

**GOVERNMENT OF MEGHALAYA  
PERSONNEL & ADMV. REFORMS (B) DEPARTMENT**

**NOTIFICATION**

The 13th May, 2011.

**No.PER(AR).21/2010/2.**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules, namely -

**THE MEGHALAYA SERVICES (DISCIPLINE & APPEAL) RULES, 2011**

1. **Short title and commencement** - (a) These rules may be called the Meghalaya services (Discipline and Appeal) Rules, 2011.  
(b) They shall come into force from the date of publication of this notification.
2. **Interpretation** - In these rules, unless there is anything repugnant in the subject or context;
  - (a) **“Appellate Authority”** - means the authority to whom appeal lies;
  - (b) **“Appointing Authority”** - in relation to a Government servant at any particular time, means the authority empowered to appoint him to the post which he is holding at that time;
  - (c) **“Commission”** - means the Meghalaya Public Service Commission;
  - (d) **“Disciplinary Authority”** - in relation to the imposition of a penalty on a Government servant, means the authority competent under these rules to impose on him that penalty;
  - (e) **“Government Servant”** - means a person who is a member of a service or who holds a civil post in connection with the affairs of the State of Meghalaya and includes any person whose services are temporarily placed at the disposal of the Central Government or any State Government or a local or other authority and also any person in the service of a State Government or the Central Government or a local authority whose services are temporarily placed at the disposal of the Government of Meghalaya;
  - (f) **“Schedule”** - means the schedule to these rules; and
  - (g) **“Services”** - means a civil service of the State of Meghalaya.
3. **Application** -
  - (1) These rules shall apply to all Government servant except :-
    - (a) persons in casual employment;
    - (b) persons for whose appointment and other matters covered by these rules, special provisions are made by or under any law for the time being in force or in any agreement in regard to the matters covered by such law or such agreement; and
    - (c) members of the All India Services.
  - (2) Notwithstanding anything contained in sub-rule (1) these rules shall apply to every Government servant temporarily transferred to a service or post coming within exception (b) in sub-rule (1) to whom, but for such transfer, these rules would apply.
  - (3) Notwithstanding anything contained in sub-rule (1) the Governor may, by notification published in the Official Gazette exclude from the operation of all or any of these rules any Government servant or class of Government servant to whom the Governor shall declare that the rules cannot suitably be applied and these rules shall thereupon to the extent of such exclusion cease to apply accordingly;

Provided that no such declaration shall be made in respect of any Government servant who holds a pensionable post or holds a permanent whole-time post.

- (4) If any doubt arises as to whether these rules or any of them apply to any person, the matter shall be referred to the Governor, whose decision thereon shall be final.
4. **Protection of rights and privileges conferred by any law or agreement** - Nothing in these rules shall operate to deprive any Government servant of any right or privilege to which he is entitled -
- (a) by or under any law for the time being in force, or
- (b) by the terms of any agreement subsisting between such person and the Governor at the commencement of these rules.

## **PART II : APPOINTING AUTHORITIES**

5. **Appointment to State Services** - All appointment to State Services shall be made by the authorities specified in the Schedule:

Provided that the Governor may by notification in the official *Gazette*, amend the Schedule from time to time.

## **PART III: SUSPENSION**

6. **Suspension** - (1) The Appointing Authority or any authority to which it is subordinate or any other authority empowered by the Governor in that behalf may place a Government servant under suspension;
- (a) Where a disciplinary proceeding against him is contemplated or is pending, or
- (b) Where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or
- (c) Where a case against him in respect of any criminal offence involving moral turpitude is under investigation or trial;

Provided that where the order of suspension is made by *an* authority lower than the Appointing Authority such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

- (2) A Government servant who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of such detention, by an order of the Appointing Authority and shall remain under suspension until further orders.

