

CHAPTER-7: Charge-Sheet

- 7.1 If on the basis of preliminary enquiry or otherwise, the disciplinary authority is satisfied that a prima-facie case exists and decides to take disciplinary action against the employee concerned, the first thing to be done is to issue a charge-sheet to delinquent employee.
- 7.2 Charge-sheet is a memorandum of charges or allegation levelled against the employee which are acts of misconduct as per the Conduct, Discipline and Appeal Rules.
- 7.3 **Check-List for preparation of Charge-Sheet**
While framing a Charge-sheet, the following items may be kept in mind so that nothing relevant would be missing from the Charge -sheet :
- Date of charge sheet.
 - Correct Name and Card No./Employee No. of delinquent employee.
 - Specify date of incident.
 - Description of incident.
 - Reproduce the language in verbatim if there are words of abuse, defamation or threat.
 - Give reference of relevant rules as Conduct, Discipline and Appeal Rules.
 - Specify within how much time and to whom the reply should be submitted.
 - Check the authority competent to issue the Charge-Sheet (See Conduct, Discipline and Appeal Rules or Delegation of Powers, as the case may be).
 - Decide whether employee is to be kept under suspension or not.
 - Decide whom to send the copies of Charge-sheet.
- 7.4 **Guidelines for preparing Charge-Sheet**
- The Charge-Sheet should be specific and must spell out all the relevant particulars of the misconduct.
 - As far as possible, it should be precisely mentioned in the Charge-sheet as to under which rule or clause, the charges constitute acts of misconduct so as to enable the employee as to which rules are applicable to him in this context.
 - The Charge-sheet must be signed by the competent authority so as to avoid facing a situation where the Charge-sheet is made invalid because it is signed by incompetent authority. (Refer to schedule of Conduct, Discipline and Appeal Rules or Delegation of Powers, as the case may be).
 - Avoid loose usage of words such as 'Habitual and 'Wilful' in the Charge-sheet. Do not use such qualifying words unless the charges are really so.
 - If the charge is of abusing or threatening, reproduce the exact words used in the Charge-sheet.
 - Avoid using abbreviations such as "etc." and also phrases such as "such other things".
 - If the previous record of the employee is referred to, then sufficient particulars of the previous record should be given in the Charge-sheet.
- 7.5 **Time for reply to Charge-sheet**
A reasonable period of time should be given to the employee to submit his reply to the Charge Sheet. Time as stipulated in the Conduct, Discipline & Appeal Rules, but not less than 48 hours from the receipt of the Charge-sheet by the employee should be allowed for submission of his reply. If the Charge-sheeted

employee requests for extension of time, such request(s) may be considered on its own merits.

7.6

Who signs Charge-sheet

Unless it is delegated otherwise, Disciplinary Authority is the Competent Authority to sign Charge-sheet. (See Annexure-B).

From the Annexure, it may be seen that for major penalties, the Disciplinary Authorities are different from those for minor penalties. At the stage of issuing the Charge-Sheet it may always not be very clear whether the offence is such that a major penalty may be imposed ultimately or the decision would be only in favour of a minor penalty. Except for very simple cases where beyond doubt the offence may lead to imposition of only a minor penalty, it will be desirable to have the Charge-sheet issued under the signature of Disciplinary Authorities empowered to impose major penalty.

7.7

Service of Charge-sheet

Serving the Charge-sheet on the delinquent employee plays a very important role in disciplinary proceedings. Hence, all efforts should be made by the employer to see that the Charge-sheet is served on the delinquent employee. The Charge-Sheet may be handed over to the employee and his signature or thumb-impression of his having received the same obtained on the office copy.

