

प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांचे कार्यालय
वनभवन इमारत, रामगिरी रोड, सिव्हिल लाईन्स, नागपूर

शिघटपालाने

क्र.कक्ष-९/भावसे/मुले/प्रक्र.६३(१४-१५)/८३७/१४-१५.
नागपूर-४४० ००१ दिनांक २३, जुलै, २०१४

विषय :-Precautions while submitting proposals for instituting
Diciplinary Proceedings against the IFS Officers.

संदर्भ :- शासन, महसूल व वनविभाग, मंत्रालय, मुंबई शासन निर्णय क्रं.
आयएफएस-२०१४/सीआर-१३९/क्फ-७, दिनांक १५/०७/२०१४.

संदर्भिय शासन निर्णयान्वये वनविभागातील भारतीय वनसेवेतील अधिका-यांचे विरुद्ध विभागीय चौकशी प्रकरणी करावयाच्या कार्यवाहीबाबत सविस्तर निर्देश देण्यात आले आहे. शासन निर्णयाची प्रत पुढील कार्यवाहीकरीता सोबत पाठविण्यात येत आहे.

२.०० विभागीय चौकशीचे प्रकरणे या कार्यालयास सादर करताना शासनाच्या निर्देशाप्रमाणेच सादर करण्यात यावी. तसेच उक्त बाब त्यांचे अधिनस्त विभागीय कार्यालयास आणून देण्याची दक्षता घ्यावी. वृत्तस्तरावरून विभागीय चौकशी प्रकरणी प्रकरण सादर करताना सर्व दक्षता घेण्यात यावी व शासन निर्णयात दिलेल्या विहित प्रपत्रात प्रमाणपत्रासह प्रकरण या कार्यालयास सादर करण्याची दक्षता घ्यावी.

सहपत्र :- वरीलप्रमाणे

मसुदा अ.प्र.मु.व.सं.(कार्मिक) यांचेकडून अनुमोदित


अपर प्रधान मुख्य वनसंरक्षक
(कार्मिक), नागपूर/करीता

प्रति,

अपर प्रधान मुख्य वनसंरक्षक/मुख्य वनसंरक्षक (सर्व)

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96/4/98

123
17/07/14

**Precautions while submitting
proposals for instituting
Disciplinary Proceedings
against the IFS Officers**

Government of Maharashtra
Revenue & Forest Department,
Government Resolution No. IFS 2014/CR-139/F 7
Mantralaya, Mumbai - 400 032
Dated: - 15 July, 2014

1. The Disciplinary Proceedings in respect of Indian Forest Service officers are conducted in accordance with the All India Services (Discipline and Appeal) Rules, 1969. Before imposing any of the penalties on IFS officers, the consultation with the Union Public Service Commission is mandatory in terms of rule 10(1)(e). In cases when the major penalty is proposed, the detailed procedure under rule 8 has to be followed, before referring the matter to the Union Public Service Commission and Ministry of Environment and Forests, which is the cadre controlling authority. In general, following are the stages when the prior approval of Hon'ble Chief Minister is required—

- i) Seeking approval to initiate the Disciplinary Proceedings, i.e. approval on the charge-sheet.
- ii) Seeking approval for appointing the Inquiring Authority and the Presenting Officer (if required).
- iii) Seeking approval on the Inquiring Report submitted by the Inquiring Authority.
- iv) Seeking approval on para wise reply on the representation of the charged officer on the Inquiry Report, which has to be enclosed while referring the matter to the UPSC or the MoEF.
- v) Seeking approval on the proposed quantum of punishment.
- vi) Seeking approval on the advice tendered by the UPSC and seeking approval on the exact quantum of punishment to be proposed.

2. Needless to mention that seeking approval from various authorities mentioned above requires considerable time. UPSC on various occasions has communicated that at least 2-3 months' time is generally required to tender advice.

3. So far as the total time span for completion of disciplinary proceeding cases, the DoPT vide its Office Memorandum dated 14.10.2013 has issued following directives—
"It has been decided that all Ministries / Departments shall ensure that all major penalty proceedings against government servants under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent government servant."

Thus a maximum time frame of 18 months has been stipulated by the DoPT for finally deciding the cases involving even major penalties. As against that based on the experience in relation to cases disposed of during last 2-3 years it has been observed that on an average, a time span of at least 3-4 years has been consumed in cases where the charged officer has been exonerated at the level of the State Government and there was no need to refer the matter to UPSC. The delay in completing the Disciplinary Proceedings not only results in wastage of administrative resources but also cause demotivation to the concerned officer as his promotion is withheld for

unduly long period. All this eventually results as counter-productive for the entire administration.