Provided that where the detention is made on account of any charge not connected with his position as a Government servant or continuance in Office is not likely to embarrass the Government or the Government servant in the discharge of his duties or the charge does not involve moral turpitude, the Appointing Authority may vacate the suspension order made or deemed to have been made when he is released on bail or is not otherwise in custody or imprisonment.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or with any other directions, the order or his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

- (5)(a) An order of suspension made or deemed to have been made under this rule shall continue to do remain in force until it is modified or revoked by the authority competent to do so.
- (b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until termination of all or any such proceedings.

Provided that an order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

#### **PART IV : DISCIPLINE**

##### **7. Nature of penalties :**

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely -

- (i) Censure;
- (ii) Withholding of increments or promotion;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders to the Government of Meghalaya or the Central Government or any other State Government, or any local or other authority to whom services of a Government servant had been lent;
- (iv) Reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale;
- (v) Compulsory retirement;
- (vi) Removal from service which shall not be a disqualification for future employment;
- (vii) Dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation - The following shall not amount to a penalty within the meaning of this rule-

- (a) withholding of increment of a Government servant for failure to pass a departmental examination or successfully undergo training prescribed in accordance with the rules or orders governing the service or post or the terms of his appointment;
- (b) stoppage of a Government servant at an efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (c) non-promotion whether in a substantive or officiating capacity of a Government servant, after due consideration of his case to a service, grade or post for promotion to which he is eligible;
- (d) reversion to a lower service, grade or post of a Government servant officiating in a higher service, grade or post on the ground that he is considered after trial to be unsuitable for such higher service, grade or post or on administrative grounds unconnected with his conduct;
- (e) reversion to his permanent service, grade or post of a government servant appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation.
- (f) compulsory retirement of a Government servant under Rule 38(1)(b) of Meghalaya Civil Services (Pension) Rules, 1983 and/or under provisions of FR 57(b) of Meghalaya FRs & SRs, 1984.
- (g) termination of the services -

- (i) of a Government servant appointed on probation during or at the end of the period of probation, in accordance with the terms of his appointment or the Rules and Orders governing probation; or
- (ii) of a Government servant employed under an agreement in accordance with the terms of such agreement;
- (iii) of a Government servant whose term of appointment provides for the termination of service by either party giving notice for specified period;
- (iv) of a Government servant in whose case the appointment is expressly stated to be on temporary basis and to have been sanctioned until further orders and it is also provided that his services may be terminated at any time without notice.

**8. Disciplinary Authority -**

(1) The Governor may impose any one or more of the penalties specified in Rule 7 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (3) any one or more of the penalties specified in Rule 7 may be imposed on a Member of a State Service by the Appointing Authority or by any other authority empowered in this behalf by a general or special order of the Governor.

(3) Notwithstanding anything contained in this rule no penalty specified in clauses (iv) to (vii) of rule 7 shall be imposed by an authority lower than the Appointing Authority.

**9. Procedure for imposing penalties -** (9,1) Without prejudice to the provisions of the Public Servants (Inquiry) Act, 1850, no order imposing on a Government servant any of the penalties specified in rule 7 shall be passed except after an inquiry, held as far as may be, in the manner hereinafter provided.

(9.2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be hold. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the Governmeservant, and he shall be required to submit, within such time as may be specified by the Disciplinary Authority, a written statement of his defence and also to state whether he desires to be heard in person. At the time of delivering the charges, the Disciplinary Authority shall invariably furnish to the Government servant a list of documents and witnesses by which each article of charges is proposed to be sustained.

Explanation - In this sub-rule and in sub-rule (3), the expression "the Disciplinary Authority" shall include the authority competent under these rules to impose upon the Government servant any of the penalties specified in rule 7.

(9.3) The Government servant shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public interest to allow him access thereto:

Provided that when a Government servant is permitted to inspect and take extracts from official records due care shall be taken against tampering, removal or destruction of records.

(9.4) On receipt of the written statement of defence, or if no such statement is received within the time specified the disciplinary Authority may itself inquire into such of the- charges as are not admitted or, if it considers it necessary so to do, appoint for the purpose a Board of inquiry or an Inquiring Officer.

