

Handbook of Do's and Dont's-For Disciplinary Proceedings

(DISCIPLINARY AUTHORITY / INQUIRY OFFICER / PRESENTING
OFFICER / DEFENCE ASSISTANT)
AIRPORTS AUTHORITY OF INDIA
Corporate Vigilance Department

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Definition Of Terms

1.1 Misconduct - to be construed in the light of the service/ conduct rules or regulations applicable to each establishment "improper behaviour", "intentional wrong doing", "deliberate violation of rules or standard of behaviour or culpable neglect of duty".

1.2 Charge Sheet - a formal document communicating the charges framed against an employee who is alleged to have committed a misconduct - a first step of disciplinary action.

1.3 Charged Official (CO) - an employee who has been charged with some misconduct and to whom a formal charge sheet has been issued by the Disciplinary Authority.

1.4 Disciplinary Proceedings - quasi-judicial proceedings which commence with the service of the charge sheet on the CO.

1.5 Disciplinary Authority (DA) - the designated officer competent to impose any of the penalties on the CO.

1.6 Inquiring Authority/Inquiry Officer (IO) - appointed by the Disciplinary Authority to inquire into the charges.

1.7 Presenting Officer (PO) - appointed by the Disciplinary Authority to present the case on behalf of the Disciplinary Authority.

1.8 Appellate Authority - an authority superior to the Disciplinary Authority to whom an appeal against the penalty imposed can be made by the CO,

1.9 Defence Assistant - nominated by the CO to defend charges.

1.10 Prosecution Document (PD) - a document listed in an Annexure to the charge sheet to prove the charges framed against the CO.

1.11 Prosecution Witness (PW) - a witness listed in an Annexure to the charge-sheet to sustain the charges framed against the CO.

1.12 Defence Document (DD) - a document cited and produced on behalf of the CO for his defence.

1.13 Defence Witness - cited and produced on behalf of the CO for his defence.

1.14 Daily Order Sheet- a document made by the Inquiry Officer recording his daily business of inquiry proceedings in brief.

1.15 Examination-in-chief - a process by which a witness narrates before the I.O. the facts within his personal knowledge and relevant to the inquiry.

1.16 Preliminary Inquiry/Investigation - a fact finding inquiry to ascertain the truth or otherwise of the allegations contained in the information or complaint.

1.17 Principles of natural justice - not defined in any Code or Law or Rules but the concept is fairly crystalised through judicial pronouncements and covers three important principles:

- a. No one shall be a judge in his own cause.
- b. No one shall be condemned unheard, right of the either party to be heard.
- c. Justice should not only be done but it should appear that it is being manifestly done.

Misconduct

2.0 Do's and Don'ts are laid down in conduct rules in official life/ private life which is likely to impinge on the official life and not following these Do's & Don'ts may amount to misconduct.

2.1 **Do's**

- maintain absolute integrity
- maintain devotion to duty
- do nothing which is unbecoming of yourself as an employee
- ensure the integrity and devotion to duty of your subordinates, where you hold a supervisory post
- act in best judgment except while acting under the direction of your official superior
- perform the task assigned within the time set for the purpose with the quality of performance expected
- file Annual property return
- acquire or dispose movable, immovable and valuable property with proper permission
- intimate about investments;

Don'ts

- take part in politics and elections;
- participating in demonstrations and strikes;
- connection with press and radio;
- criticising Government/ AAI;
- giving evidence before committees;
- unauthorisedly communicating official information;
- public demonstrations in one's honour;
- vindication of one's acts and character;
- canvassing outside influence.
- habitual indebtedness or insolvency;
- engaging in private trade or employment;
- accepting gift beyond the prescribed ceiling;
- giving or taking or demanding dowry;

- entering into a bigamous marriage;
- consuming intoxicating drinks and drugs and appearing in a state of intoxication, in a public place.
- Use your position or influence to secure employment for members of family in any company or firm;
- allow members of the family to engage in a trade or business or own or manage an insurance agency or commission agency without taking permission:
- indulge in acts of moral turpitude;
- furnish any false information about self & dependent in any manner whatsoever;
- misuse your official position & discretionary power for personal gains;
- 21.accept frequent and lavish hospitality from any individual or firm having official dealing.

