

CR1976040201

Promotion

Regularisation of promotion given to a Government servant against whom the departmental enquiry is pending.

GOVERNMENT OF MAHARASHTRA  
General Administration Department,  
Government Resolution, No.SRV-1095/CR-29/XII,  
Mantralaya, Mumbai-400 032, Dated the 22nd April, 1996.

READ :- Government Circular, General Administration Department, No.SRV-1075/X, dated the 2nd April, 1976.

R E S O L U T I O N

1995

Detailed instructions have been laid down in the above mentioned Circular regarding the procedure to be followed while considering the claims for promotion of Officers/employees against whom departmental enquiry proceedings are pending. Accordingly (a) Irrespective of the pending departmental enquiry, if the Selection Committee finds the Officer/employee in the zone of consideration, as per his seniority, suitable for promotion, his name should provisionally be included in the select list. Thereafter, the authority competent to order promotion, should take a conscious decision after taking into account the nature of the charges levelled against the officer/employee, as to whether the officer/employee should provisionally be promoted, without waiting for conclusion of the inquiry proceedings. (b) On conclusion of the departmental enquiry, if the officer/employee is completely exonerated, (naturally) his provisional promotion should be regularised. However, if the charges against the officer/employee are proved, and certain penalty is imposed on him, his provisional promotion should come to an end, with a view to enforce the punishment.

In this regard it has come to the notice of the Government that on conclusion of the departmental enquiry, many times a minor penalty of withholding of increments is imposed on the delinquent officer/employee, after prolonged inquiry proceedings, and the officer/employee is reverted to a lower post, just to undergo the minor punishment, the officer finds such reversion to be rather harsh. Therefor, after carefully considering these aspects, Government is pleased to direct that :-

- (a) On conclusion of a departmental enquiry proceedings if a minor penalty of withholding of increments is imposed on the officer/employee, who is provisionally promoted to the higher post, after conscious consideration, he need not be reverted to lower post, to undergo the punishment, officer should have the option to undergo the punishment of withholding of increments in the higher post. However, for that purpose his written consent to undergo the punishment in higher post should first be obtained. In case he refuses to give his consent, he should be reverted to the lower post, and then the punishment should be enforced. In the latter case he shall not be promoted till the expiry of the period of punishment.

- (b) In case where penalty of withholding the promotion is to be imposed, the delinquent officer/employee should immediately be reverted to the original post.

These orders shall come into force from 1st January, 1995.

By order and in the name of the Governor of Maharashtra,

K. C. Srivastava,  
Principal Secretary (P),  
General Administration Department.

To,

Secretary to Governor,  
Secretary to Chief Minister,  
Secretary, Maharashtra Public Service Commission,  
Maharashtra State, Mumbai (By letter),  
Secretary, Maharashtra Legislative Assembly, Mumbai,  
(By letter),  
Registrar, High Court (Original Side), Mumbai,  
Registrar, High Court, (Appellate Side), Mumbai,  
All Departments of Mantralaya, Mumbai.

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