

RS (D&A) Rules: Dropping of Charges on Consideration of Written Statement of Defence  
No.E(D&A)81 RG6-28, dated 27.06.1981

Sub: RS (D&A) Rules, 1968 - Question whether charges can be dropped at the stage of initial written statement of defence.

A copy of the Department of Personnel and Administrative Reforms, Ministry of Home Affairs O.M.No.11012/2/78-Estt (A), dated 12.03.1981 on the above subject is sent herewith. The Board desire that the position indicated in the above O.M. may be brought to the notice of all concerned authorities for guidance/ compliance.

Rule 14(5)(a) and 14(4) of the CCS (CCA) Rules, 1965 correspond to Rule 9(9)(a) and 9(7) of the RS (D&A) Rules, 1968.

**Ministry of Home Affairs**  
**Department of Personnel and Administrative Reforms**  
**O.M.No.11012/2/78-Estt (A), dated 12.03.1981**

**OFFICE MEMORANDUM**

Sub: CCS (CCA) Rules, 1965 - Question whether charges can be dropped at the stage of initial written statement of defence.

1. The undersigned is directed to say that a question has been under consideration by this Department whether rule 14(5)(a) of the CGS (GCA ) Rules, 1965, permits the dropping of charges by the disciplinary authority after considering the written statement of defence submitted by the accused Government servant under rule 14(4) ibid. The question has been considered in consultation with the Ministry of Law and the position is clarified as under:-
  - (a) The disciplinary authority has the inherent power to review and modify the articles of charge or drop some of the charges or all the charges after the receipt and examination of the written statement of defence submitted by the accused Government servant under rule 14(4) of the CCS (CCA) Rules, 1965.
  - (b) The disciplinary authority is not bound to appoint an Enquiry Officer for conducting an enquiry into the charges which are not admitted by the accused official but about which the disciplinary authority is satisfied on the basis of the written statement of defence that there is no further cause to proceed with.

2. It may, however, be noted that the exercise of the powers to drop the charges after the consideration of the written statement of defence by the accused Government servant will be subject to the following conditions:-
  - (a) In cases arising out of investigation by the Central Bureau of Investigation, the CBI should be consulted before a decision is taken to drop any of or all, the charges on the basis of the written statement of defence submitted by the accused Government servant. The reasons recorded by the disciplinary authority for dropping the charges should also be intimated to the Central Bureau of Investigation.
  - (b) The Central Vigilance Commission should be consulted where the disciplinary proceedings were initiated on the advice of the Commission and the intention is to drop the proceedings altogether, as distinct from dropping or reviewing or modifying some charges.
3. The Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all authorities under their control for their guidance and compliance.

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**Forward reference ⇒ RBE No.**