Disciplinary Proceedings

3.1 Procedure for imposing Minor Penalty

In the case of minor penalty, the employee should be informed in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which action is proposed to be taken and given a reasonable opportunity of making such representation as he may wish to make against the proposal. It is not necessary to conduct an inquiry. However, if the Disciplinary Authority considers it necessary, depending on the nature of the charge, to hold an inquiry as in major penalty proceedings to arrive at the truth, he may hold such inquiry. The Charged Official however has no right to demand that an inquiry should be held. After considering the representation of the employee and the record of inquiry, if any, conducted, the Disciplinary Authority may take appropriate decision on the finding and the penalty to be imposed and impose a minor penalty.

3.2 Procedure for imposing Major Penalty

3.2.1 There is material difference between the procedure for imposing a minor penalty and that for imposing a major penalty. In the latter case an inquiry will have to be conducted during which oral and documentary evidence is recorded in the presence of the charged official and he is given opportunity to cross-examine witnesses produced on behalf of the Disciplinary Authority and to let in evidence in his defence. An Inquiring Authority conducts the inquiry and a Presenting Officer presents the case on behalf of the Disciplinary Authority and the charged official is assisted by a Defence Assistant.

3.2.2 The Charged Official is given an opportunity of explaining the circumstances appearing against him and no material is taken by I.O. for consideration without his getting such an opportunity in his defence.

3.3 Step by step procedure :

Disciplinary Proceedings - (Major Penalty)

1. Service of charge-sheet on C.O by DA;
2. Written statement of defence of C.O within 15 days;
3. Dropping of charges or Appointment of I.O. & P.O.;
4. Preliminary hearing by I. O.;

5. Inspection of listed documents by C.O & Defence Asstt.;
6. Submission of lists of defence witnesses and of additional documents by C.O. indicating relevancy of such documents and witnesses;
7. I O allowing inspection of additional documents by C.O. & Defence Asstt.;
8. Regular hearing of Prosecution case (Examination-in-Chief of DWs/Cross examination of DWs / Re-examination of DWs):
9. Submission of statement of Defence by C.O.;
10. Hearing of Defence case (Examination-in-chief of DWs/ Cross-examination of DWs/Re-examination of DWs);
11. C.O. appearing as a DW or Mandatory questions to C.O. by I.O.;
12. Submission of written brief by P.O. to I.O. with a copy to C.O.;
13. Submission of written brief by C.O.;
14. Submission of Report by I.O. to D.A. within 6 months from the date of appointment of I.O./P.O, as laid down by CVC;
15. Remission of the case to I.O. by D.A. for further inquiry;
16. D.A. sending a copy of I O's report to the C.O. within 15 days of receipt of I.O's report Reasons for disagreement with I O's findings to be intimated to the C.O. while sending the I. O's report;
17. Obtaining necessary advice in CVC cases;
18. D.A's issue of "speaking order" imposing any of the penalties or an order exonerating the C.O.;
19. Appeal by the C.O. to the Appellate Authority within one month from the date of the DA's penalty order;
20. Order by the Appellate Authority confirming the penalty order/commuting or setting aside the penalty.

Minor Penalty

1. Service of charge sheet on C.O by D.A.

2. Written statement of C.O. with in 15 days.
3. Obtaining necessary advice in CVC cases in case of exoneration.
4. Dropping of charges or imposition of a minor penalty through a "Speaking order" by D.A.

Role & Functions Of Disciplinary Authority

4.1 Disciplinary authority can either hold the enquiry him self or delegate this authority to another officer who is in a grade higher than the Charged Official. If the Disciplinary Authority finds that any or all the charges have not been admitted by the employee in his written statement of defence or if no written statement of defence is received by him within the specified date, the Disciplinary Authority may himself inquire into such charges or appoint an Inquiry Officer to inquire into the truth of the charges. It should be ensured that the officer so appointed has no bias and had no occasion to express an opinion in the earlier stages of the case.

4.2 Where charges relate to misconduct against the Disciplinary Authority, such officer cannot function as Disciplinary Authority.

