

groups. Whether one formal disciplinary inquiry was held in respect of all the accused officers or several disciplinary inquiries were held in respect of the accused officers divided into groups, it will be the responsibility of the Tribunal to prepare inquiry reports in respect of each accused officer separately and forward them to the relevant Disciplinary Authority.

11:3 Where officers not under the control of the same Disciplinary Authority are to be charged for an offence committed in the course of the same transaction or a series of transactions, the Head of the Institution in which the offence connected with the transaction or transactions was committed should prepare separate charge sheets in respect of each officer and forward them to the relevant Disciplinary Authorities. The Head of Institution should also forward, together with the draft charge sheet, particulars regarding all officers to be charged and the background information regarding the transaction for the information of the relevant Disciplinary Authorities.

11:4 Where disciplinary proceedings are decided to be held against the officers by the respective Disciplinary Authorities, and if it is considered prudent to hold one disciplinary inquiry in respect of all the accused officers, it would be more appropriate for the other Disciplinary Authorities to appoint the same Tribunal that is appointed in respect of the highest officer by his Disciplinary Authority as the Tribunal in respect of all other accused officers as well.

## 12. The Public Service Commission

12:1 The Public Service Commission or a Committee thereof will have the powers specified in Article 58(2) of the Constitution. Accordingly, any public officer aggrieved by any order of transfer or dismissal or any other order relating to a disciplinary matter made by a public officer to whom the Public Service Commission or a Committee thereof has delegated its powers shall have a right of appeal to the Public Service Commission or a Committee thereof.

12:2 All correspondence containing observations and recommendations on any matter referred to the Commission or a Committee thereof should be signed by the Secretary or an Additional Secretary empowered to do so by the Secretary, in the case of a Ministry and by the Head of Department in the case of a Department. In the case of the Ministry in charge of the subject of Finance, the Secretary may empower the Deputy Secretary to the Treasury to sign such documents.

12:3 Where a Secretary or a Head of Department is invited to attend a meeting of the Public Service Commission or a Committee thereof, he should do so in person whenever possible. Where a Secretary is prevented from attending such a meeting owing to unavoidable circumstances, an Additional Secretary of the Ministry may represent the Secretary with his written authority. In the case of the Ministry in charge of the subject of Finance, the Secretary, if he is unable to attend a meeting summoned by the Commission owing to unavoidable circumstances, may authorize the Deputy Secretary to the Treasury to represent him.

12:4 The Commission may summon the Tribunal, the accused officer, his representative, or any other person to appear before it in order to obtain clarification on any matter.

12:5 The Commission or a Committee thereof may direct any officer to verify certified copies of documents furnished by an accused officer with the originals where it considers it necessary to do so and report thereon. An officer who has received such an order should execute it without delay. When the officer has certified that he had done so, such certificate or document will form part of the record.

## 13. Preliminary Investigation

13:1 A preliminary investigation is that which is conducted by a Disciplinary Authority or Head of Institution or other Appropriate Authority or by an officer or a Committee of Officers duly authorized by the above authorities to find facts as are necessary to ascertain the truth of a suspicion or information that an act of misconduct has been committed by an officer or several officers, and to find out and report whether there are, prima-facie, sufficient material and evidence to prefer charges and take disciplinary action against the officer or officers under suspicion. The primary task of an officer or a Committee of Officers conducting a preliminary investigation is the recording of statements of relevant persons, examination of documents and records, obtaining of originals or certified copies thereof, physical verification of state-owned assets in the charge of the officer or officers subject to the investigation, examination of relevant premises, taking over of all articles and documents which are considered necessary and making their observations and recommendations on matters found out by them regarding the act of misconduct committed.

13:2 An authority ordering a preliminary investigation into an act of misconduct should, at the same time that such order is issued, specify the time limit within which the officer or Committee of officers should complete the preliminary investigation taking into consideration the nature of each act of misconduct, as the case may be. However, where the officer conducting the preliminary investigation adduces reasons that there are valid obstacles to completing the investigation within the specified time limit, the relevant Authority may grant an appropriate extension of time. Nevertheless, all relevant parties should ensure that such preliminary investigations are carried out and are completed with the least possible delay.

13:3 An officer appointed by a relevant Authority to conduct a preliminary investigation should be released from his substantive duties by the relevant Head of Institution to enable the officer to devote his full time continuously on such task.

13:4 The relevant Authority may appoint several officers or groups of officers, as the case may be, to independently conduct a preliminary investigation into a single transaction or a series of transactions.

13:5 The suspected officer or officers or their representatives should not be allowed to be present when statements are recorded from connected parties in a preliminary investigation.

13:6 Where the alleged charges relate to a shortage or misappropriation of goods, a count of all the relevant stock in the charge of the relevant officer should be taken.

13:7 The suspect officer or officers have a right to be present when State documents and stocks in their charge are verified. At the end of the verification, they should hand over a statement to the officer conducting the preliminary investigation that the verification was