

**GOVERNMENT OF INDIA  
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
LOK SABHA**

UNSTARRED QUESTION NO:1642  
ANSWERED ON:22.08.2012  
CHARGE SHEETED GOVERNMENT SERVANT  
Ray Shri Rudramadhab

**Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:**

- (a) whether a Government servant once charge-sheeted/prima-facie having enough evidence for conviction in the eyes of law is either suspended or terminated from service with immediate effect;
- (b) if so, the rules and constitutional provisions in this regard; and
- (c) the reasons for not applying the same rules for Ministers/MPs and other legislators?

**Answer**

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.  
(SHRI V. NARAYANASAMY)

(a) & (b): As per Rule 10 of CCS (CCA) Rules, 1965 the appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension-

(a) where a disciplinary proceedings against him is contemplated or is pending; or (aa) 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 (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

Article 311(1) of the Constitution provides that no person who is a member of the civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed. Again as per Article 311(2) no such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(c): The Ministers/MPs and other legislators are governed by separate and distinct provisions of the Constitution and are not governed by the rules applicable to Civil Servants.