

DELHI ROAD TRANSPORT AUTHORITY  
SCINDIA HOUSE, NEW DELHI.

No. ADMI-3 (18)/53

Dated the 5th August, 1955

EXECUTIVE INSTRUCTIONS ON PROCEDURE REGARDING  
DISCIPLINARY ACTION AND APPEALS

**1. Preliminary Explanation.**

Whenever an officer who is competent to take disciplinary action against the employee of the Delhi Road Transport Authority receives a report of some irregularity or breach of rule or some other misconduct on the part of an employee, he will carefully consider whether there is a prima facie case for instituting proceedings for disciplinary action against the employee concerned. If it is not possible to decide this point without calling for preliminary explanation of the employee, the preliminary explanation should be obtained by communicating the contents of the report to the employees. It is not necessary to indicate the nature of penalty in the letter asking for preliminary explanation. The letter should merely say :—

Please furnish your explanation in respect of the following irregularity/misconduct which has been reported against you.

---

The traffic supervisory staff and workshop supervisory staff have been empowered to issue challan slips to the employees working under their supervision asking for their explanation whenever they commit some irregularity or are otherwise guilty of misconduct. The reply to this challan serves the purpose of preliminary explanation.

**2. Suspension.**

Suspension may be ordered by an officer competent to take disciplinary action, on receipt of a report of an alleged irregularity or other misconduct on the part of an employee, if the retention of that employee on duty is likely to prejudice the course of enquiry or if the employee is likely to tamper with any official record. Suspension may be ordered soon after the receipt of the report without calling for preliminary explanation or giving the charge sheet, if the prima facie circumstances of the case justify it. It should be appreciated that suspension



is not to be ordered lightly or as a routine matter in all cases of irregularity or misconduct. It is to be resorted to only when the competent officer is convinced that the employee's presence on duty will be prejudicial to the conduct of enquiry into the case.

The suspending authority should examine whether it is necessary that the suspended employee should remain at the address given by him to this Organisation, during the period of suspension for the purpose of investigation into the case. If his stay at that address is considered necessary, it should be made clear in the orders of suspension.

All persons placed under suspension should be sanctioned the payment of subsistence allowance at the rate laid down in clause 15(4) of the D.R.T.A. (Conditions of Appointment & Service) Regulations, 1952.

It should be noted that prolonged suspension itself is a punishment (though not substantive) and an employee is entitled to appeal against it. It is, therefore, necessary that the proceedings against an employee placed under suspension should be finalized as early as possible. Such cases should be treated on an "immediate" basis and there should be no avoidable delay in their disposal. The General Manager, D.T.S. has delegated to certain specified officers the powers to suspend employees. This power, is, however, restricted to suspension for 7 days only and the intention is that these officers should finalise the case within this period.

### **3. Charge Sheet.**

When the competent officer is convinced that there is a prima facie case for starting disciplinary proceedings, he will set forth the charges in a definite and clear fashion. The allegations upon which the charges are framed should be set forth in detail in order to enable the employee to put forth his defence clearly. It should be appreciated that if the charges are vague, it will not be possible for the employee to explain his conduct fully and to the satisfaction of the authorities concerned. Vague charges and vague explanation are the weakest point of a case which make the work of an Appellate Authority difficult.

If the officer competent to take disciplinary action proposes to take into consideration any other factors (e.g., past record of an employee) in addition to the charges, these additional considerations should be specifically stated in the charge sheet. The employee should also be asked in the charge sheet whether he wishes to be heard in person.



It is not essential that the penalty proposed to be imposed should be indicated in the charge sheet. As a matter of fact it is advisable not to indicate the penalty in the charge sheet, because the nature of punishment will depend upon the result of further investigation into the case. It is sufficient to say in the charge sheet ' why action should not be taken against you under clause 15(2) of the D.R.T.A. (Conditions of Appointment & Service) Regulations, 1952, for the following charges:-

---

A detailed statement of the allegations on which the charges are based is attached."

If however, the irregularity is minor and likely to lead to the imposition of penalty of censure, including reprimand and warning, the proposed penalty may be mentioned in the charge-sheet.