4.3 An officer who has detected the misconduct or one who is a witness or a complainant, cannot function as Disciplinary Authority.

4.4 When the Disciplinary Authority orders a domestic enquiry, it has to appoint a Presenting Officer also to present its case. The Inquiry Officer should be senior to the Presenting Officer and the officer / employee proceeded against. There is no bar on the disciplinary authority for conducting an inquiry by himself but it is desirable for the sake of justice and equity that the Inquiry Officer should be an independent authority with an open mind and without any connection with the case. An Inquiry Officer must be a responsible official commanding respect from the employees of the organisation. There is no special qualification for a person acting as an Inquiry Officer. It is also not essential that he should be a legal expert, but he must possess a fair knowledge of the principles of natural justice. A person who has taken part in the preliminary investigation of the case and has given his opinion on the matter should not be appointed as an Inquiry Officer.

4.5 Before a reference is made to the Inquiry Officer, the Disciplinary Authority shall ensure that they are in possession of the listed documents. On conclusion of the enquiry, the Inquiry Officer shall submit his report to the Disciplinary Authority together with all the inquiry records. The report should clearly indicate his findings in respect of each charge as to whether it has been proved on the basis of evidence produced during the inquiry. On the basis of the Inquiry Officer's report, the Disciplinary Authority will pass the final order.

4.6 Important Do's for Disciplinary Authority

- * Hold a preliminary enquiry/investigation to ascertain the facts of an alleged misconduct by determining the nature of guilt, identifying the culprits and finding out whether a prima facie case exists.
- * Take a decision on the basis of preliminary enquiry/investigation report i.e. whether the matter may be dropped or further action by way of departmental or criminal proceedings may be taken.
- * Frame the charges carefully on the basis of "prima facie evidence" by adhering to the following guidelines:-
 - i) Get hold of the original records pertaining to the commission of the misconduct by the employee.
 - ii) Check up the various facts with reference to the original records and arrange the verifiable facts in a logical manner.
 - iii) Charges must be definite and contain full particulars in regard to the date, time, place, person and incident.
 - iv) Charges must not be vague.
 - v) Avoid multiplication of charges and frame one article of charge for each transaction.
 - vi) Avoid petty charges.
 - vii) Avoid reference to report of preliminary inquiry and confidential documents.
 - Viii) Draft the charge sheet in an emphatic language without using the words "alleged to have" etc.
 - ix) Mention the particular conduct Rule violated by the employee.
 - x) Avoid mention of past bad conduct and of proposed punishment in the chargesheet.

- * Appoint an Inquiry Officer only if the reply to the chargesheet given by the CO is not found to be satisfactory.
- * Appoint a person as the Inquiry Officer who is impartial and free from bias.
 - i) Sign the charge sheet.
 - ii) Ensure service of the charge sheet on the CO against proper acknowledgement.
- * Note that the onus of proving a charge through the Presenting Officer lies with the Disciplinary Authority only.
- * Check up whether the I O has correctly evaluated the evidence produced before him and his findings are logical and based on evidence.
- * Supply a copy of the Inquiry Officer's report to the CO even in cases where the CO has been exonerated or only a minor penalty has been imposed.
- * In case of disagreement with the findings of the I O, give the CO a statement of the findings of the Disciplinary Authority together with brief reasons for the disagreement.
- * Issue "speaking" penalty orders mentioning the reasons in brief for proving the misconduct.
- * Give a prospective date of effect and not a retrospective date in the final order.

4.7 Important Dont's for Disciplinary Authority

- * Frame charges on flimsy grounds.
- * Appoint a witness or the complainant as an Inquiry Officer.
- * Appoint the Inquiry officer before receipt of the reply from the CO.
- * Subject the Inquiry Officer to your direction and control.
- * Ask your subordinate officer to sign and issue the chargesheet and the penalty orders on your behalf.

- * Rely on extraneous material, not brought out in evidence, to disagree with the I O's report.
- * Mention new charges in the final penalty order to prove the misconduct.

Role & Functions Of Inquiry Officer

5.1 The role of Inquiry Officer is to hold an in-depth inquiry with the twin purpose – (i) to bring out correct facts of the case after holding an inquiry in accordance with the prescribed procedure; and (ii) to ensure an impartial and fair hearing to the charged official.

