

## **Revision;**

40. (1) Notwithstanding anything contained in these rules.

(i) the Government, or

(ii) in the case of a Government servant serving in a department or office under the control of a head of department such head of the department directly under the Government; or

(iii) any appellate authority, or

(iv) any other authority specified in this behalf by the Government by a general or special order, and within such time as may be prescribed in such general or special orders may where a revision petition is preferred by the Government servant within one year of the date of receipt by him of the order sought to be revised, and in cases where no such revision petition is preferred within four years of the date of the order proposed to be revised, either suo-motu or otherwise and after calling for the records of any inquiry and examination, revise any order of penalty made under these rules or under the rules repealed by the rule 45, after consultation with the commission where such consultation is necessary. The said authority may exercise the power suo-motu within four years from the date of issue of order of penalty by the competent authority or within one year of the date of receipt of the petition either confirm or reduce or set aside the order of penalty or any other order already issued, and where it is proposed to enhance the penalty, such authority may exercise the power within four years from the date of receipt of the petition and revise any order made under rule 45 after consultation with the commission where such consultation is necessary, and

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further

inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit;

Provided that the Special Inspector-General of Police (Law and Order) or the Deputy Inspector-General of Police or an officer of the corresponding rank may, of his own motion or otherwise, revise an order passed on appeal by the authority subordinate to him:

Provided further that no order imposing or **enhancing** any penalty concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the major penalties specified in rule 9 or to enhance the minor penalty imposed by the order sought to be revised to any of the major penalties and if an inquiry under rule 20 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 20, subject to the provisions of rule 25 and except after consultation with the Commission, where such consultation is necessary:

Provided also that subject to the provisions of rule 25, the revising authority shall:

(a) where the enhanced penalty which the revising authority propose to impose, is the one specified in clause (iv) of rule 9 and falls within the scope of the provisions contained in subrule (2) of rule 22; and

(b) where an inquiry in the manner laid down in rule 20 has not already been held in the case.

itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 20 and thereafter, on a consideration of the proceedings of such inquiry, pass such orders as it may deem fit:

Provided further that no power of revision shall be exercised by the head of department, unless

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be initiated or commenced until after

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(i) the expiry of the period of limitation for preferring an appeal,  
or

(ii) the disposal of the appeal, where any such appeal has been preferred; the Government servant may however prefer a revision petition for revising the order of penalty within a period of one year after the appeal petition to the prescribed appellate authority is disposed off.

(3) An application for revision shall be dealt with in the same manner as if it were appeal under these rules.

[G.O.Ms.No. 455, G.A. (Ser.C) Dept., dated 5-12-2001]