- In case he refuses to accept the Charge-sheet, an endorsement to the effect should be made on the office copy in the presence of at least two witnesses whose signatures should be obtained.
- In case the concerned employee receives the Charge-sheet but refuses to sign or give his thumb-impression on the office copy, an endorsement to the effect should be made on the office copy and signatures of at least two witnesses may be taken.
- If the employee concerned asks for the Charge-sheet being made out in the language which he knows, the same should be done.
- If the employee either refuses to accept or give acknowledgement of the Charge-sheet or is not present within the organisation due to suspension or any other reason, the Charge-sheet should be sent to his last known and recorded address (both local as well as permanent) by Registered Post with acknowledgments due.
- If the employee concerned refuses to accept the registered letter carrying the Charge-sheet and there is an endorsement by the Postal Authorities to that effect on the envelope, the same may be treated as adequate service. The returned postal envelope in that case should be retained, without opening, in record.
- In case of absence or refusal of the employee to take the Charge-sheet or refusal to give acknowledgement of its receipt, a copy of the same should also be displayed on Notice Board.
- If all efforts to serve the Charge-sheet on the employee fail, the Charge-sheet may be published in some local/regional newspaper with a wide circulation.

7.8

While preparing a Charge-Sheet, the format suggested in **Annexure C** may be followed.

ANNEXURE B: Schedule of Delegation of Powers in respect of Disciplinary Matters under CDA Rules

Grade	Disciplinary Authority			Appellate Authority	Reviewing Authority
	Minor Penalty	Major Penalty	Removal, Dismissal & Compulsory Retirement		
EXECUTIVES					
E2	GM	Sr.GM	Appointing Authority	Next higher authority to the one who imposed the penalty	Executive/Authority next higher to the Appellate Authority
E3	GM	Sr.GM	-Do-	-Do-	-Do-
E4	Ch.GM	Ch.GM	-Do-	-Do-	-Do-
E5	Ch.GM	Ch.GM	-Do-	-Do-	-Do-
E6	Ch.GM	ED	-Do-	-Do-	-Do-
E7	ED	ED	-Do-	-Do-	-Do-
E8	Director	Director	CMD	Committee of Board Members	Board of Directors
E9 (Excluding Functional Directors)	Director	CMD	CMD	-Do-	-Do-

Grade	Disciplinary Authority			Appellate Authority	Reviewing Authority
	Minor Penalty	Major Penalty	Removal, Dismissal & Compulsory Retirement		
SUPERVISOR					
S1	DGM	GM	Appointing Authority	Next higher authority executive to the one who imposed the penalty	Executive / Authority next higher to the Appellate Authority
S2					
S3					
S4/SG					
WORKMEN					
W0/W1	Chief Manager	DGM	-Do-	-Do-	-Do-
W2					
W3					
W4	Chief Manager	DGM	-Do-	-Do-	-Do-
W5					
W6					
W7	DGM	GM	-Do-	-Do-	-Do-
W8					
W9					
W10					
W11/SG					

ANNEXURE C: Charge Sheet

Ref. No. :

Date :

Name

Employee No.

Designation

Section

Department

1. Whereas it has been reported that you have committed the following act(s) or omission which constitute(s) misconduct in accordance with Conduct Discipline & Appeal Rules.
 - (i) (Full narration of the accounts of misconduct
 - (ii) in detail with particular reference
 - (iii) to date, time, place etc.)
2. You are, therefore, charged with having committed the following act(s) of misconduct:
 - i) (Mention only relevant portion from the clauses
 - ii) Applicable to misconduct and refer to number and
 - iii) Sub-clause of the CDA Rules against each of the charges).
3. You are required to submit to the undersigned a written explanation/statement of defence* on or before showing cause as to why should you not be dismissed or otherwise punished* for committing the above mentioned act(s) of misconduct.
4. Should you fail to submit your explanation/statement of defence* as directed it will be assumed that you have no explanation to offer and the matter will be disposed of ex-parte.
5. Please acknowledge receipt of this charge-sheet on the duplicate copy enclosed.

Signature of the Disciplinary Authority

Name :

Designation :

Copy to :

1. Concerned Controlling Officer He is requested to hand-over the charge-sheet to the above name employee after obtaining his dated signature/left hand thumb impression on the duplicate copy enclosed and return the same for record.
2. Concerned HR Executive
3. Concerned File.

* Omit which is not applicable.