If the employee wishes to see any documents in order to enable him to furnish his reply to the charge sheet, he should either be supplied with attested copies of the paper required by him or if it is not practicable to supply copies he should be allowed to sit in the presence of an officer, go through the documents and note down such points as may be deemed necessary by him.

Reasonably sufficient time should be allowed to the employee to give his reply to the charge sheet. Ordinarily, 72 hours are sufficient for this purpose, this time may, however, be enhanced on the request of an employee if there are any special reasons or if some time is taken by the employee in getting copies of official papers required by him.

#### **4. Action on reply to the charge sheet.**

A reply to the charge sheet is a very important document and should be studied thoroughly by officer who is competent to take disciplinary action. If the reply is satisfactory and it is clear that the employee was not at fault, the proceedings against him should be dropped. If on the other hand, it seems from the reply that there are reasonable grounds for proceedings further, a detailed investigation should be held into the case.

#### **5. Detailed investigation and oral enquiry.**

The enquiry into the charges should be held by the officer who is competent to award suitable punishment in the event of charges being established or by any other officer holding a post superior in rank to the accused officer, selected for this purpose by the competent officer. In making the selection the competent officer should pay due regard to the importance of the enquiry and the status of the accused officer.



In fairness to the accused, as well as to the enquiring officer, the enquiry should not be entrusted:—

- (a) to an officer who held the preliminary enquiry (and expressed a definite opinion on the point at issue and where such opinion is adverse to the accused) or
- (b) to an officer directly subordinate to an officer who has already expressed a definite opinion on the point at issue, and where such opinion is adverse to the accused.

This detailed investigation will include oral enquiry and examining witnesses from both sides, if desired by the employee or otherwise considered necessary by the competent officer. The employee will have a right to be present throughout the oral enquiry and to cross-examine the witnesses. All evidence will be recorded in his presence and the persons leading the evidence should be called upon to sign the same on the spot. He should also be given the facility of examining any documents which are produced or referred to during the course of the enquiry. He will not be allowed to bring any agent etc. to plead his case. The Labour Officer of the DRTA will, however be allowed to attend the enquiry for watching the interest of the employee but he shall not intervene or obstruct in the proceedings at any stage.

Only such charges as have not been admitted by the employee in his reply to the charge-sheet will be examined during this enquiry. The charges which have been admitted will not be reopened.

If the enquiry brings out any points which were not included in the charge-sheet, these will not be admitted unless the enquiry officer decides that a fresh charge sheet should be served calling for the employees reply to these points.

The officer conducting the enquiry will keep a clear record of all the facts brought out in the enquiry and utilise them for arriving at a finding. He will also record his finding giving full reasons therefor on each charge separately taking into account the evidence on both sides. All the charges should then be considered as a whole and a finding as to the punishment to be awarded arrived at.

#### **6. Finding**

If the officer who conducts the enquiry is competent to impose the punishment which has been proposed in the finding, he will award and communicate the punishment to the employee concerned. If the penalty proposed to be imposed is beyond the powers delegated to him, the case will be submitted to the General Manager for orders.



**7. General Manager's discretion to give "show cause notice" to an employee in the case of reduction, removal or dismissal from service.**

In important cases where the penalty proposed to be imposed upon an employee is reduction to a lower post or time scale or lower stage in a time scale, removal or dismissal from the Authority's service, the General Manager may order that the employee should be given another chance to show cause why this heavy penalty should not be imposed upon him. Where this course is adopted, the Enquiry Officer's finding and reasons therefor will be communicated to the employee and his reply asked for within a reasonable time. Ordinarily a period of 72 hours will suffice for this purpose. On receipt of the employee's reply, the General Manager will pass orders on the case. The General Manager may pass orders without giving this "show cause notice" if the employee has already been informed of the proposed penalty of reduction to a lower post or time scale or lower stage in a time scale, removal or dismissal as the cases may be in the charge sheet. In cases the General Manager considers that the severe penalty of reduction to a lower post or time scale or lower stage in a time scale removal from service is not justified he may return the case to the Enquiry Officer to impose such penalty as may be within his powers to impose.