(9.5) The Disciplinary Authority may nominate any person to present the case in support of the charges before the Authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The Government servant may present his case with the assistance of any other Government servant approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority as aforesaid is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(9.6) The Inquiring Authority shall, in the course of the inquiry consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The Government servant shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person, and to adduce documentary and oral evidence in his defence. The person presenting the case in support of the charges shall be entitled to cross-examine the Government servant and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witness or to admit any document in evidence on the ground that his evidence or such document is not relevant or material, it shall record its reasons in writing.

Explanation - If in the opinion of the Inquiring Authority the proceedings of the enquiry establish any article of charge different from the original article of the charge, it may record its findings on such article of charge;

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted that facts on which such article of charge is based or has been afforded a reasonable opportunity of defending himself against such article of charge.

(9.7) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report- of the inquiry, recording its findings on each of the charges together with reasons therefore.

(9.8) The record of the inquiry shall include -

- (i) the charges framed against the Government servant and the statement of allegations furnished to him under sub-rule (2)
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the enquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and
- (vi) a report netting out the findings on each charge and the reasons therefore.

(9.9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge.

(9.10) Major penalties - If the Disciplinary Authority having regard to its findings on the charges and on the basis of evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 7 should be imposed on the Government servant it shall make an order imposing such penalty and it shall not be necessary to give the government servant any opportunity of making representation of the penalty proposed to be imposed:

Provided that in every case where it is necessary to consult the Commission the record of the inquiry shall be forwarded by the Disciplinary Authority to the Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the Government servant.

(9.11) Minor Penalties - If the Disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 7 should be imposed, it shall pass appropriate orders and in every case in which it is necessary to consult the Commission, shall do so, after consulting the Commission.

(9.12) Notwithstanding anything contained in this rule, it shall not be necessary to follow the procedure laid down in the proceeding sub-rules in case where it appears to the authority competent to impose the penalty at the initial stage of the proceedings that the penalty of censure would be adequate, but if at any later stage, it is proposed to impose any other penalty specified in rule 7, the procedure laid down in the said rules shall be followed.

(9.13) No order imposing the penalty of censure shall however be passed, except after -

- (i) the Government servant is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; and
- (ii) such representation, if any, is taken into consideration by the Disciplinary Authority.

**10. Special Procedure in certain cases - Notwithstanding anything contained in Rule 9.-**

- (i) where a penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge; or (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rule; or
- (iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to follow such procedure, -

the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit;

Provided that the Commission shall be consulted before passing such orders in any case in which such consultation necessary.

**11. Provisions regarding lent Officers - (1) Where the services of a Government servant are lent to the Central Government, any State Government or to a local or other Authority (hereinafter in this rule referred to as "the Borrowing Authority"), the Borrowing Authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking a disciplinary proceeding against him:**

Provided that the Borrowing Authority shall forthwith inform the Authority which lent his services (hereinafter in this rule referred to as "the Lending Authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

**(2) In the light of the findings in the disciplinary proceeding taken against the Government servant -**

- (i) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 7 should be imposed on him, it may in consultation with the Lending Authority pass such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority, the services of the Government servant shall be replaced at the disposal of the Lending Authority;

- (ii) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 7 should be imposed on him, it shall replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry and thereupon the Lending Authority may, if it is the Disciplinary Authority, pass such orders thereon as it deems necessary, or, if it is not the Disciplinary Authority submit the case to the Disciplinary Authority which shall pass such orders on the<sup>1</sup> case as it deems necessary;

Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rule (10) of Rule 9.

**Explanation** - The Disciplinary Authority may make an order under clause (ii) of sub-rule (2) on the record of the inquiry transmitted by the Borrowing Authority, or after holding such further inquiry as it may deem necessary.

**12. Provisions regarding borrowed Officers -**

- (1) Where an order of suspension is made or a disciplinary proceeding is taken against a Government servant, whose services have been borrowed from the Central Government, any State Government or a local or other authority, the authority lending his services (hereinafter in this rule referred to as

"the Lending Authority,)" shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be.

