

## Suspension

(8) (1) A member of a Service may be placed under suspension from service.

(a) where disciplinary proceeding against him is contemplated or is pending, or

(b) where in the opinion of the authority competent to place the

Government servant under suspension, he has engaged himself in

activities prejudicial to the interest of the security of the State; or

(c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

The proviso omitted, (G.O.Ms.No.417, GA (Ser,C) Dept., dt: 24-08-94)

"(d) A Government Servant may be placed under suspension from service

even if the offence for which he was charged does not have bearing on

the discharge of his official duties".

[\(G. O. Ms. No. 27, G.A. \(Ser. C\) Dept., Dt. 24-1-2002.\)](#)

(2) A Government servant shall be deemed to have been placed under

suspension by an order of the authority competent to place him under

suspension.

(a) With effect from the date of his detention, if he is detained in custody,

whether on a criminal charge or otherwise for a period exceeding fortyeight hours ;

(b) with effect from the date of his conviction if, in the event of a conviction for an **offence**, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation:- The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose intermittent periods of imprisonment, if any shall be taken **into** account.

"(c) the order of suspension cease to be operative as soon as the criminal proceedings, on the basis of which the Government Servant was arrested and released on bail, are terminated", (G.O. Ms. No. 27, G.A.(Ser.C) Dept., dt: 24.1.2002)

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on revision or review under these rules and the case is

remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on end from the date of the original order of dismissal, removal, or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void, in consequence of or by a decision of a court of law and the authority competent to impose the penalty, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the authority competent to impose the suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders: Provided that no such further inquiry shall be ordered unless it is

intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority which made or is deemed to have made the order or by an authority to which that authority is subordinate.

(b) Where a Government servant is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may , at any time, be modified or revoked by the authority which

made or is deemed to have made the order or by any authority to which that authority is subordinate.