**8. Important points to be borne in mind by the punishing authority.**

While imposing penalty, the competent officer will bear the following points in mind :—

- (a) Although the penalties specified in clause 15(2) of the D.R.T.A. (Conditions of Appointment & Service) Regulations 1952 can be imposed for any good and sufficient reasons, it is advisable that before resorting to this course the alternative of giving a chance to an employee to improve himself by the following methods should be adopted, particularly in cases of inefficiency, dereliction of duty, carelessness, habitual unpunctuality, negligence or breach of orders, insubordination and absence without leave :—

- (i) Verbal caution.
- (ii) Caution in writing.
- (iii) Verbal warning.



- (iv) A copy of the adverse remarks, if any, made in his confidential reports.
- (b) The power to impose the penalty of removal or dismissal from the D.R.T.A's service or of reduction to a lower post or time scale or to a lower stage in a time scale has not been delegated by the General Manager to any other officer of this organisation. It is, therefore, essential that no officer other than the General Manager should sign a charge sheet in which any of these three penalties is proposed. The General Manager has, however, authorised certain officers to issue charge sheets proposing penalty of removal from service, subject to the condition that the charge sheet will be signed by these officers as "for General Manager". No officer, other than the General Manager can issue a charge sheet proposing a penalty of dismissal from service or reduction to a lower post or time scale or lower stage in a time scale.
- (c) If the penalty proposed to be imposed is stoppage of increment, the effect of the stoppage on the future increments should be clearly specified that is to say, whether the future increments are also to be postponed as a result of the order. It should also be kept in mind that there are some daily rated employees in this Organisation and the penalty of stoppage of increments cannot be imposed in their cases. According to the practice in this organisation, the daily rated employees can be debarred from being brought on to monthly rated establishment for such period as may be specified by the punishing authority.
- (d) With-holding of promotion is included among penalties in clause 15(2) of the D.R.T.A. (Conditions of Appointment & Service) Regulations, 1952. It is necessary to distinguish between cases in which promotion is with-held as a result of disciplinary action and cases in which promotion is with-held on account of an employee's unfitness. The selecting authority should bear in mind that an order debarring an employee from promotion for a specified period tantamounts to punishment and falls within the purview of clause 15(2) of the D.R.T.A. (Conditions of Appointment & Service) Regulations, 1952. If an employee is not considered fit for promotion the selecting authority should merely ignore him from promotion but should not record any order saying this employee is unfit for pro-



motion for such and such period. The employee will have a right to compete for promotion again with other departmental candidates when selection is held in future.

- (e) In cases where it is considered that retention of the employee in service is undesirable, the punishing authority should consider whether the object can be achieved by merely removing the employee from the service of the Delhi Road Transport Authority or he should be dismissed.
- (f) In cases where an employee has caused pecuniary loss to the Organisation by his negligence etc., the question of recovering from him the full amount of the loss should be fully considered. Every employee is expected to take the same care about the maintenance etc. of the cash or property entrusted to him as a person of ordinary prudence is expected to take about his own cash or property. It, therefore, follows that that person is fully responsible for bearing the full loss caused by his negligence. If, however, there is reasonable proof that the employee acted in good faith and did his best to avoid the loss or damage, the recovery of the amount of loss or damage may be waived off in full or part. The recovery may also be waived off in full or part, if the amount of the loss is so large that its recovery will be a great hardship to the employee in view of his emoluments.
- (g) Where the penalty proposed to be imposed is reduction to a lower post or time scale or to a lower stage in a time scale, the punishing authority will make it clear whether the reductions for a specified period, that it is to say, whether he is to be restored to his original post on the expiry of a specified period or he will have to take chances for restoration to the original post in accordance with the rules of promotion in the Organisation. In case, the punishing authority wishes that an employee so reduced should not get the benefit of his past service in the grade from which he is reduced, after his restoration to that grade this should be made clear, in the order of punishment. Unless this is made clear, the employee is entitled to get the benefit of the past service rendered by him in the grade from which he is reduced, whenever he is restored to that grade subsequently.
- (h) In the case of officers on deputation with Delhi Road Transport Authority, power to remove or dismiss from service shall be



exercised by the lending Ministry/Authority. In such cases the enquiry against the officer concerned should be completed and he should be reverted to the lending authority for such action as that authority may consider necessary. In cases where any lesser penalty is to be imposed the D.R.T.A. should consult the lending authority before doing so. In case of difference of opinion as to the penalty to be imposed, the officer concerned may be reverted to the lending authority, if considered necessary.

