

No.C.19018/2/95-VIG  
GOVERNMENT OF MIZORAM  
VIGILANCE DEPARTMENT  
MIZORAM SECRETARIAT BUILDING

Dated Aizawl, the 14<sup>th</sup> September, 2021

OFFICE MEMORANDUM

**Subject: Comprehensive Instructions on Review of Suspension.**

1. Rule 10 of the CCS (CCA) Rules, 1965 deals with the provisions of suspension. As per the rule, a Government servant may be placed under suspension, in the following circumstances:

- (a) Where a disciplinary proceeding against him is contemplated or is pending; or
- (b) Where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or
- (c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial

2. A Disciplinary Authority may also consider it appropriate to place a Government servant under suspension in the following circumstances. These are only intended for guidance and should not be taken as mandatory:-

- (i) Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (e.g. apprehended tampering with witnesses or documents);
- (ii) where the continuance in office of the Government servant is likely to seriously subvert discipline in the offence in which the public servant is working;
- (iii) where the continuance in office of the Government servant will be against wider public interest [other than those covered by (i) and (ii)] such as there is public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption;
- (iv) where allegations have been made against the Government servant and preliminary inquiry has revealed that a prima facie case is made out which would justify his prosecution or is being proceeded against in departmental proceedings, and where the proceedings are likely to end in his conviction and/or dismissal, removal or compulsory retirement from service.

3. In the first three circumstances the Disciplinary Authority may exercise his discretion to place a Government under suspension even when the case is under investigation and before a prima facie case has been established. Suspension may be desirable in the circumstances indicated below:-

- (i) any offence or conduct involving moral turpitude;
- (ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain;
- (iii) serious negligence and dereliction of duty resulting in considerable loss of Government;
- (iv) desertion of duty;
- (v) refusal or deliberate failure to carry out written orders of superior officers in respect of the types of misdemeanor specified in sub-clauses (iii) and (v) discretion has to be exercised with care.

4. Rules 10(6) and 10(7) of the CCS (CCA) Rules, 1965, deal with review of the suspension cases. The provision for review within ninety days is applicable to all types of suspensions. However, in cases of continued detention, the review becomes a mere formality with no consequences as a Government servant in such a situation has to continue to be under deemed suspension. A review of suspension is not necessary in such cases. An order of suspension made or deemed to have been made shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

5. In cases of officers under suspension, the investigation should be completed and a charge-sheet filed in a Court of competent jurisdiction in cases of prosecution or served on the officer in cases of departmental proceedings within three months. If the investigation is likely to take more time, it should be considered whether the suspension order should be revoked and the officer permitted to resume duty. If the presence of the officer is considered detrimental to the collection of evidence, etc., or if he is likely to tamper with the evidence, he may be transferred on revocation of the suspension order

6. In cases of prolonged suspension period, the courts have pointed out that the suspension cannot be continued for long and the Disciplinary Authorities are not finalizing the disciplinary proceedings within the stipulated time. Also, in such cases the Government is unnecessarily paying subsistence allowance without extracting any work and if, on the culmination of the disciplinary proceedings, the charged officer is exonerated from the charges, the Government has to unnecessarily pay the full salary and treat the period of suspension as on duty etc. It is, therefore, desirable that timely review of suspension is conducted in a just and proper manner and that the disciplinary proceedings are finalized expeditiously.

7. The Review Committee(s) may take a view regarding revocation/continuation of the suspension keeping in view the facts and circumstances of the case and also taking into account that unduly long suspension, while putting the employee concerned to undue hardship, involves payment of subsistence allowance without the employee performing any useful service to the Government. Without prejudice to the foregoing, if the officer has been under suspension for one year without any charges being filed in a court of law or no charge-memo has been issued in a departmental enquiry, he shall ordinarily be reinstated in service without prejudice to the case against him. However, in case the officer is in police/judicial custody or is accused of a serious crime or a matter involving national security, the Review Committee may recommend the continuation of the suspension of the official concerned.

**Sd/-LALNUNMAWIA CHUAUNGO**

Chief Secretary to the Govt. of Mizoram/

Chief Vigilance Officer

**Memo No. C.19018/2/95-VIG**

**: Dated Aizawl, the 14<sup>th</sup> September, 2021**

**Copy to:**

1. Secretary to Governor, Mizoram.
2. Additional Chief Secretary to Chief Minister, Mizoram.
3. P.S. to Speaker/Ministers/Ministers of State/Deputy Speaker, Mizoram.
4. P.S. to Vice Chairman, State Planning Board/Government Deputy Chief Whip, Mizoram.
5. Sr.PPS to Chief Secretary, Mizoram.
6. All Administrative Heads of Department, Govt. of Mizoram
7. All Heads of Department, Govt. of Mizoram.
8. Guard File.



**(LALMUANPUII)**

Under Secretary to the Govt. of Mizoram  
Vigilance Department