5.2 Functions of the Inquiry Officer

Broadly speaking, the Inquiry Officer has to perform the following functions :-

i) To bring on record all documents in support of the charges and those permitted for the defence.

ii) To record oral testimony of the prosecution and the defence witnesses after subjecting them to cross-examination by the opposite party.

iii) Generally to examine the Charged Official after the evidence has been recorded . The purpose is to get clarifications from the Charged Official on the evidence against him.

iv) To analyse the evidence recorded by him and make correct and proper assessment of the effect of total evidence on record.

v) To write a reasoned report of inquiry giving his pointed findings whether the charges are proved or not proved.

5.3 **Important Do's for Inquiry Officer**

* Check up your order of appointment as Inquiry officer.

* Check up that the following documents have been received along with your order of appointment :-

(i) A copy of the articles of charge and the statement of imputations of misconduct or misbehaviour.

(ii) A copy of the written statement of defence, if any, submitted by the charged official.

(iii) A list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained.

(iv) Copies of the statement of witnesses, (if any) recorded in the course of preliminary enquiry/ investigation.

(v) Evidence proving the service of the charge sheet on the Charged Official.

(vi) A copy of the order appointing the Presenting Officer.

- * Send notices of preliminary hearing in the prescribed form.
- * See that the notices are served in person on the Charged Official or communicated to him and duly acknowledged.
- * At the preliminary hearing, apprise the Charged Official and the Presenting Officer of the procedure of inquiry.
- * Find out if the charged official wishes to admit any of the charges in the Preliminary hearing.
- * Ask the CO whether he requires any Defence Assistant to be nominated.
- * Ask the CO to inspect the listed documents and accept the documents for genuineness.
- * Decide relevance of defence documents and witnesses quickly.
- * Record reasons in the Daily Order Sheet for disallowing the defence documents/witnesses.
- * Send requisition for the additional documents to the authority to whom the documents belong.
- * If necessary, have a second preliminary hearing for the purpose of reducing the number of witnesses and documents in consultation with the Presenting Officer and the CO. This could cut out a lot of delay at a later stage.
- * Open a Daily Order Sheet and record the daily transaction of business therein.
- * Send notices to witnesses in the prescribed form. In the case of witnesses who are public servants, requests should be sent to the Head of the Department/office to ensure the attendance of the witnesses concerned.
- * Notice to private witnesses may be sent direct or through the Presenting Officer/Charged Official.
- * Hold regular hearing on day-to-day basis without avoidable loss of time.

- * Send intimation to the controlling authority in the prescribed form about the officer selected by the Charged Official as his Assisting Officer.
- * Obtain certificate from the defence assistant that he is not having more than two cases on one hand in which he is rendering defence assistance.
- * Reject all requests for adjournments etc. which appear to be meant to obstruct or delay the proceedings, but always record reasons for such rejections, in the Daily Order Sheet.
- * Before regular hearing commences, obtain certificate of inspection of documents from the charged official.
- * Record the questions disallowed by you during the cross-examination.
- * Depositions of the witness(es) should be recorded during the enquiry and the signatures obtained thereon.
- * After the case of the disciplinary authority is closed, you should require the Charged Official to state his defence orally or in writing, as he may prefer. If the defence is made orally, record it and ask the charged official to sign the record. Give a copy of the statement of defence to the Presenting Officer.
- * If the Charged Official has not offered himself as a witness, you must question him generally on the circumstances appearing against him at the end of the prosecution case.
- * The deposition of each witness should be recorded on a separate sheet under your dictation and you should record a certificate at the end of each deposition as follows :-

"Read over to the witness in presence of the Charged Official and admitted correct / objection of witness recorded."
- * Reject any request for permission to introduce new evidence or recall any witness merely to fill up any gap in the evidence.
- * Allow copy of the written brief of the Presenting Officer to the charged employee within 07 days.
- * Submit your report of inquiry to the Disciplinary Authority along with all original records within 6 months from the date of appointment of I.O/PO.

