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17/09/18

**F. No. C-14011/07/2016 -Ad. V /8072**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Indirect Taxes & Customs**  
**(Ad. V Section)**

6<sup>th</sup> Floor, C-Wing, Hudco Vishala Bldg,  
Bhikaji Cama Place, New Delhi.  
Date the **11** July, 2018.

To

**All Principal Director Generals/ Director Generals**  
**All Principal Chief Commissioner/Chief Commissioners of Customs,**  
**Central Goods & Service Tax Zones**  
**All Principal Commissioner/ Commissioner of Customs, Central Goods &**  
**Service Tax Zones**  
**The Narcotics Commissioner**  
**Directorate of Publicity & Public Relations**

**Subject: Timely completion of departmental inquiries -regarding.**

Sir/Madam,

As you are aware, Rule 14(24) of CCS(CCA) Rules, 1965 has been inserted vide Govt. of India notification dated 02.06.2017 laying down a statutory period of 6 months for completion of departmental inquiries against government servants. A copy of the said notification was circulated vide Board's circular of even number dated 01.08.2017. Subsequently, the said instructions were also reiterated vide communication of even number dated 30.08.2017 issued under the signature of Chairman, CBIC.

2. In spite of the statutory provisions made in the CCS(CCA) Rules, 1965 having been brought to the notice of all concerned, Inquiry Officers having been demi officially requested by ADG(Vig.), CVO, CBIC, Member (Admn.)/Chairman, CBIC to complete the inquiries within the statutory period of 6 months, and in appropriate cases, the Controlling Officers of the Inquiry Officers having been requested to relieve them of their regular charge to complete the inquiries within the statutory time limit, it has been observed that a large number of inquiries are still pending for a considerable period of time. The Inquiry Officers instead of submitting the inquiry report are seeking repeated extensions of time in a routine fashion without themselves doing due diligence to complete the inquiry within the statutory period of 6 months.

3. All the Inquiry Officers are hereby directed to complete the pending inquiries latest by 31.08.2018, failing which appropriate action will be taken against the Inquiry Officers for non-compliance of the statutory provisions of CCS(CCA) Rules and specific directions of the Board in this regard. No request for extension of time beyond 31.08.2018 for whatever reasons shall be entertained by the Board and all requests from IOs for extension of time accordingly stand disposed.

4. Further, it has also been noticed that the Inquiry Reports submitted by the Inquiry Officers often suffer from various documentary/procedural infirmities. These require the matter to be remitted or referred back to the IO for removal of the infirmities, which further delays the case. In order to avoid delays, henceforth Inquiry Officers will submit the Inquiry Report by hand in the Board/CBIC (Ad.V) and obtain a proper acknowledgment from CBIC/Ad.V for having delivered the Inquiry Report, complete in all respect. **In order to ensure that the Inquiry Officers do not face difficulty in submitting the Inquiry Reports in CBIC/Ad.V, a check list containing the documents required to be submitted along with Inquiry Report, is enclosed.** Inquiry Officers are requested that before submitting the Inquiry Report by hand in CBIC/Ad.V, they should personally ensure that the Inquiry Report is complete in all respect and submitted as per the check list enclosed.

Yours faithfully,



(Kabindra Joshi)

Deputy Secretary to the Government of India

Copy to:

1. All the Inquiry Officers (by name).
2. The Addl. Director General, Directorate General of Vigilance, Customs & Central Excise, Hotel Samrat, Chanakyapuri, New Delhi.
3. Principal ADG/ADG(Vig) in Zonal Units of DGOV-for necessary follow with the IOs within their jurisdiction.
3. Jt. Secretary (Admn.), CBEC, North Block, New Delhi.
4. The Web Manager, Dte General of Systems, Customs & Central Excise, New Delhi – for prominently displaying a copy of this circular on the website of CBIC.
5. All dealing hands in CBEC/Ad.V
6. Guard File.

**CHECK LIST OF DOCUMENTS TO BE SUBMITTED BY THE INQUIRY OFFICER TO THE DISCIPLINARY AUTHORITY ALONGWITH INQUIRY REPORT**

- (I) Three ink signed copies of the Inquiry Report prepared by the IO as per Rule 14(23)(i) – IO should give findings on each article of charge separately with reasons therefor. He should clearly indicate whether the charge is proved/partly proved or not proved. There should be no ambiguous findings.
- (II) Folder containing depositions made by the prosecution witnesses during the course of inquiry - containing details of examination by PO, cross-examination by CO/his Defence Assistant, re-examination by PO and examination, if any, by the IO – Rule 14(14). [The depositions to contain the signature of the CO/his Defence Assistant, PO & IO at the bottom].
- (III) Folder containing depositions made by the defence witnesses during the course of inquiry containing examination by CO/his Defence Assistant, cross examination by PO, examination, if any by IO -Rule 14(17). [The depositions to contain the signature of the CO/his Defence Assistant, PO & IO at the bottom].
- (IV) Daily Order Sheets of all the preliminary/regular hearings held by the IO, duly signed by IO.
- (V) Correspondence Folder of the IO containing all the correspondence made with the Disciplinary Authority, Presenting Officer, Charged Officer, Witnesses etc. In case of ex-parte inquiry copies of all the communications sent to the CO including those received back from postal authorities along with envelops containing remarks of the postal authorities be kept intact in the correspondence folder. [The correspondence made by the IO should establish that the CO was given reasonable opportunity to produce his defence].
- (VI) Written brief of Presenting Officer – Rule 14(19).

- (VII) Written brief of the Charged Officer -Rule 14(19). The Charged Officer should be given 15 days time from the date of receipt of PO's brief by the CO, to submit his written brief. If the Charged Officer has failed to submit his written brief, proof of PO's brief having been served to the CO should be invariably furnished.
- (VIII) Prosecution Exhibits, including statement of witnesses, if any, recorded during the course of investigation, taken on record by the IO during the course of inquiry duly marked as PE-1, PE-2, PE-3 ....so on, with initials of the IO as token of having taken them on record. If any of the documents listed in Annexure III of the Charged Memorandum is not taken on record, the reasons for the same should be given in the inquiry report.
- (IX) Defence Exhibits taken on record by the IO during the course of inquiry duly marked as DE-1, DE-2, DE-3 ....so on, with initials of the IO as token of having taken them on record.
- (X) Findings of guilt in respect of those articles of charge to which the CO pleads guilty - Rule 14((9) & (10).
- (XI) List of defence documents/witnesses submitted by the CO explaining the relevance thereof – Rule 14(11).
- (XII) Order passed by the disciplinary authority deciding relevance of the defence documents requisitioned by the CO – Rule 14(12).
- (XIII) Statement of defence of the Charged Officer, if any, under Rule 14(16).
- (XIV) General examination of the CO under Rule 14(18), if he has not been examined earlier as defence witness.
- (XV) The inquiry should be conducted and completed strictly in accordance with the provisions of Rule 14(3) to 14(24) of the CCS(CCA) rules, 1965.

**Note: All the documents should be furnished in original or authenticated copies thereof.**