- (2) In the light of the findings in the disciplinary proceeding taken against the Government servant:
- (i) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (iii) of Rule 7 should be imposed on him, it may, subject to the provisions of Rule 9 and in consultation with the Lending Authority pass such orders on the case as it deems necessary.

Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority the services of the Government servant shall be replaced at the disposal of the Lending Authority;

- (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 7 should be imposed on him it shall replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

#### **PART V - APPEALS**

13. **Orders made by an Authority is appealable** - Every Government servant shall be entitled to appeal, as here in after provided against an order passed by an authority:

- (a) placing him under suspension under rule 6;
- (b) imposing upon him any of the penalties specified in rule 7.

14. **Appeals against orders of suspension** - A Government servant may appeal against an order of suspension to the authority which made or is deemed to have made the order is immediately subordinate.

15. **Appeals against orders imposing penalties** - A Government servant may appeal against an order impose on him any of the penalties specified in rule 7 to the Appellate Authority shown below. There shall be no appeal against the orders of the Appellate Authority.

1. Where the Appointing Authority is the Governor, appeals will lie with the Governor.
2. Where the Appointing Authority is the Chief Secretary, appeals will lie with the Governor.
3. Where the Appointing Authority is the Head of Department, appeals will lie with the Secretary of the Administrative Department and -
4. Where the Appointing Authority is the Deputy Secretary or Under Secretary, Secretariat Administration Department, appeals will lie with the Chief Secretary.
5. Where the Appointing Authority is the Secretary, PWD for Grade IV staff, appeals will lie with the Chief Secretary.
6. Where the Appointing Authority is the Deputy Commissioner for Non-Gazetted posts, Steno Grade IV, Steno Grade III, appeals will lie with the Commissioner of Division.
7. Where the Appointing Authority is the District/Sub-Divisional Officer Offices for non Gazetted posts, appeals will lie with the Heads of Department.

**Explanation** : In this rule, the expression "Government Servant" includes a person who has ceased to be in Government service.

16. **Appeals against other orders** :

- (1) A Government servant may appeal against an order which -
  - (a) Denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by any rules or by agreement, or
  - (b) Interprets to his disadvantage the provisions of any such or agreement -

to the Authority to which the authority passing such order is immediately subordinate.

(2) An appeal against an order -

- (a) Stopping a Government servant at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar.
- (b) Reverting to a lower service, grade or post, a Government servant officiating in a higher service, grade or post, otherwise than as a penalty;
- (c) Reducing or withholding the pension or denying the maximum pension admissible under the rules;
- (d) Determining the pay and allowances for the period of suspension to be paid to a Government servant on his re-instatement or determining whether or not such period shall be treated as a period spent on duty for any purpose; and
- (e) Placing a Government servant under suspension, shall lie -
  - (i) in the case of an order made in respect of a Government servant on whom the penalty of dismissal from services can be imposed only by the Governor or to the Governor; and
  - (ii) in the case of an order made in respect of any other Government servant to the authority to whom an appeal against an order imposing upon him the penalty of dismissal from service would lie.

**Explanation : In this rule -**

- (i) the expression "Government servant" includes a person who has ceased to be in Government services:
- (ii) the expression "Pension" includes additional pension, gratuity and any other retirement benefit.

17. **Period of limitation for appeals** - No appeal under this part shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against:

Provided that the appellate authority may entertain after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

18. **Form and contents of appeal** -

(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies shall not contain any disrespectful or improper language, and shall be complete in itself.

19. **Submission of appeals** - Every appeal shall be submitted to the authority which made the order appealed against and, in the case of serving officers, through the Head of the Office in which the appellant is serving for the time being :

Provided that a copy of the appeal may be submitted direct to the Appellate Authority.

20. **Withholding of Appeal** - The authority which made the order appealed against may withhold the appeal if -

- (i) it is an appeal against an order from which no appeal lies; or
- (ii) it does not comply with any of the provisions of rule 18; or
- (iii) it is not submitted within the period specified in rule 17 and no sufficient cause is shown for the delay; or



- (iv) it is a repetition of an appeal already decided and no new facts or circumstances of materials importance are adduced;

Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 18 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld:

Provided further that where *an* appeal is withheld the appellant shall be informed of the fact and reasons thereof.