5.4 **Important Dont's for Inquiry Officers**

- * Proceed with the inquiry if you have any personal interest whatsoever in it. If you yourself feel that you have a bias either way, return the enquiry to the Disciplinary Authority explaining your position.
- * Summon witnesses merely to prove formal documents whose genuineness and authenticity are admitted by the Charged Official.
- * Give publicity since departmental proceedings are in the nature of a domestic enquiry,
- * Continue with the proceedings if a representation of the Charged Official alleging bias against the Inquiry Officer is pending consideration.
- * Postpone preliminary hearing simply because the Charged Official could not arrange defence assistance.
- * Call for the documents or examine a witness to decide the question of their relevance.
- * Requisition the additional documents from the Disciplinary Authority. You have to write direct to the authority in whose custody or possession these documents lie.
- * Throw the responsibility of calling defence witnesses on the Charged Official.
- * Allow any request from the Charged Official for supply of copies of voluminous documents (He is, however, free to take extracts).
- * Summon the following documents :-
 - a. Report of preliminary enquiry/investigation
 - b. File dealing with the disciplinary case against the Charged Official
 - c. Advice of the CVC/Ministry.
- * Consult others behind the back of the Charged Official.
- * Look into unspecified record.
- * Allow the Presenting Officer to insist that the witnesses should be examined in the same order in which they have been listed in the charge-sheet.

- * Allow leading questions, except in cross-examination. Put leading questions to the witnesses, your self.
- * Allow adjournments on flimsy grounds.
- * Allow 'New evidence' to fill up gaps. It should be allowed if there is an inherent lacuna in the evidence already recorded.
- * Allow the Presenting Officer to introduce any new point during the examination of a witness unless he has convinced you of its necessity and taken prior permission.
- * Put any question yourself to a witness or the Charged Official from your personal knowledge.
- * Allow the conduct of the witness to be the subject matter of examination or cross-examination.
- * Admit evidence recorded in an earlier inquiry in the subsequent inquiry (in exceptional cases, however, for reasons to be recorded, the evidence tendered in earlier proceedings may be taken on record).
- * Allow defence assistance when the charged employee is appearing as a defence witness or when he is answering the mandatory questions, towards the close of inquiry.
- * Examine a co-accused in a common proceedings as a witness against the other co-accused, unless he opts to examine himself.
- * Allow cross-examination of a defence witness by the other charged officials in a joint trial. Only presenting officer can cross-examine a defence witness.
- * Go in for local inspection of the site of the incident except when accompanied by the charged officials and the presenting officer.
- * Supply copy of the written brief of the Charged Official to the presenting officer.
- * Be bound by the rigid limitations regarding the admissibility of evidence and the degree of proof applicable to criminal proceedings.
- * Import anything extraneous into your report but confine yourself to the facts in issue, as brought out in evidence.
- * Recommend the penalty to be imposed in your Inquiry report.

Role & Functions Of Presenting Officer

6.1 Role of the Presenting Officer

By their very nature, the departmental inquiries cannot be equated with proceedings before the courts of law. The Inquiring Authority is not a court and the Presenting Officer is not a public prosecutor. Such inquiries are basically fact-finding exercises. Hence, the proper role for the Presenting Officer is to assist, to the best of his ability, the Inquiring Authority to reach the truth, by presenting before him the case of the Disciplinary Authority in its correct perspective.

6.2 Functions of the Presenting Officer

The primary function of the Presenting Officer is to marshal facts before the Inquiry Officer and to examine and cross-examine the witnesses produced during the inquiry. Thus, he should ;

- i) Assist the Inquiry Officer during preliminary hearing to sort out the preliminaries;
- ii) Supply copies of documents in support of the charges and allow inspection of the originals to the charged employee when so directed by the Inquiry Officer.
- iii) Supply copies (in full) of the earlier statements of witnesses mentioned in the list of prosecution witnesses.
- iv) Produce the listed documents before the inquiry officer in the beginning of the regular hearing so that they are brought on record; and to prove the disputed documents by examining the relevant official witness(es).
- v) Lead, in a logical manner, the oral evidence before the Inquiry Officer in support of the charge.
- vi) Where necessary, to make timely request to the Inquiry Officer for production of some new or additional evidence not mentioned in the charge sheet. The right stage for making such a request is after he has examined all the witnesses and before the defence case begins.
- vii) Cross-examine effectively witnesses produced by defence.
- viii) Submit his written brief, summing up his case, with a copy to the charged official after all evidence has been recorded in the case. Where the rules permit, he may, with permission of the Inquiry Officer, argue the case orally.

6.3 **Important Do's for Presenting Officer**

- * Study all the original records of the case based on which the charges are framed and acquaint himself with all the facts of the case thoroughly including all the elements of misconduct committed by the Charged Official.
- * Be in a position to assist the Inquiry Officer to plan the stages of regular hearing purposefully.
- * Collect all listed documents and all the statements of witnesses taken during the investigation, if not received already.
- * Correlate each item of oral or documentary evidence to the statement of imputation of misconduct and decide what is likely to prove or fails to prove.
- * Scrutinise the charge sheet and the Defence Statement for giving up unnecessary formal witnesses at the time of preliminary hearing.
- * Anticipate what the Charged Official is likely to admit; then, omit the evidence intended to prove admitted facts or which is superfluous.
- * If a document is admitted, it can be produced by a person in possession of it. On the other hand, if the contents of any documents are not admitted, the person who prepared it or maintained it must be offered as a witness so that the Charged Official can cross-examine him.
- * Be in a position to collect necessary evidence and witnesses for presentation at the regular hearing with greater precision. Keep all your witnesses present for hearing from day-to-day.
- * Before departmental witnesses are examined at the enquiry, it would be desirable to meet them in advance and refresh their memory by referring to their statements recorded at the time of investigation.
- * Remember the points which are generally raised by the defence, viz. mala fides, natural justice and burden of proof. Equip yourself fully how to meet them.
- * Have a thorough knowledge of departmental policies and procedures.

- * He may re-examine the prosecution witnesses.
- * Keep an eye on the procedural aspect at different stages of the disciplinary proceedings and aid the inquiring authority in securing proper compliance of such rules.
- * As the enquiry proceeds, take down notes so that you do not leave out points to be covered during cross-examination/re-examination. This will also help you in preparing the brief at the end.
- * Throughout the conduct of the inquiry you should conduct yourself in such a manner that the Charged Official will have no reason to feel that you have any undue influence over the Inquiring Authority.
- * Lead fresh evidence on behalf of the Disciplinary Authority to further clarify some issues raised in the course of the inquiry.
- * Submit your brief in time.

6.4 Important Dont's for Presenting Officer

- * Try to get adjournments.
- * Assume the role of a public prosecutor.
- * Examine your witnesses on issues not relevant to the charges.
- * Expect the CO to disprove the charges so long as the burden of proving the charges is not discharged by you.
- * Put leading questions to your witnesses during examination-in-chief.
- * Delay submission of your written brief to the I O.

Role & Functions Of Defence Assistant

7.1 The facility of having an assistant to defend one in trouble, provided in the rules, is really a boon. This forms part of the reasonable opportunity enshrined in the Constitution (Article 311) to a Civil servant. If not properly used, this itself may land the CO in more troubles than relieving him from them.

7.2 The Charged Official himself in some cases may have sufficient experience in the intricacies of the disciplinary rules, procedure, evidence, etc. But once he is himself in the dock, he is seldom fit for the job. Better he opts to have an assistant. A person with an open mind and thorough with the departmental rules, regulations and with a fair knowledge of examination of witnesses in criminal trials would be an ideal assistant. Previous experience as a Defence Assistant would be an added advantage.

7.3 Important Do's for Defence Assistant

- * Having given acceptance to serve as Defence Assistant, do not wait for the hearing for knowing the facts of the case. Get all the papers available with the CO without any loss of time. Study them and in consultation with the CO, act quickly in applying for additional documents required. Equip completely with all the records relating to the case.
- * Do take extracts or make out full copies as may be necessary, of important papers while inspecting the listed documents.
- * Go through the charges and the allegations, on which they are based, very carefully.
- * Check up that the Inquiry Officer so appointed is an impartial person with an open mind and without any prior knowledge of the matter under inquiry. If you have to raise any objection, do it in the first instance.
- * Check up all factual statements in the charge sheet and the statement of imputation. Take nothing for granted.
- * During the hearing when documents are taken on record and marked as 'Exhibits', make sure that all defence documents allowed by the Inquiry Officer do come on record.
- * Cross-examine the prosecution witnesses skillfully to bring out the truth and expose the hollowness in their testimony.
- * Discredit the prosecution witnesses by impeaching their trustworthiness. For this purpose, do necessary home-work. Do not go unprepared. Leave nothing to chance.