4. Based on the analysis of the cases finally disposed of during past 2-3 years, the major causes of delay have been observed as follows---
- i) **Article of charges not specific**- The articles of charges have an essay type text without leading to the exact point as to what provisions have been violated by the charged officer.
 - ii) The charges are not corroborated by the documentary evidences.
 - iii) The annexures are illegible, Xeroxed (neither original nor certified), not relevant to the article of charges.
 - iv) Annexures are attached just as a formality. There is no mention in the article of charges as to which documents should be referred to what charge.
 - v) List of witnesses with no correlation with the article of charges. Sometimes the witnesses are named as 'the then Collector', 'the then DCF' etc., which has no evidentiary value before the Inquiring Authority.
 - vi) While referring the matter to the UPSC, the authentic translation of all Marathi documents is required. But the charge-sheet contains documents in Marathi.
 - vii) Charge-sheets received from the regional offices are simply forwarded to the State Government without any application of mind at the level of senior officers dealing the matter, particularly regarding the legal and technical matters. The Desk Officer at Government level is not technically equipped to analyze and scrutinize such technical / legal matters. This results in issuance of charge-sheet in a purely mechanical way.
 - viii) Cases initiated in the Forest Development Corporation Limited are primarily based on technical issues primarily pertaining to core forestry and procedural matters. However it has been observed that the FDCM Ltd hold the IFS officers working under it in different capacities. This may be justifiable from the view point of FDCM Ltd, which is a commercial company, but such cases generally do not qualify the strict criteria of conducting the Departmental Enquiry.
5. It may be pointed out that the UPSC has introduced the 'Single Window System', whereby all the matters to be referred to the Commission should be personally submitted by an officer not below the rank of the Under Secretary. Such proposals are scrutinized by the Commission during the submission and in case of any deficiency, the same is returned to the officer at the submission stage itself.
6. In order to avoid undue delay in completion of the disciplinary proceedings matters, it is desired to take due precaution right from the beginning. In this context following instructions are hereby issued in respect of disciplinary proceedings matters of the IFS officers.
- 5.1) Before submission of the Disciplinary Proceeding matters, the PCCF (HoFF) should satisfy himself about the substance and merit of the case.
 - 5.2) No deficiency mentioned in para 4 above should be left while submitting the proposal to the State Government for instituting the Disciplinary Proceedings.
 - 5.3) The original copies of the documents, on which the charges are based, should be taken in custody by the PCCF (HoFF) and the certified / attested copies should be annexed with the proposal.

5.3) The documents in Marathi should be accompanied with authentic / certified translated copies in English without fail. This will automatically be a time saving measure if the matter is to be referred to the UPSC or MoEF at subsequent stages.

5.4) The proposal must be submitted in Triplicate. All copies should be authenticated / certified.

5.6) The Disciplinary proceedings proposals regarding IFS officers on deputation with the Forest Development Corporation Ltd, should be routed by the Corporation through the PCCF (HoFF) who, while forwarding such proposals to the State Government shall critically examine such cases and offer his remarks regarding the merit of the case.

5.7) The covering letter must be under the signature of the PCCF (HoFF) with a Certificate in the following format.

CERTIFICATE

(GR NO. IFS-2014/CR-139/F-7 Dated 15 July, 2014)

I have personally examined the proposal for instituting disciplinary proceedings against Shri----- and I have satisfied myself that there are substantial grounds for instituting disciplinary proceedings in the present matter. I have ensured that the proposal takes care of all the points mentioned in para 5 the Government Resolution No. IFS-2014/CR-139/F-7 dated 15 July, 2014.

Date-----

Name

Principal Chief Conservator of Forests (HoFF)
Maharashtra State

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

Praveen Pardeshi
(Praveen Pardeshi)

Principal Secretary (Forests)

Copy to -

The Secretary to the Government of India, Ministry of Environment & Forests Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi 110.

The Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur

The Principal Chief Conservator of Forests (Production and Management) Maharashtra State, Nagpur

The Principal Chief Conservator of Forests (Wildlife) Maharashtra State, Nagpur

The Managing Director, Maharashtra Forest Development Corporation Ltd. Nagpur

The Principal Chief Conservator of Forests and Director General, Directorate of Social Forestry, Pune

Additional Principal Chief Conservator of Forests (All)

Chief Conservator of Forests (Territorial / Wildlife) (All)

Chief Conservator of Forests (Working Plan/Research/Education and Training) (All)

General Managers / Regional Manager FDCM Ltd. (All)

Chief Conservators and Deputy Director General, Social Forestry (All)

Divisional Manager FDCM Ltd. (All)

Deputy Conservator of Forests (Territorial / Wildlife) (All)

The Private Secretary to Hon'ble Minister (Forests), Mantralaya, Mumbai

Joint Secretary / Deputy Secretary, Revenue and Forests Department Mantralaya, Mumbai

All Desk Officers (Forest Desks) Revenue and Forests Department, Mantralaya, Mumbai

The Select File, F-7 Desk of Revenue and Forests Department, Mantralaya, Mumbai

SANJEEV GAUR/IFS/Precautions