

GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
JANATA BHAWAN, DISPUR, GUWAHAT-6

No. ABP.127/2022/01

Dated Dispur the 7th August, 2023

OFFICE MEMORANDUM

Subject: - Procedure for empanelment of retired officers as the Inquiry Officers for conducting Departmental Inquiries- regarding.

The undersigned is directed to state that the issue of utilizing the services of retired officers for conducting departmental inquiries had been under consideration of the Department. It has now been decided that panels of retired officers who had served under the Government of Assam would be created and maintained by the Personnel Department, Government of Assam for conducting Departmental Inquiries against the delinquent officials for all the departments as per the guidelines below. The Personnel Department will be the Nodal Department for the purposes related to these guidelines.

2. Procedure for empanelment of retired officers as the Inquiry Officers:- Panels of retired officers not below the rank of Joint Secretary in Government of Assam or equivalent rank of other services/departments to be appointed as the Inquiry Officer for the purpose of conducting departmental inquiries would be maintained rank wise by the Personnel Department, Government of Assam.

3. Validity of Panel: -The panel of the retired officers created for the purpose of appointing Inquiry Officers for conducting departmental inquiry will be valid for a period of three years. The Personnel Department, Government of Assam will ensure that a panel of twenty five retired Inquiry Officers below the age of 65 years is available at any point of time with them.

4. Following are the eligibility conditions for appointment of willing retired officers as the Inquiry Officers to conduct departmental inquiries:-

- (i) Retired officers who are willing to serve as Inquiry Officer.
- (ii) He should not have been penalized in a Disciplinary Proceeding/ case (no penalty in Disciplinary Proceeding or prosecution in criminal case).
- (iii) He should not be more than sixty five years of age as on 1st of January of the year of his empanelment.

5. The Personnel Department, Government of Assam will invite applications from willing and eligible retired officers to serve as the Inquiry Officer for conducting departmental inquiry as and when required. In this regard, a format for inviting applications is annexed.

6. A three-member committee shall be constituted by the Personnel Department, Government of Assam in the following manner:

Chief Secretary: - Chairman

Senior most Secretary, Personnel Department: - Member Secretary

Senior most Secretary, Finance Department: - Member

After receipt of applications from the retired officers, names of the officers will be screened by the committee so constituted. The formation of panel will be a continuous and ongoing process. The maximum age limit for conducting enquiry by empanelled Inquiry officer will be seventy years of age. Committee constituted for making panels of retired officers as Inquiry Officers has to keep in mind that applications of retired officers are scrutinized carefully to ensure that the applicant meets the eligibility criteria. The panel will be notified as


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State Enquiry Officers panel.

The Committee under the Chief Secretary, Assam, will select a panel of Inquiry Officers of maximum 25 persons at a time. The department concerned shall request the Personnel Department for the Inquiry Officer whenever the need for conducting a departmental proceeding and inquiry arise.

The Disciplinary Authority of the concerned department will pick up Inquiry Officer from the panel prepared by the Personnel Department subject to the condition that no person in the panel who has worked in that particular Department during the last five years before his retirement, will be engaged for Departmental Proceeding by the Department. The Department will obtain the necessary undertakings mentioned below at 8(i), 8(ii) and 8(iii) and issue necessary order of appointment with information to the Personnel Department. After completion of the enquiry and submission of the enquiry report to the Disciplinary Authority, the concerned Department shall inform the Personnel Department.

7. The number of disciplinary cases assigned to an Inquiry Officer will not be more than 4 cases at any point of time. This record shall be maintained by the Personnel Department.

8. Terms and conditions for appointment of retired officers as the Inquiry Officer:

The Inquiry Officer shall be required to give an undertaking for placing on record as follows: -

- (i) That he is not a witness or a complainant in the matter to be inquired into or a close relative or a known friend of the delinquent Government Officer.
- (ii) That he shall maintain strict secrecy in relation to the documents he receives or information/data collected by him in connection with the inquiry and utilize the same only for the purpose of inquiry in the case entrusted to him.
- (iii) That he has not worked in that particular Department during the last five years before his retirement.

9. No such documents/information or data shall be divulged to anyone during the Inquiry or after presentation of the Inquiry Report. All the records, reports etc. available with the Inquiry Officer shall be duly returned to the authority which appointed him as such, at the time of the presentation of the Inquiry Report.

10. The Inquiry Officer shall conduct the inquiry proceedings at a location to be specified by the Administrative Department.

The concerned Administrative Department will provide Secretarial assistance and works stations for the Inquiry Officers to function.