21. **Submission of return of appeals withheld** - Within fifteen days from the commencement of each quarter a list of the appeals withheld by any authority during the previous quarter, together with the *reasons* for withholding them, shall be furnished by that authority to the appellate authority.
22. **Transmission of appeal;** -
- (1) The Authority which made the order appealed against shall, without any avoidable delay which in no case shall exceed one month, transmit to the appellate authority every appeal which is not withheld under rule 20, together with its comments thereon and the relevant records.
- (2) The authority to which *an* appeal lies may direct transmission to it of any appeal withheld under rule 20 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.
23. **Consideration of appeal** -
- (1) In the case of an appeal against *an* Order of Suspension, the appellate authority shall consider whether in the light of the provisions of rule 6 and having regard to the circumstances and gravity of the case the order of suspension is justified or not and confirmed or revoked the Order accordingly.
- (2) In the case of an appeal against an Order imposing any of the penalties specified in rule 7, the appellate authority shall consider -
- (a) whether the procedure prescribed in these rules been complied with, and, if not whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice;
- (b) whether the findings are justified; and
- (c) whether the penalty imposed is excessive, adequate or inadequate; and, after consultation with the Commission if such consultation is necessary in the case, pass orders -
- (i) setting aside, reducing, confirming or enhancing the penalty; or
- (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that -

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority proposed to impose is one of the penalties specified in Clauses (iv) to (vii) of rule 7 and an inquiry under rule 9 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 10, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of

such inquiry and after giving the appellant *an* opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

- (3) In the case of an appeal against any order specified in Rule 16 the Appellate Authority shall consider all the circumstances of the *case and* pass such orders as it deems just and equitable.
- (4) While considering an appeal it will not be necessary to hear the officer in person by the appellate authority.
24. **Expeditious disposal of appeals** - When an appeal under these rules is preferred it shall be disposed of as expeditiously as possible and in any case within a period of three months from the date of receipt of the appeal by the appellate authority.
25. **Implementation of Orders in appeal** - The authority which made the order appealed against shall forthwith give effect to the Orders passed by the appellate authority.

#### **PART VI - REVIEW**

26. **Governor's power to review** - Notwithstanding anything contained in these rules, the Governor may, on his own motion or otherwise call for the records of the case and review any order which is made or is appealable under these rules or the rules repealed by rule 28 and, after consultation with the Commission where such consultation is necessary -
  - (a) confirm, modify or set aside the Order;
  - (b) impose any penalty or set aside, reduce, confirm or enhance the penalty imposed by the Order;
  - (c) remit the case to the authority which made the Order or to any other authority directing such further action or inquiry as he considers proper in the circumstances of the case: or
  - (d) pass such other orders as he deems fit;

Provided that -

- (i) an order imposing or enhancing a penalty shall not be passed without affording the person concerned an opportunity of making any representation which he may wish to make against such enhanced penalty;
  - (ii) If the Governor proposes to impose any of the penalties specified in clauses (iv) to (vii) of rule 7 in a case where *an* inquiry under rule 9 has not been held, he shall subject to the provisions of rule 10, direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned *an* opportunity of making against any representation which he may wish to make against such penalty, pass such orders as he may deem fit.
27. **Review of orders in disciplinary cases** - The authority to which *an* appeal against an order imposing any of the penalties specified in rule 7 lies may, of its own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case and after consultation with the Commission where such consultation is necessary, pass such orders as it deems fit, as if the Government *servant* has preferred *an* appeal against such order :

Provided that no action under this rule shall be initiated more than one year after the date of the order to be reviewed.

