

Minutes of the 2nd Periodic Review Meeting on the status of Departmental Proceedings held at 12.00 noon on 29.8.2020 in the conference room of the Chief Secretary, Assam, Assam Secretariat, Dispur, Block-C, 3rd floor.

The meeting was chaired by the Chief Secretary, Assam. Chief Secretary informed in brief about the purpose of the meeting. The Chief Secretary requested the Principal Secretary, Personnel Department to explain in details about the purpose of the meeting and review department – wise based on the information received.

Principal Secretary, Personnel Department explained the purpose of the meeting. He stated the need for the Periodical Review Meeting on the status of suspension and Departmental Proceedings. He further informed that this meeting is 2nd meeting held in view of law laid down in order of Hon'ble Supreme Court in Ajay Kumar Choudhary -vs- Union of India passed in Civil Appeal No.1912 of 2015 [Arising out of SLP (c) No.31761 of 2013]. The Hon'ble Gauhati High Court's Order dated 30.11.2017, pronounced in connection with a series of writ petitions including the lead case W.P. (C)No.6465/2017, directs the state to strictly comply with the timelines in issuing the Memorandum of Charges / Charge Sheet before the expiry of three months from the date of issuance of Order of suspension. He also read out and explained the main provision laid down in the Government of Assam OM. No.ABP.13/2018/Pt./35 dated 04.02.2020.

Principal Secretary, Personnel Department then explained the present status of D.P. cases and suspension orders pertaining to all Departments as per latest consolidated statement of Personnel (B) Department, prepared on the basis of reports received from various Departments.

After hearing the present status of D.P. cases and suspension orders pertaining to all Departments, the Chief Secretary highlighted the following points and directed all the Departments to strictly comply with it :

1. The Senior Most Secretaries of all Departments shall strictly ensure that the Memorandum of Charges / Charge Sheet is served on the delinquent officer / employee before expiry of 3 months of period from the date of suspension.
2. Departments shall appoint Inquiry Officer (IO) and Presenting Officer (PO) immediately after drawing up the DPs.
3. It shall also be strictly ensured that the currency of the order of suspension should not extend beyond 3 months. If the Memorandum of Charges / Charge Sheet is served within 3 months of suspension, a speaking order must be passed for extension of suspension.
4. It shall further also be strictly ensured that the Memorandum of Charges shall be framed within 2 (two) weeks from the date of passing of order of suspension.

Contd.