

GOVERNMENT OF ASSAM  
DEPARTMENT OF PERSONNEL::: PERSONNEL (B)  
DISPUR :::: GUWAHATI

No.ABP.13/2018/Pt/35

Dated Dispur, the 4<sup>th</sup> February, 2020.

OFFICE MEMORANDUM

Hon'ble High Court Guwahati in its order dated 30-11-2017 in a series of writ petitions, the lead case being W.P.(C) No.6465/2017 has directed to issue a notification indicating the law laid down by the Hon'ble Supreme Court in Ajay Kumar Choudhary-VS-Union of India case to the effect that the Disciplinary Authorities are to strictly comply with the requirement to issue the Memorandum of Charges/Charge Sheet before the expiry of three months from the date of issuance of Order of suspension.

It is therefore directed that all the Senior Most Secretaries of all the Departments shall ensure that the Memorandum of Charges/Charge Sheet is served on the delinquent officer/employee before the expiry of three months of period from the date of issuance of Order of suspension. They shall also ensure that the currency of the suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Charge - Sheet is not served on the delinquent officer/employee. If the Memorandum of Charges/Charge - Sheet is served within 3 (three) months of suspension, a reasoned Order must be passed for the extension of the suspension, wherever necessary.

The officer proposing for suspension shall also ensure that the charges are framed and submitted to the Disciplinary Authority within two weeks from the date of passing order of suspension.

After issuance of Memorandum of Charges/Charge - Sheet, the Senior Most Secretaries shall undertake a review within 6 months as regards the desirability to further continue with the suspension Order .

Senior Most Secretaries will be held responsible if cases of suspension in their respective Departments are not dealt with and reviewed accordingly.

However, for those certain categories of employees for whom Disciplinary Authorities are not the Governor or the Chief Secretary, the concerned Appointing Authority as listed at **Schedule** in the Assam Services (Discipline and Appeal ) Rules,1964 will be held responsible if cases of suspension under their subordinate offices are not dealt with and reviewed accordingly.

All the departments shall submit quarterly return to the Personnel(B) Department with details about the suspension Order issued, Memorandum of Charges / Charge - Sheet served upon the delinquent officer/employee and if any extension of suspension period is given etc. The Personnel Department will compile the reports received from all the departments and place before the undersigned for a periodical review every 3 months of the last 3 months suspension orders for further necessary action.

Sd/-(Kumar Sanjay Krishna, IAS)  
Chief Secretary to the Government of Assam

Contd.P-2

Memo No.ABP.13/2018/Pt./35-A

Dated Dispur, the 4<sup>th</sup> February, 2020.

Copy for information and necessary action to:-

1. The Chairman, Assam Administrative Tribunal, Guwahati.
2. The Chairman, Board of Revenue, Assam.
3. All Additional Chief Secretaries to the Government of Assam.
4. All Principal Secretaries / Commissioner & Secretaries / Commissioner & Special Secretaries / Secretaries to the Government of Assam.
5. The Chief Electoral Officer, Assam.
6. The Resident Commissioner, Government of Assam, Assam House, New Delhi.
7. The Agriculture Production Commissioner, Assam.
8. All Commissioners of Divisions.
9. The Principal Secretary to the Chief Minister, Assam.
10. The Principal Secretary, Assam Legislative Assembly.
11. The State Enquiry officer, Assam.
12. The Secretary, Assam Public Service Commission.
13. The P.P.S. to Chief Minister, Assam.
14. All Principal Secretaries of the Autonomous Councils.
15. All Deputy Commissioners/Sub-Divisional Officers.
16. The Secretary, State Information Commission, Assam.
17. The Secretary, State Election Commission, Assam.
18. All Administrative Departments, Government of Assam.
19. All Heads of Departments.
20. The P.S. to Chief Secretary to the Government of Assam, Dispur.
21. The P.S. to Ministers/Ministers of State.

By Order etc...

*[Handwritten Signature]*  
04/2/20

Addl. Secretary to the Government of Assam  
Personnel(B) Department

**Quarterly Return of Government Servants under Suspension and of Position of the  
Departmental Proceedings.**

Office of the .....

Quarter ending .....

Sl No.	Name & designation of the officer against whom departmental proceeding has been drawn up	Date of order to draw up departmental proceeding	Date of furnishing the charge sheet. (In case charge sheet has not been furnished, the reasons for the delay)	Whether the officer has been placed under suspension and if so, the date thereof.
1	2	3	4	5

Designation of the disciplinary authority	Reviews, if any, made about subsistence allowance				Present position of the case, indicating the reasons for delay if any, in finalizing the case
	1 <sup>st</sup> review	2 <sup>nd</sup> review	3 <sup>rd</sup> review	Etc.	
6	7	8	9	10	11