**PART VII - MISCELLANEOUS**

**28. Repeal and savings -**

- (1) The Meghalaya Services (Discipline and Appeal) Rules (Assam rules 1964 as adopted by Meghalaya) are hereby repealed :

Provided that -

- (a) such repeal shall not affect the previous operation of the said rules or anything done or any action taken thereunder;
- (b) any proceedings under the said rules or orders pending at the commencement of these rules shall be continued and disposed off as far as may be, in accordance with the provisions of these rules.
- (2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules or orders so repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.
- (3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered *and* orders thereon shall be passed, in accordance with these rules.

- 29. Removal of doubts -** Where a doubt arises as to who is the Head of any Office or as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor whose decision thereon shall be final.

Sd/-

Smti. L. Diengdoh,

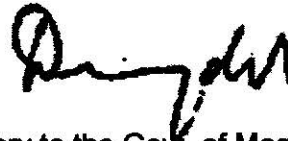
Secretary to the Govt. of Meghalaya,

Personnel & Admv. Reforms (B) Department.

**SCHEDULE**

| Sl.No. | Description of Services  | Appointing Authority                                   | Appellate Authority         |
|--------|--|--|-----------------------------|
| 1      | 2  | 3  | 4                           |
| 1.     | Meghalaya Civil Services   | Governor   | Governor                    |
| 2      | Meghalaya Judicial Service<br>(i) Grade I<br>(ii) Grade II<br>(iii) Grade III                              | -do-   | -do-                        |
| 3      | Meghalaya Legal Service  | -do-   | -do-                        |
| 4.     | All Gazetted Staff (excluding the Ministerial Gazetted Staff) of the Offices of the Governor's Secretariat | -do-   | -do-                        |
| 5.     | All Gazetted Officers of the Office of Meghalaya Public Service Commission                                 | -do-   | -do-                        |
| 6.     | All Gazetted Officers under the Departments  | -do-   | -do-                        |
| 7.     | All Gazetted Officers of Meghalaya Secretariat Service   | -do-   | -do-                        |
| 8.     | Meghalaya Stenographers Service<br>(i) Senior Grade<br>(ii) Steno Grade I                                  | -do-   | -do-                        |
| 9.,    | Meghalaya Subordinate Secretariat Services (Non Gazetted)  | Chief Secretary  | -do-                        |
| 10.    | Meghalaya Administrative Training Institute Instructors/faculty  | -do-   | -do-                        |
| 11.    | Stenographers Grade II/III in the Meghalaya Secretariat  | -do-   | -do-                        |
| 12.    | All Ministerial Gazetted staff of the Office of the Governor's Secretariat                                 | Secretary to the Governor                              | -do-                        |
| 13.    | All Non-Gazetted staff of the Office to the Governor Secretariat   | -do-   | -do-                        |
| 14.    | All Non-Gazetted staff of the Meghalaya Public Service Commission  | Secretary, MPSC  | Chairman, MPSC              |
| 15,    | All Grade IV staff of the Meghalaya Civil Secretariat  | Dy. Secretary/Under Secretary, Sectt. Admn. Department | Chief Secretary             |
| 16.    | All Grade IV staff in the Meghalaya Sectt. {PWD(R&B)}  | Secretary, PWD   | -do-                        |
| 17.    | Stenographers Grade II & III in the Heads of Departments   | Heads of Department                                    | Secretary of the Department |
| 18.    | Stenographers Grade II & III in Deputy Commissioner's Office   | Deputy Commissioner                                    | Commissioner of Division    |

| Sl.No. | Description of Services  | Appointing Authority                     | Appellate Authority         |
|--------|--|--|-----------------------------|
| 1      | 2  | 3  | 4                           |
| 19.    | All Gazetted Officers of Heads of Department   | Governor                                 | Governor                    |
| 20.    | All Non-Gazetted posts under the control of a Heads of Department other than the posts in respect of which specific provisions have been made separately | Heads of Department                      | Secretary of the Department |
| 21.    | All Gazetted posts in the Office of the DCs & Sub-Divisional Officer (C)   | Governor                                 | Governor                    |
| 22.    | Head Assistant in the Office of Deputy Commissioners & Sub Divisional Officer (C)  | Commissioner of Division                 | Commissioner of Division    |
| 23.    | All Non-Gazetted posts in the Office of the DCs & Sub-Divisional Officer (C)   | Deputy Commissioner concerned            | Commissioner of Division    |
| 24.    | All Gazetted posts of the Meghalaya House, New Delhi, Kolkatta, Mumbai, Vellore, Guwahati  | Governor                                 | Governor                    |
| 25.    | All Non-Gazetted posts of the Meghalaya House  | Deputy Secretary, Genl. Admn. Department | Chief Secretary,            |
| 26.    | All Non-Gazetted posts in the Meghalaya Government Press   | Heads of Department                      | Secretary of the Department |



