Authority:

Provided that where the Appointing Authority is Governor, the chargesheet may be approved by the Principal Secretary or the Secretary, as the case may be, of the concerned department.

- (iii) The charges framed shall be so precise and clear as to give sufficient indication to the charged Government Servant of the facts and circumstances against him. The proposed documentary evidences and the name of witnesses proposed to prove the same alongwith oral evidences, if any, shall be mentioned in the chargesheet.
- (iv) The charged Government Servant shall be required to put in a written statement of his defence in person on a specified date which shall not be less than 15 days from the date of issue of chargesheet and to state whether he desires to cross examine any witness mentioned in the chargesheet and whether desires to give or produce evidence in his defence. He shall also be informed that in case he does not appear or file the written statement on the specified date, it will be presumed that he has none to furnish and Inquiry Officer shall proceed to complete the inquiry exparte.
- (v) The chargesheet, alongwith the copy of documentary evidences mentioned therein and list of witnesses and their statements, if any shall be served on the charged Government Servant personally or by registered post at the address mentioned in the official records in case the chargesheet could not be served in aforesaid manner, the chargesheet shall be served by publication in a daily news paper having wide circulation:

Provided that where the documentary evidence is voluminous, instead of furnishing its copy with chargesheet, the charged Government Servant shall be permitted to inspect the same before the Inquiry Officer.

- (vi) Where the charged Government Servant appears and admits the charges, the Inquiry Officer shall submit his report to the Disciplinary Authority on the basis of such admission.
- (vii) Where the charged Government Servant denies the charges the Inquiry Officer shall proceed to call the witnesses proposed in the chargesheet and record their oral evidence in presence of the charged Government Servant who shall be given opportunity to cross examine such witnesses. After recording the aforesaid evidences, the Inquiry Officer shall call and record the oral evidence which the charged Government Servant desired in his written statement to be produced in his defence:

Provided that the Inquiry Officer may for reasons to be recorded in writing refuse to call a witness.

- (viii) The Inquiry Officer may summon any witness to give evidence or require any person to produce documents before him in accordance with the provisions of the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witness and Production of Documents) Act, 1976 which is enforced in Uttaranchal under provisions of Section-86 of the Uttar Pradesh Reorganization Act, 2000.
- (ix) The Inquiry Officer may ask any question, he pleases, at any time of any witness or from person charged with a view to discover the truth or to obtain proper proof of facts relevant to charges.
- (x) Where the charged Government Servant does not appear on the date fixed in the inquiry or at any stage of the proceeding in spite of the Service of the notice on him or having knowledge of the Date the Inquiry Officer shall proceed with the inquiry exparte. In such a case the Inquiry Officer shall record the statement of witnesses mentioned in the chargesheet in absence of the charged Government Servant.
- (xi) The Disciplinary Authority, if it considers it necessary to do so, may, by an order, appoint a Government Servant or a legal practitioner, to be known as "Presenting Officer" to present on its behalf the case in support of the charge.

- (xii) The Government Servant may take the assistance of any other Government Servant to present the case on his behalf but not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner of the Disciplinary Authority having regard to the circumstances of the case so permits :

Provided that this rule shall not apply in following case:--

- (i) Where any major penalty is imposed on a person on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) Where the Disciplinary Authority is satisfied, that for reason to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
- (iii) Where the Governor is satisfied that, in the interest of the security of the State, it is not expedient to hold an inquiry in the manner provided in these rules.

8. Submission of Inquiry Report--

When the inquiry is complete, the Inquiry Officer shall submit its inquiry report to the Disciplinary Authority alongwith all the records of the inquiry. The inquiry report shall contain a sufficient record of brief facts, the evidence and statement of the findings on each charge and the reasons thereof. The Inquiry Officer shall not make any recommendation about the penalty.

9. Action on Inquiry Report--

- (1) The Disciplinary Authority may, for reasons to be recorded in writing, remit the case for re-inquiry to the same or any other Inquiry Officer under intimation to the charged Government Servant. The Inquiry Officer shall thereupon proceed to hold the inquiry from such stage as directed by the Disciplinary Authority, according to the provisions of Rule-7.
- (2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiry Officer on any charge, record its own findings thereon for reasons to be recorded.
- (3) In case the charges are not proved, the charged Government Servant shall be exonerated the Disciplinary Authority of the charges and informed him accordingly.
- (4) If the Disciplinary Authority, having regard to its findings on all or any of charges, is of the opinion that any penalty specified in rule-3 should be imposed on the charged Government Servant, he shall give a copy of the inquiry report and his findings recorded under sub-rule (2) to the charged Government Servant and require him to submit his representation if he so desires, within a reasonable specified time. The disciplinary Authority shall, having regard to all the relevant records relating to the inquiry and representation of the charged Government Servant, if any, and subject to the provisions of rule-16 of these rules, pass a reasoned order imposing one or more penalties mentioned in rule-3 of these rules and communicate the same to the charged Government Servant.

