



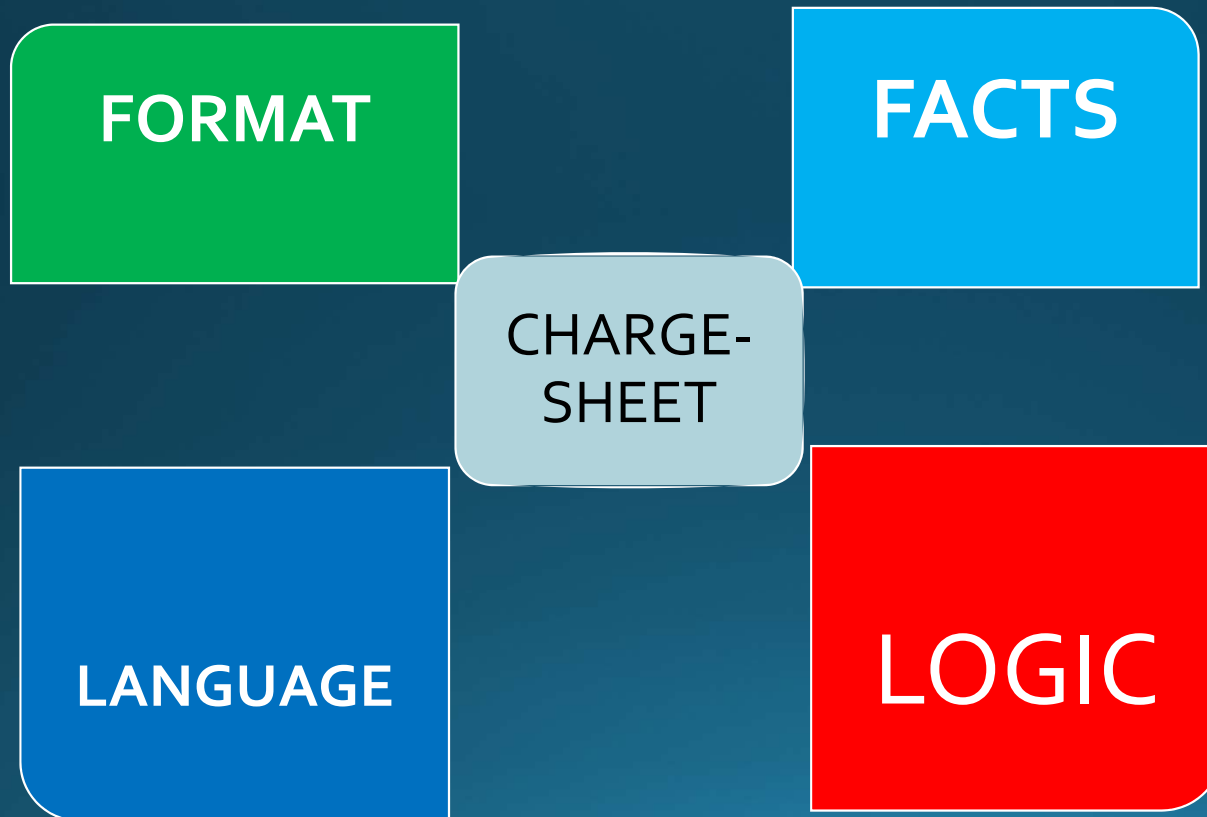
When you
Enter this room,
Learning is fun and
Cooperation is expected
Our positive attitude and
Mutual respect are part of
Everything we do and say!

CHARGE SHEET

ISSUE OF CHARGE SHEET



FOUR LIMBS OF CHARGE-SHEET



SIX CONSTITUENTS OF CHARGE SHEET U/r 14 (Major penalty)

MEMORANDAM OF CHARGE

Articles of Charge

Statement of the Imputations of Misconduct or **Misbehaviour**

Statement, Admissions or confessions made by the Charged Official

A list of documents

A list of witnesses.

FACTS

- Filtered and evaluated facts supported by
relied upon documents and relied upon
witnesses sifted from the Preliminary
Enquiry Report and related documents.



Evaluation



Documents
Required



LANGUAGE

- Simple and to the point.
- Concepts to be taken from literature obtained in the organisation



- Sequential story line
- Coherence in text
- Pictorial view of matter

APPLY



TO DRAFT
CHARGESHEET



DELAY IN ISSUE OF CHARGE SHEET

M. Asaithambi vs The Director Of Municipal .. 19 March, 2012

- (1) **Charge memo.** Issued after 8 years
- (2) **Charges,** witnesses and the documents were similar in the criminal proceedings and
- (3) **Charge memo** was issued after the petitioner had been acquitted by the trial court and preferred a representation for the relief of notional promotion.

G. Prakasam vs The Secretary To Government on 12 April, 2011

State of Madhya Pradesh vs. Bani Singh and another in 1990 (Supp) SCC .

The irregularities alleged in the enquiry is said to have taken place between the years 1975-77. Even in April 1977 there was doubt about the involvement of the officer in the said irregularities and the investigations had been going on since then. If that is so, it is unreasonable to think that they would have taken more than 12 years to initiate the disciplinary proceedings. There is no satisfactory explanation for inordinate **delay** in **issuing** the **charge memo**

in C.Gnanasekhara Babu Rao V. The State of Tamil Nadu (W.P.No.824 of 2008) held that inordinate and unexplained **delay** of nine years is fatal to the departmental proceedings and on that ground, quashed **the charge memo**. [P. V. Mahadevan V. Managing Director, (2005) 6 SCC 636 and Union of India and others V. Naman Singh Shekhawat (2008) 1 SCC (L&S;) 1053]

P. Chinnadurai vs The Inspector General Of ... on 27 January, 2012

Departmental Disciplinary Proceedings are different from the criminal case. The revised **charge memo** contained different Articles of Charge ,was not motivated and was not identical to the earlier **charge memo** **was upheld.**

The **delay**, if any, in **issuing** the revised **charge memo** is due to the conduct of the petitioner in stalling the conducting of the enquiry.

The necessity to **issue** fresh **charge memo** arose since the other **charges** were not included in the earlier **charge memo**.

DELAY IN ISSUE OF CHARGE SHEET

CASE LAW:

Noida Entrepreneurs Assn vs Noida & Ors on 15 January, 2007

Kendriya Vidyalaya Sangathan & ... vs T. Srinivas on 5 August, 2004..\\..\\WORD FILES\\Kendriya Vidyalaya Sangathan. docx

G.M. Tank vs State Of Gujarat & Anr on 10 April, 2006

WANTED

**CONTINUOUS
IMPROVEMENT
IDEAS**



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NATIONAL FACILITATOR

