



## **ABSTRACT**

Public Services - Disciplinary cases - Fixing up time line for framing of charges under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 in respect of the Government Servants who are placed under suspension - Modifications of certain time limits for finalization of Disciplinary Proceedings - Compendium of Instructions - Issued.

### **HUMAN RESOURCES MANAGEMENT (N-2) DEPARTMENT**

**G.O. (Ms) No.34**

**Dated: 17.06.2026**

**பிரபல ஆண்டு, ஆணி - 03,**

**திருவள்ளூர் ஆண்டு - 2057.**

#### **Read:**

1. Government Letter(Ms.) No.1118/Per-N/1987, Personnel and Administrative Reforms(Per-N) Department, dated 22.12.1987.
2. Government Letter No.47685A/N/1994-10, Personnel and Administrative Reforms(N) Department, dated 05.01.1996.
3. G.O.(Ms.) No.40, Personnel and Administrative Reforms(N) Department, dated 30.01.1996.
4. Government Letter No.13519/N/2015-1, Personnel and Administrative Reforms(N) Department, dated 23.07.2015.
5. Government Letter(Ms.) No.43/N/2015-3, Personnel and Administrative Reforms(N) Department, dated 26.04.2016.
6. G.O.(Ms.) No.66, Human Resources Management(N) Department, dated 06.07.2022.
7. G.O.(Ms.) No.81, Human Resources Management(N) Department, dated 04.08.2022.
8. Government Letter(Ms.) No.66/N/2024-1, Human Resources Management(N) Department, dated 23.07.2024.
9. W.P. Nos.923, 1213 & 1214 of 2026, W.P Nos.8357 & 8986 of 2024 & W.P. No.37562 of 2025 and W.M.P Nos.1413, 1414 of 2026, WMP Nos.9306, 9307, 9309, 10009, 10010 of 2024 and 42020 of 2025 filed by Thiru. M.Senthil Kumar & others on the file of Hon'ble High Court of Madras, Order, dated 10.02.2026.

#### **ORDER:**

In the Government letter first read above, time limits were prescribed for conducting inquiries by the appropriate investigating authorities / inquiries by the Tribunal for Disciplinary Proceedings and for finalizing the disciplinary cases from each and every stage of the disciplinary proceedings.

**(P.T.O)**

2. In the Government letter second read above, the Government have issued instructions regarding necessity of suspension arising out of criminal cases (Trap and arrest cases).

3. In the Government Order third read above, instructions were issued to follow the time limit prescribed for finalisation of disciplinary proceedings and also to review the suspension cases periodically at the appropriate level in order to examine whether the suspension could be revoked for reinstatement into service pending disciplinary proceedings or it could be continued.

4. In the Government letter fourth read above, based on the directions of the Hon'ble Supreme Court of India in Ajay Kumar Choudhary Vs Union of India through its Secretary and Another in Civil Appeal No.1912 of 2015 (Arising out of SLP (C) No.31761 of 2013) dated 16.02.2015, the Departments of the Secretariat and Heads of Departments were requested to follow the directions ordered by the Hon'ble Supreme Court of India on the limitations in the period of suspension in letter and spirit as follows:-

- (i) The currency of a suspension order should not extend beyond three months if within this period the Memorandum of Charges / Chargesheet is not served on the delinquent officer / employee;
- (ii) If the Memorandum of Charges / Chargesheet is served a reasoned order must be passed for the extension of the suspension.

5. In the Government letter fifth read above, the Government have issued clarification "that the instructions issued already in the Government letter fourth read above, to the effect that the time limit of three months on suspension cases specified therein, are applicable only to the suspension cases arising out of departmental disciplinary inquiries pertaining to non-vigilance and / or any non-criminal cases, in view of the admitted fact that the gravity of the Vigilance / Criminal Cases is alarmingly more, than that of the seriousness of the non-vigilance / non-criminal cases in which allegation of corruption is not dealt with and it is also clarified that in the event of conviction in criminal case and / or grave corruption charges proved in any case, the competent authority may, by discretion, tend to impose any of the major penalties (dismissal / removal) against those accused officers concerned.

6. In the Government Order sixth read above, based on the directions and principles made by the Hon'ble High Court, the Government have issued the guidelines with regard to initiation of simultaneous departmental disciplinary action against the Government Servants for the same set of charges as in the Criminal Cases connected with discharge of their official duty (including Trap and Arrest Case) and to finalize the Simultaneous Disciplinary Action as per the guidelines issued at para 9(14) of the above said Government Order in order to avoid prolonged suspension of the Accused Officers till the outcome of criminal case and also to curtail the unnecessary expenditure to the State Exchequer by way of paying subsistence allowance without extracting work from them.

7. In the Government Order seventh read above, the Government have issued the guidelines reiterating the time limit for processing the disciplinary proceedings.

8. In the Government letter eighth read above, the Government have issued consolidated instructions to avoid defects in handling the disciplinary cases.

9. The Hon'ble High Court of Madras in its order, dated 10.02.2026 in W.P. Nos.923, 1213 & 1214 of 2026, W.P Nos.8357 & 8986 of 2024 & W.P. No.37562 of 2025 filed by Thiru. M.Senthil Kumar & others, has directed to file a report with regard to the stage-wise time line, viz., suspension to issuance of charge memo, initiation of enquiry, conduct and conclusion of enquiry, filing of enquiry report and passing of final orders concluding the departmental proceedings in terms with the procedure contemplated under rule 17(a) and 17(b) of the Government Servants (Discipline and Appeal) Rules.