10. Procedure for imposing minor penalties--

- (1) Where the Disciplinary Authority is satisfied that good and sufficient reasons exist for adopting such a course, it may, subject to the provisions of sub-rule (2) impose one or more of the minor penalties mentioned in rule-3.
- (2) The Government Servant shall be informed of the substance of the imputations against him and called upon to submit his explanation within a reasonable time. The Disciplinary Authority shall, after considering the said explanation, if any and the relevant records, pass such orders as he considers proper and where a penalty is imposed, reason thereof shall be given, the order shall be communicated to the concerned Government Servant.

11. Appeal--

- (1) Except the orders passed under these rules by the Governor, the Government Servant shall be entitled to appeal to the next higher authority from an order passed by the Disciplinary Authority.

- (2) The appeal shall be addressed and submitted to the Appellate Authority. A Government Servant Preferring an appeal shall do so in his own name. The appeal shall contain all material statements and arguments relied upon by the appellant.
 - (3) The appeal shall not contain any intemperate language. Any appeal, which contains such language may be liable to be summarily dismissed.
 - (4) The appeal shall be preferred within 90 days from the date of communication of impugned order. An appeal preferred after the said period shall be dismissed summarily.
12. Consideration of Appeals--
The Appellate Authority shall pass such order as mentioned in clauses (a) to (d) of rule-13 of these rules, in the appeal as he thinks proper after considering :--
- (a) Whether the facts on which the order was based have been established;
 - (b) Whether the fact established afford sufficient ground for taking action; and
 - (c) Whether the penalty is excessive adequate or inadequate.
13. Revision--
Notwithstanding anything contained in these rules, the Government may of its own motion or on the representation of concerned Government Servant call for the record of any case decided by an authority subordinate to it in the exercise of any power conferred on such authority by these rules; and
- (a) confirm, modify or reverse the order passed by such authority, or
 - (b) direct that a further inquiry be held in the case, or
 - (c) reduce or enhance the penalty imposed by the order, or
 - (d) make such other order in the case as it may deem fit.
14. Review--
The Governor may, at any time, either on his own motion or on the representation of the concerned Government Servant review any order passed by him under these rules, if it has brought to his notice that any new material or evidence which could not be produced or was not available at the time of passing the impugned order or any material error of law occurred which has the effect of changing the nature of the case.
15. Opportunity before imposing or enhancing penalty--
No order under rules 12, 13 and 14 imposing or enhancing any penalty shall be made unless the Government Servant concerned has been given reasonable opportunity or showing cause against the proposed imposition or enhancement, as the case may be.
16. Consultation with the Commission--
Before any order is passed by the Governor under these rules, the Commission, as required under the U.P. Public Service Commission (Limitation of Function) Regulation, 1954 (Which is enforced in Uttaranchal under provision of rule-86 of the U.P. Reorganization Act, 2000) as amended from time to time, shall also be consulted.
17. Recission and savings--
- (1) Delegation of power mentioned in Punishment and Appeal Rules for Subordinate Services U.P., 1932 and any order issued under the Civil Service (Classification, Control and Appeal) Rules, 1930 or Punishment and Appeal Rules for Subordinate Services, U.P., 1932 delegating the power of imposing any of the penalties mentioned in rule-3 or power of suspension the any authority shall be deemed to have been issued under these rules and shall remain valid unless cancelled or rescinded.

- (2) Any inquiry appeal, revision or review pending on the date of coming into force of these rules shall be continued and concluded in accordance with the provisions of these rules.
- (3) Nothing in these rules shall operate to deprive any person of any right of appeal, revision or review which he would have had if these rules had not been enforce in respect of any order passed before the commencement of these rules and such appeal, revision or view shall be preferred under these rules and disposed of according by as if the provisions of this rule were enforce at all material times.

By Order,

ALOK KUMAR JAIN,
Secretary.