**9. Departure from the procedure laid down in paragraphs 1, 3 and 5 above.**

The detailed procedure laid down in paragraphs 1,3 and 5 above may not be followed in the following cases :—

- (a) Where the employee concerned has absconded or where it is for other reasons impracticable to communicate with him.
- (b) Where there are special and sufficient reasons for not following all or any of the provisions of the above mentioned paragraphs in certain exceptional cases—the reasons shall be recorded in writing in such cases which will be reported to the Delhi Road Transport Authority.
- (c) Where the employee is discharged during or at the end of the period of probation without assigning any reasons for the discharge.
- (d) Where a temporary employee is discharged on the expiry of the period of his appointment as specified in his appointment letter or as subsequently extended.
- (e) Where an employee engaged under contract is discharged in accordance with the terms of his contract.
- (f) Where the employee is discharged from service by giving one month's notice or pay in lieu thereof under clause 9(b) of the D.R.T.A (Conditions of Appointment and Service) Regulations, 1952.
- (g) Where an order of punishment is based on facts established before a Criminal Court.
- (h) Where the penalty proposed to be imposed is only reprimand or warning or censure in such cases only summary trial is



needed requiring the employee concerned to show cause as to why the proposed penalty should not be imposed. It is not necessary to call any witnesses. The competent officer should merely keep a brief record of the allegations and the plea put forward by the employee.

**10. Important points to be borne in mind in respect of employees against whom prosecution or court proceedings are instituted.**

- (a) As stated in para 9 (g) above, no detailed procedure is required to be followed for taking disciplinary action, against persons who are convicted by Criminal Courts.
- (b) If an employee is arrested for debt or on a criminal charge he should be treated as under suspension for any periods during which he is detained in custody or jail. Even an employee against whom a criminal charge or a proceeding for arrest for debt is pending and he has been released on bail, should be placed under suspension if the charge made or proceeding taken against him is connected with his position as an employee of the Delhi Road Transport Authority or is likely to embarrass him in the discharge of his duties as such or involves moral turpitude.
- (c) Since all persons placed under suspension are entitled to the payment of subsistence allowance, particular care should be taken to ensure that subsistence allowance is not granted beyond the date of the conclusion of the proceedings against an employee. In order to avoid the possibility of over payments, subsistence allowance should be paid to an employee who is under suspension and whose case is pending in the Court only after he produces a certificate to the effect that his case is still in that court, from any of the following persons :—
  - 1. Legal Adviser of the Delhi Road Transport Authority, if he is conducting the case in the court on behalf of the Authority.
  - 2. Any of the lawyers on the panel of the Delhi Road Transport Authority if he is conducting the case in the court on behalf of the Authority.



3. The prosecuting Inspector dealing with the case.
  4. The Trial Court.
- (d) The provisions of paras (4) and (5) of the office order No. 201 dated the 24th November, 1954 in regard to the procedure for disposal of cases in which the D. T. S. employees are prosecuted while on duty, should be strictly followed. The provisions are reproduced below for ready reference :—
4. The question of taking departmental action against an employee convicted by Court will be taken up only after the employee's appeal has been decided by the Appellate Court. In cases where the employee does not file an appeal the question of taking departmental action will be considered on the expiry of the period fixed for filing an appeal. If an employee, who has been convicted by a Court desires to perform duty in this Organisation during the period between the decision of the Lower Court and the Appellate Court he will be put on such duties as might be considered suitable by the General Manager. If during this period he is unable to attend duty on account of lock-up etc. or otherwise desires to take leave he will be granted such leave including leave without pay as may be due to him in accordance with the provisions of D.R.T.A. (Conditions of Appointment & Service) Regulations, 1952.
  - (5) The serious departmental action of termination of services will not be taken against a driver if he is convicted by the court for an offence which is committed by him for the first time during his service in this Organisation. This conviction will, however, be taken into consideration while deciding the nature of departmental action to be taken against him for a subsequent offence. No departmental action will be taken against a driver, who is convicted in an offence which is due to some defects or lack of some equipment in a bus.
  - (e) It should be borne in mind that conviction in a Criminal Court does not automatically involve removal or dismissal from service or any other departmental action. Each case should be considered on its merits by punishing authority.