10. The Government have examined the issue based on the above said orders of the Hon'ble High Court of Madras along with the instructions in force. As per the existing instructions, pending suspension cases have to be reviewed periodically by the authorities concerned as to whether the suspension needs to be continued or revoked, taking into consideration of the facts and circumstances of the case.

11. In this regard, in Government letter No.1437/N2/2025-1, Human Resources Management(N) Department, dated 26.04.2025, the time limits fixed for completion of Regular case, i.e. both trap and non-trap cases, by the Directorate of Vigilance and Anti-Corruption are as follows:-

| Sl. No. | Nature of work                                                                         | Trap                                   | Misappropriation & Criminal Misconduct | Disproportionate Assets                 |
|---------|----------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------|-----------------------------------------|
| 1.      | Time limit for submission of Draft Final Report                                        | 3 months from the date of Registration | 9 months from the date of Registration | 12 months from the date of Registration |
| 2.      | Time limit for processing in Directorate of Vigilance and Anti-Corruption Headquarters | 1 month                                | 1 month                                | 1 month                                 |
| 3.      | Time limit for according sanction of prosecution by the Competent Authority            | 3+1 months                             | 3+1 months                             | 3+1 months                              |
| 4.      | Time limit for laying charge sheet before the Court after sanction of prosecution.     | 1 month                                | 1 month                                | 1 month                                 |

- a) As such, after the completion of the above time limit for filing charge sheets in such cases, charges shall be framed in simultaneous departmental action within a period of 3 months as instructed in the Government Order sixth read above.

- b) In respect of non-trap criminal cases, if charge sheets could not be filed even after the completion of the above said time limit, then the competent authorities concerned shall review such cases as per the orders issued in G.O.(Ms.) No.30, Personnel and Administrative Reforms(N) Department, dated 23.02.2012 and take a decision on merits, whether to continue the suspension of those placed under suspension and pass appropriate orders.
- c) In respect of criminal cases i.e. trap and arrest cases, the Government servants have to be placed under continued suspension till the finalisation of such criminal case or simultaneous disciplinary cases. The Suspension Review Committee while reviewing such cases, shall consider the instructions issued in Government letters second and fifth read above.

The above said time limits shall continue to be in force.

12. In the Government Order seventh read above, among others the following time limits has been prescribed in respect of the following stages of the departmental disciplinary proceedings:-

|         |                                                                                                 |         |
|---------|-------------------------------------------------------------------------------------------------|---------|
| 12(iii) | For appointment of enquiry officer wherever necessary after the receipt of the explanation.     | 7 days  |
| (v)     | For the Disciplinary Authority to take a decision after the receipt of Inquiry Officer's report | 10 days |

The Government after careful consideration, has decided to partially modify the above said time lines as follows:-

|         |                                                                                                                                                                                                            |                     |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 12(iii) | For appointment of enquiry officer wherever necessary after the receipt of the explanation.                                                                                                                | 15 days             |
| (v)     | For the Disciplinary Authority to take a decision, after the receipt of the Inquiry Officer's report.<br>(i) Non-Vigilance Cases<br>(ii) Vigilance Cases<br>(2 months for scrutiny by the DVAC + 20 days*) | 20 days<br>80 days* |

13. In continuation of guidelines issued in the Government Order seventh read above, the Government also orders that in respect of Government Servants who are placed under suspension due to contemplation of departmental disciplinary action in non-vigilance cases, charges shall be framed within three months from the date of placing under suspension.

14. Accordingly, the Government hereby directs that the timeline for processing the disciplinary proceedings so as to ensure that there is no unwarranted delay in finalizing them are as follows:-

|       |                                                                                                                                                |             |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| (i)   | To complete the investigation by Directorate of Vigilance and Anti-Corruption and to send a report to Government through Vigilance Commission. | One year    |
| (ii)  | To complete the enquiry by the Tribunal and to send its findings to the Department of Secretariat.                                             | One year    |
| (iii) | To pass final orders by the Government / Heads of Department on receipt of the report of the Tribunal.                                         | Four months |

Time limits for crossing every stage of the departmental disciplinary proceedings:-

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                            |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| (i)   | <p>a) For calling for explanation under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or for framing of charges under Rule 17(b) of the said rules after the lapse comes to notice.</p> <p>b) For calling for explanation under Rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 or framing of charges under Rule 3(b) of the said rules after the lapse comes to the notice.</p> <p>(The choice of the rule under which the disciplinary proceedings should be initiated is very important and the Disciplinary Authorities are expected to take a decision by considering the nature of lapses committed.)</p> | 15 days                                                    |
| (ii)  | For the delinquent officer to peruse the records and to submit his written explanation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 30 days                                                    |
| (iii) | <b><u>For appointment of Inquiry Officer wherever necessary after the receipt of the explanation.</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b><u>15 days</u></b>                                      |
| (iv)  | For the Inquiry Officer to complete enquiry and submit the enquiry report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30 days                                                    |
| (v)   | <p><b><u>For the Disciplinary Authority to take a decision, after the receipt of the Inquiry Officer's Report.</u></b></p> <p><b><u>(i) Non-Vigilance Cases</u></b></p> <p><b><u>(ii) Vigilance Cases</u></b></p> <p><b><u>(2 months for scrutiny by the DVAC + 20 days*)</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b><u>20 days</u></b></p> <p><b><u>80 days*</u></b></p> |
| (vi)  | For obtaining the further representation of the delinquent officer on the report of the Inquiry Officer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 15 days                                                    |
| (vii) | For obtaining the views of Tamil Nadu Public Service Commission, whenever it is consulted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30 days                                                    |

