

No. 28/5/94-IH(7)-2024/52
Chandigarh Administration
Department of Personnel

Chandigarh, dated the 01/11/2025

OFFICE MEMORANDUM

Subject: Action on any misconduct by officers/officials borrowed from State Governments etc. – reg.

It has been noticed that there is some confusion as to whether in case of misconduct, disciplinary proceedings can be initiated against an officer/official on deputation or the officer/ official is to be repatriated to his parent State/cadre.

2. In this regard, attention of all concerned is invited to the Govt. of India, Ministry of Home Affairs' notification No. GSR 230(E) dated 29.03.2022 as re-published in the Chandigarh e-gazette on 30.03.2022, wherein it has been mentioned that the conditions of Service of persons appointed to the services and posts in Group A, B and C under the administrative control of Administrator of the U.T. Chandigarh shall be same as the conditions of service of the persons appointed to corresponding services and posts in Central Civil Services of the Govt. of India and shall be governed by the same rules and orders as are applicable to the latter category of persons.

3. In the Central Government, Central Civil Service (Classification, Control & Appeal) Rules, 1965 are applicable in connection with disciplinary cases for any misconduct.

4. Rule 21 of the Central Civil Service (Classification, Control & Appeal) Rules, 1965 refers to provisions regarding officers borrowed from State Governments etc (**copy enclosed**). In brief, the Rule ibid implies that the borrowing authority can suspend and conduct disciplinary proceedings against the Government servant and the authority lending his services shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be. After following the due procedure, any of the penalties specified in Clauses (i) to (iv) of Rule 11 can be imposed by the borrowing authority after consultation with the lending authority. 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. Further, if the Disciplinary Authority is of the

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opinion that any of the penalties specified under Clauses (v) to (ix) of Rule 11 should be imposed on the Government servant, it shall replace the services of such Government Servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action, as it may deem necessary.

5. All concerned are advised to consider feasibility for appropriate action under Rule 21 of Central Civil Services (Classification, Control & Appeal) Rules in case of any misconduct.

6. This issues with the approval of the Competent Authority.

AKM
01/01/25

Additional Secretary Personnel
Chandigarh Administration

To

1. All the Administrative Secretaries/
Heads of Departments/Offices/
Institutions/Boards/Corporations
Chandigarh Administration
2. Director Information Technology, U.T. Chandigarh for uploading the
aforesaid O.M. on the official website of Chandigarh Administration



कार्मिक एवं प्रशिक्षण विभाग
DEPARTMENT OF
PERSONNEL & TRAINING

[Home](#) >> CCS (CCA) RULES, 1965

CCS (CCA) RULES, 1965

CENTRAL CIVIL SERVICES

(CLASSIFICATION, CONTROL & APPEAL) RULES, 1965

In exercise of the powers conferred by proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely :-

PART I

GENERAL

1. Short title and commencement

- (1) These Rules may be called the Central Civil Services (Classification, Control and Appeal) Rules, 1965.
- (2) They shall come into force on the 1st December, 1965.

2. Interpretation

In these rules, unless the context otherwise requires, -

- (a) "appointing authority", in relation to a Government servant, means -
 - (i) the authority empowered to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or
 - (ii) the authority empowered to make appointments to the post which the

consultation with the lending authority, make 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 (v) to (ix) of rule 11 should be imposed on the Government servant, 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 order thereon as it may deem necessary, or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary :

Provided that before passing any such order the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 15.

EXPLANATION - The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with rule 14.

21. Provisions regarding officers borrowed from State Governments, etc.

(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed by one department from another department or from a State Government or an authority subordinate thereto 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 the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Government servant, if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 11 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 15 and except in regard to a Government servant serving in the Intelligence Bureau up to the rank of Assistant Central Intelligence Officer, after consultation with the lending authority, pass such orders on the case as it may deem necessary-

(i) 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 (v) to (ix) of Rule 11 should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action, as it may deem necessary.

PART VII

APPEALS

22. Orders against which no appeal lies

Notwithstanding anything contained in this Part, no appeal shall lie against-

- (i) any order made by the President;
- (ii) any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) any order passed by an inquiring authority in the course of an inquiry under Rule 14.

23. Orders against which appeal lies

Subject to the provisions of rule 22, a Government servant may prefer an appeal against all or any of the following orders, namely:-

- (i) an order of suspension made or deemed to have been made under rule 10;
 - (ii) an order imposing any of the penalties specified in rule 11, whether made by the disciplinary authority or by any appellate or revising authority;
 - (iii) an order enhancing any penalty, imposed under rule 11;
 - (iv) an order which-
- (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or