11. The Inquiry Officer shall undertake travel for conducting inquiry (in unavoidable circumstances) with the approval of the department concerned.

12. The Inquiry Officer shall submit the inquiry report after completing the inquiry within the period of three months from the date of receipt of records after his appointment. Extension of time can be granted only by the department concerned up to the limit permissible in the Handbook of Manual of Departmental Proceedings.

13. The rates of honorarium and other allowances payable to the Inquiry Officer will be as under:-

- i. Rs. 1.00 Lakh lumpsum will be paid per Departmental Proceeding enquiry to cover all expenses.
- ii. No separate TA/DA is to be given. However, in case of need for outstation travels by the Inquiry Officers, the concerned Departments shall provide necessary transportation facilities for the same.

Mode of payment for honorarium:

50% of the remuneration will be released to the Inquiry Officer immediately on the completion of the inquiry and submission of report. Remaining 50% will be released to the Inquiry Officer within one month once the Department is satisfied that the enquiry had been conducted with due diligence.

14. The Finance Department will create a global Head of Account of budget for making payments for this purpose. Individual Departments will make payment to their Inquiry Officers out of this global Head of Account.

15. It will be the responsibility of the Inquiry Officer to ensure that:

- a) All case reports and inquiry report (two ink signed copies) properly documented and arranged is handed over to the office of Disciplinary Authority.
- b) The report returns findings on each of the Articles of Charge which has been enquired into, should be specifically dealt with and address each of the procedural objections, if any, raised by the charged officers as per the extant rules and instructions.
- c) There should not be any ambiguity in the inquiry report and, therefore, every care should be taken to ensure that all procedures for conducting the departmental inquiry have been followed in accordance with the relevant rules/instructions of Disciplinary and Appeal Rules to which the delinquent Government official is subjected to.

16. Letter regarding engaging a retired officer as the Inquiry Officer will only be issued by the Disciplinary Authority of the department only from the names empanelled by the Personnel Department.

17. A review of every empanelled Inquiry Officer will be done after receipt of every inquiry report where adherence to time lines and the procedure and quality of work will be assessed by the concerned department and the assessment report shall be submitted to the Personnel Department for final evaluation. The names of Inquiry Officers whose performance is not up to mark will be struck out from the panel maintained by the Personnel Department.

18. Any issue arising out of the O.M. between the Inquiry Officer and the Disciplinary Authority will be decided by the Personnel Department whose decision shall be final and binding on both the parties.

19. These guidelines are issued for use of all departments of the Government of Assam with immediate effect.

Sd/- T.P. Borgohain, IAS
Secretary to the Govt. of Assam
Personnel Department

Memo No. ABP. 127/2022/1-A

Dated Dispur the 7th August, 2023

Copy to:

1. Accountant General, Assam, Beltola, Guwahati - 29.
2. The Chairman, Assam Public Service Commission, Khanapara, Guwahati - 22.
3. The Chairman, Assam Administrative & Pension Tribunal, Panbazar, Ghy - 01.
4. Additional Chief Secretary/Principal Secretary/Commissioner & Secretary to the Govt of Assam, All Administrative Departments.
5. The Principal Secretary to the Hon'ble Chief Minister, Assam, Dispur, Guwahati - 6.

6. All Heads of Departments.
7. All Deputy Commissioners/SDO (Civil).
8. The Under Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training, New Delhi - 01.
9. Secretary, Co-ordination, Office of the Chief Secretary, Assam, for kind information of the Chief Secretary, Assam.
10. PS to Hon'ble Chief Minister, Assam, for kind information of Hon'ble Chief Minister.
11. Deputy Director, Printing & Stationery, Assam, for publication of the O.M. in the Official Gazette.
12. *personnel.assam.gov.in*

By Orders etc.,



Joint Secretary to the Govt. of Assam
2/9/23 Personnel Department

**APPLICATION FOR APPOINTMENT OF RETIRED GOVERNMENT SERVANTS AS
INQUIRY OFFICERS TO CONDUCT DEPARTMENTAL INQUIRY**

1	Name of the officer (in capital letters)	
2	Full address for correspondence	
3	Permanent address	
4	Contact number (mobile/ landline)	
5	Email address	
6	Date of birth	
7	Last post held before retirement	
8	Details of posts held during the service with period	
9	Have you ever been Inquiry Officer (If yes, details thereof)	
10	Whether retired on attaining the age of superannuation or voluntary retirement	
11	Whether any penalty was imposed in a Disciplinary Proceeding/case during service (If yes, details thereof)	
12	Whether any Disciplinary Proceeding/case Is still pending against you (If yes, details thereof)	

Place:

Signature of the applicant

Date:

