

No.19-13/2019-GDS
Government of India
Ministry of Communications
Department of Posts
(GDS Section)

Dak Bhawan, Sansad Marg,
New Delhi - 110001

Dated:18.12.2019

Office Memorandum

Subject: Introduction of Rule 10G (procedure for imposing penalty after discharge) in GDS (Conduct and Engagement) Rules, 2011 amended from time to time.

The undersigned is directed to refer to Rule 10 of GDS regarding procedure for imposing penalty after discharge of GDS (Conduct and Engagement) Rules, 2011.

2. Presently there is no provision in Gramin Dak Sevak (Conduct and Engagement) Rules for departmental proceedings under Rule 10, if not instituted and the Gramin Dak Sevak is discharged from engagement on attaining of age of 65 years. In the absence of such provision in the Gramin Dak Sevak rules, the Authorities Competent to initiate disciplinary action against the GDS are unable to initiate action and impose penalties in such cases.

3. The matter has been examined and the Competent Authority has approved to introduce a new rule called as **Rule 10G** (procedure for imposing penalty after discharge) in GDS Conduct and Engagement Rule as under:-

10G - Procedure for disciplinary proceedings after discharge:-

1 (a) The departmental proceedings under Rule 10, if not instituted and the GDS is discharged on attaining of age of 65 years and his/her terminal benefits have not been released on the ground that, departmental proceeding under Rule 10 were proposed to be instituted shall be instituted after the discharge of the Sevak on attaining the age of Sixty Five years and be deemed to be proceedings under that rule and shall be continued and concluded by the authority by which the proceedings were proposed to be instituted and in such case, the function of the Disciplinary Authority shall be only to reach a finding on the charges and to submit a report recording its findings to the President and the final decision on such report shall be taken in the same manner as in the case of review petitions of the Sevaks addressed to the President and no departmental appeal shall lie against such decision.

(b) Provided that, the departmental proceedings are not instituted while the GDS was in engagement, before his discharge:-

- (i) Shall not be instituted save with the sanction of the President,
- (ii) Shall not be in respect of any event which took place more than four years before such institution, and
- (iii) Shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceeding in which an order of dismissal from engagement could be made in relation to the GDS during his/her engagement.

(c) The President reserves to himself/herself the right of withholding security amount, post-engagement benefits like GDS gratuity and Severance Amount of a Sevak, by ordering recovery from these amounts in case a Sevak is found guilty of grave misconduct or negligence during the period of his/her engagement.

2. For the purpose of this Rule:-

- (i) Departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Gramin Dak Sevak or discharged Gramin Dak Sevak or if the Gramin Dak Sevak has been placed under Put Off Duty from an earlier date, on such date; and
- (ii) Judicial proceedings shall be deemed to be instituted :-
 - (a) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made, and
 - (b) in the case of civil proceedings, on the date the plaint is presented in the court.

4. Hindi version will follow.

(SB Vyavahare)

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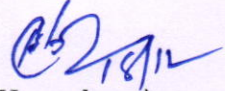
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