Secretary to the Govt. of Meghalaya,  
Personnel & Admv. Reforms (B) Department.

**GOVERNMENT OF MEGHALAYA  
PERSONNEL & ADMV. REFORMS (B) DEPARTMENT**

No. PER (AR) 6/2011/60.

Dtd. Shillong, the 1<sup>st</sup> February, 2012

**OFFICE MEMORANDUM**

The undersigned is directed to refer to sub-rule (9.5) of Rule 9 of the Meghalaya Services (Discipline & Appeal) Rules, 2011 wherein it is stated that the Disciplinary Authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the inquiring Authority). The Government servant may present his case with the assistance of any other Government servant approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the presenting officer nominated by the Disciplinary Authority is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits.

However, there are some doubts as to the interpretation of the word any other Government servant while engaging as Defence Assistant as the Rule itself does not specifically mentioned either "Serving" or "Retired" Government servant.

To remove doubts the matter has therefore been re-examined and decided that the words "any other Government servant" appeared in the above Rule implies both serving and retired Government servant.

The above clarification of the Rules should be strictly adhered to while engaging Government servant for appointment as Defence Assistant under the provision of the Disciplinary and Appeal Rules.

Sd/-  
Smti. L. Diengdoh,  
Secretary,  
Personnel and Admv. Reforms (B) Department.

No. PER (AR) 6/2011/60-A,

Dtd. Shillong, the 30<sup>th</sup> January, 2012.

Copy to:

1. All Administrative Department.
2. All Heads of Department.

By Order etc.,



Deputy Secretary to the Govt. of Meghalaya,  
Personnel and Admv. Reforms (B) Department

**GOVERNMENT OF MEGHALAYA  
PERSONNEL & ADMV. REFORMS (B) DEPARTMENT**

No.PER (AR) 21/2010/Pt.I/2

Dated Shillong, the 3<sup>rd</sup> February, 2012

OFFICE MEMORANDUM

The undersigned is directed to refer to Sub-rule (9.12) of the Meghalaya Service (Discipline and Appeal) rules, 2011. It is clarified that Sub-rule (9.12) of the Meghalaya Service (Discipline and Appeal) Rules, 2011 permits the Disciplinary Authority to impose the penalty of censure at the initial stage of the proceedings without going through the procedure of enquiry as laid down, if the penalty of censure is considered adequate. However, in such cases, the Government servant is to be informed in writing, of the proposed action to be taken against him and of the allegation on which it is proposed to be taken. This is to enable the delinquent employee an opportunity to make any representation against him. Such representation, if any, should be taken into consideration by the Disciplinary Authority under sub-rule (13) of Rule 9 of the Rules mentioned above. It is further clarified that issue of second show cause notice prior to imposing of penalties is not required, for those cases falling within the ambit of Rule 9 (10) and 9 (11) of the above mentioned Rules.



(Smti. L. Diengdoh)

Secretary to the Govt. of Meghalaya,  
Personnel & Admv. Reforms (B) Department.

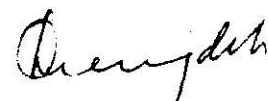
No.PER (AR) 21/2010/Pt.I/2-A

Dated Shillong, the 3<sup>rd</sup> February, 2012

Copy to:-

1. All Administrative Departments.
2. All Heads of Department.

By Order etc,



Secretary to the Govt. of Meghalaya,  
Personnel & Admv. Reforms (B) Department.