## **II. Appeals.**

### **(1) Appeals to the Delhi Road Transport Authority :**

Appeals lie to the Delhi Road Transport Authority against orders of reduction, removal or dismissal from service. These appeals are examined by the Authority's Sub-Committee in the first instance and the Sub-Committee's recommendation reported to the Authority for confirmation. The decision of the Authority on such appeals is final and no further appeal lies to the Authority. Appeals also lie to the Authority in cases where an order of punishment other than reduction, removal or dismissal is passed by the General Manager.

### **(2) Appeals to the General Manager :**

Appeals against orders of punishment imposed by a competent officer other than the General Manager, lie to the General Manager. The decision of the General Manager on such appeals is final and no further appeal lies to the Authority.

### **(3) Time limit for appeals.**

An appeal may be preferred within one month from the date from which the appellant is informed of the order of punishment. The time taken in obtaining copies of any official documents from the Authority's office will be excluded from this period of one month. No appeal received after the expiry of this period will be considered except in cases where the General Manager is satisfied that the appellant could not submit his appeal within specified period due to circumstances beyond his control.

### **(4) Procedure for making appeals.**

Every person preferring an appeal will do so separately and in his own name. If he needs copies of some official papers relating to his case for preparing his appeal he shall make an application to that effect to the General Manager who may give copies of such papers as he may consider necessary or he may refuse to give copies. The appeal shall contain all material statements and arguments relied on by the appellant shall not contain disrespectful or improper language and shall be complete in itself. The appeal shall be addressed to the General Manager if it is an appeal against an order passed by an officer other than the General Manager and to the Chairman if it is an appeal against the General



Manager's orders. All appeals shall be sent to the Authority's Head Office. If the appellant desires to be heard in person by the appellate authority, he shall make a request to that effect in the appeal. It shall be within the discretion of the appellate authority to grant him personal hearing or not. In any case the appellant will not be permitted to take with him any person for pleading his case before the appellate authority. The appellate authority will however be free to call any appellant for personal hearing even though no request has been made for personal hearing by the appellant.

**12. Points to be examined by officer while putting up an appeal to the Appellate Authority.**

All appeals will be examined by office from the following points of view :—

- (a) Whether the appeal is time barred and if so whether the appellant has given some weighty reasons for not preferring it in time.
- (b) Whether an appeal lies in the case in which the appeal has been made.
- (c) Whether all the documents required for consideration of the appeal are available in office. If any papers etc. are to be called for from any other unit of this Organisation, the same should be obtained immediately prior to embarking on consideration of appeal on its merits.
- (d) Whether the appellant has shifted grounds of his arguments in the appeal from the ground taken by him in his preliminary explanation or the reply to the charge sheet or reply to the show cause notice.
- (e) Whether the appellant has pointed out any irregularity or departure from the provisions of the rules of procedure in the disposal of his case.
- (f) Whether there are any extenuating circumstances in favour of the employee, such as a satisfactory record of past long service his old age etc.
- (g) If the appeal is against the order of dismissal, whether the



punishing authority imposed the penalty of dismissal deliberately or it was inadvertantly mentioned in the order in place of removal from service.

- (h) In case the punishing authority is different from the enquiry office, whether there is any difference of opinion between their recommendations made by the enquiry officer and the punishing authority.

**DELHI ROAD TRANSPORT AUTHORITY  
SCINDIA HOUSE, NEW DELHI.**

No. ADMI-8(1)/55

Dated:-29-7-55

**Office Order No. 132**

It has been decided that copies of such papers as can be supplied to the ex-employees without jeopardising the interest of this organisation may be supplied to them after charging As./8/- per typed or written page or part thereof. The charge will, however, be leviable only when requests are made by the ex-employees for copies which are not given to them ordinarily free of charge for purpose of making appeals.

Sd/-

Asstt. General Manager (Admn).