

No.17-31/2016-GDS
Government of India
Ministry of Communications
Department of Posts
(GDS Section)

Dak Bhawan, Sansad Marg,
New Delhi - 110001
Dated: 07.05.2019

Office Memorandum

Subject :Implementation of approved recommendations of Kamlesh Chandra Committee on disciplinary aspects specified in Rule 10 (Introduction of separate procedure for imposing Minor and Major penalties) of GDS (Conduct and Engagement) Rules for all categories of Gramin Dak Sevaks (GDS).

The undersigned is directed to refer to Rule 10 of GDS regarding procedure for imposing a penalty specified in Rule 10 of GDS (Conduct and Engagement) Rules, 2011.

2. After taking into consideration the recommendation of Kamlesh Chandra Committee on introduction of separate procedure for imposing Minor and Major penalties to Gramin Dak Sevaks and in supersession of all previous orders regarding procedure for imposing penalty to Gramin Dak Sevaks, the Competent Authority has approved the following substitution in Rule -10 of GDS (Conduct and Engagement) Rules, 2011 containing the revised procedure for imposing Minor and Major penalties for all categories of Gramin Dak Sevaks (GDS):-

A. Procedure for imposing Minor penalty:-

- (i) No order imposing on a GDS any of the penalties specified in Clause (i) to (v) of Rule 9 shall be passed except after:-


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- (a) The Sevak is informed in writing of the proposal to take action against him/her and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he/she may wish to make; and
- (b) such representation, if any, is taken into consideration by the engaging Authority.

B. Procedure for imposing Major penalty: -

- (i) No order imposing on a GDS any of the penalties specified in clause (vi) to (ix) of Rule 9 shall be passed except after:-

(a) The Sevak is informed in writing of the proposal to take action against him/her and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he/she may wish to make; and

(b) such representation, if any, is taken into consideration by the Engaging Authority.

Provided that, the major penalty shall not be imposed except after an inquiry in which he/she has been informed of the charges against him/her and has been given a reasonable opportunity of being heard in respect of those charges:

Provided further that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during the inquiry.

(C) The record of proceedings shall include : -

- (i) A copy of the intimation to the Sevak of the proposal to take action against him;
- (ii) a copy of the statement of allegations, along with a list of evidence in support thereof, communicated to him;
- (iii) his representation, if any;
- (iv) the records of the inquiry proceedings along with the inquiry report of the Engaging Authority or Inquiry Officer, if any, appointed in a case where a formal inquiry is necessary;
- (v) the representation, if any of the Sevak on the Inquiry Officer's report;
- (vi) findings of the Engaging Authority in respect of the allegations;
- (vii) the order imposing the penalty.

D. Inquiry has to be conducted even if the GDS accepts the charges in the cases where major penalty is to be imposed by Engaging Authority. The purpose of holding inquiry in such cases is primarily to give the GDS adequate opportunity to defend himself/herself. In case the charge is accepted by him/her unconditionally, there would obviously be no need for an inquiry for imposing major penalty.

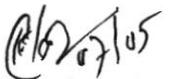
E. Normally, there is no need for conduct of an inquiry for imposing minor penalty to GDS. However, where a minor penalty is to be imposed under Rule 10, it is upto the discretion of Disciplinary Authority to decide whether an inquiry should be held or not in case of a request by the

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delinquent GDS received by the Disciplinary/Engaging Authority. The implication of this rule is that, on receipt of representation of delinquent GDS concerned on the imputations of misconduct or misbehavior communicated to him/her, the Disciplinary/Engaging Authority should apply its mind to all facts and circumstances and reasons urged in the representation for holding a detailed inquiry and form an opinion whether an inquiry is necessary or not. In a case where delinquent GDS has asked for inspection of certain documents and cross-examination of the prosecution witnesses, the Disciplinary/Engaging Authority should naturally apply its mind more closely to the request and should not reject the request solely on the ground that an inquiry is not mandatory. If the records indicate that, notwithstanding the points urged by the delinquent GDS, the Disciplinary/Engaging Authority could, after due consideration, come to the conclusion that an inquiry is not necessary, it should say so in writing indicating its reasons, instead of rejecting the request for holding inquiry summarily without any indication that it has applied its mind to the request, as such an action could be construed as denial of natural justice.

3. The above instructions will come into effect from the date of issue of this O.M.

4. Hindi version will follow.


(SB Vyavahare)

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