- * If the Presenting Officer makes a request to examine some new evidence or recall a witness who has already been examined, make sure that - (i) it is not done to fill up gaps. The law allows it only in exceptional cases where there is an inherent lacuna in the evidence already recorded; and (ii) it is done before the examination of the defence witnesses is taken up.
- * Remember, where new evidence is allowed you can also (i) ask for new evidence to rebut it, and (ii) request for suitable adjournment of the inquiry normally for three clear days, to prepare yourself.
- * As and when the chief-examination is on, note down the points for clarification during the cross examination.
- * Frame the questions for cross-examination sufficiently in advance.
- * See that during the cross-examination of departmental witnesses enough doubts are created in their statement, so that you can claim the full benefit thereof.
- * At the close of cross-examination, you may re-examine your witness to clarify any point, or to put the record straight on any matter, which came up during cross-examination.
- * Before close of the evidence, inform the Inquiry Officer whether you wish to examine yourself as a witness. Such a course of action may be adopted if you feel that the procedures or the sequence of the events or any other important detail have not come up adequately on record.
- * Remember, the mandatory questions by the Inquiry Officer at the end is a golden opportunity to explain your position and clear any doubts which may still be lurking in his mind. Make best use of this opportunity, by answering the questions in a lucid and convincing manner.
- * Argue that even if the preponderance of evidence is against your client, he had acted bona fide, without any deliberate intent.

7.4 **Important Dont's for Defence Assistant**

- * Forget, in the preliminary hearing, specifically to ask for the copies of previous statements made by the witnesses during the preliminary Inquiry.
- * Forget to give full particulars of the defence witness/ document for its proper identification and its relevance.
- * Put too many questions to the Presenting Officer's witness.
- * Wait till the examination of Defence witnesses for building your defence.

- * Obstruct or hinder the proceedings. It will create a bad impression in the mind of the Inquiring Officer and may often prejudice your client's case.
- * Forget to collect your copy of the deposition recorded by each witness and a copy of the daily order sheet.
- * Unnecessarily argue with the Presenting Officer, except on technical flaws or on points which may prejudice the interests of your client.
- * Raise frivolous objections.
- * Forget to re-examine your witness to clarify any point or to put the record straight on any matter which came up during cross-examination.
- * Adopt dilatory tactics to delay the proceedings by seeking adjournments as this would adversely affect your client's interest.

Schedule Of Time Limits In Conducting Departmental Inquiries

S. No.	State of Inquiry	Time Limit	Responsible Authority
1.	Issue of charge sheet	i) One month from receipt of Commission's advice. ii) Two months from the date of receipt of investigation report.	D.A.
2.	Time for submission of defence statement	Ordinarily ten days or as specified in CDA Rules.	CO
3.	Consideration of defence statement	15 (Fifteen) days.	DA
4.	Issue of final orders in minor penalty cases.	Two months from the receipt and of defence statement.	DA
5.	Appointment of IO/PO in major penalty cases.	Immediately after receipt and consideration of defence statement.	DA
6.	Conducting departmental inquiry and submission of report.	Six months from the date of appointment IO/PO.	IA
7.	Sending a copy of the IO's report to the CO for his representation.	i) Within 15 days of receipt IO's report if any of the Articles of charge has been held as proved; (ii) 15 days if all the charges held as not proved. Reasons for disagreement with IO's findings to be communicated.	DA
8.	Consideration of CO's representation forwarding IO's report to the Commission for second stage advice.	One month from the date of receipt of representation.	CVO/DA
9.	Issuance of Orders on the Inquiry report.	i) One month from the date of Commission's advice. ii) Two months from the date or receipt of IO's report if Commission's advice was not required.	DA