

32. Compulsory Retirement for Offences under the First Schedule

32:1 Where there is a prima-facie case against an Additional Secretary, Senior Assistant Secretary, Head of Department, Government Agent or District Secretary in respect of an offence in the First Schedule warranting disciplinary action, and where the Secretary to the relevant Ministry, taking into careful consideration, the nature of the offence, the period of service of the officer, his prior service, the difficulty in adopting a formal disciplinary procedure, the reasons which led the officer to commit such offence and its background, considers that the most appropriate action in the circumstances is the compulsory retirement of the officer, he should send a complete report on the matter with the concurrence of his Minister to the Secretary in charge of the subject of Public Administration.

32:2 Provided, however, that where charges of terrorist or anti-government activities or criminal or bribery or corruption charges are alleged, or misappropriation of public funds and property or causing another party to commit such acts are involved or where it appears that a decision has been taken with a view to earning an undue advantage for oneself or for another party by abusing one's official status, a formal disciplinary inquiry should be held, instead of resorting to the provisions of sub-section 32:1 above, against such officer in accordance with the other provisions of this Code.

32:3 On receiving a report from a Secretary to a Ministry in terms of sub-section 32:1 above, the Secretary in charge of the subject of Public Administration should call upon the officer to submit, within a stipulated period, a complete and accurate clarification on the charges preferred against him.

32:4 Where an officer fails or willfully neglects to submit his explanations or clarification within the stipulated period, the Secretary in charge of the subject of Public Administration should inform the relevant Secretary to suspend further action under sub-section 32:1 above and take formal disciplinary action against the officer in accordance with the provisions of this Code.

32:5 The Secretary in charge of the subject of Public Administration, after careful study of the matters represented by the relevant Secretary and the explanations submitted by the officer, should report with his observations and recommendations through his Minister and with his concurrence to the Cabinet of Ministers.

32:6 On receiving a report in terms of sub-section 32:5 above, the Cabinet of Ministers may, in consideration of the matter contained therein, order that the officer be compulsorily retired or that normal disciplinary action be taken against him.

33. Retirement of a Public Officer for General Inefficiency

33:1 Where warnings, reprimands and other punishments imposed on an officer over a long period of time on various occasions during his period of service for acts of misconduct, or misdemeanor, or negligence or inadvertence have failed in improving his conduct and efficiency, the Disciplinary Authority may, if he determines that his continuation in the service is detrimental to the efficiency of the public service, retire the officer for general inefficiency.

33:2 Where a Secretary to a Ministry or Head of Department is of opinion that there is cause for action to be taken in terms of sub-section 33:1 above, he should send a full report based on information gathered, wherever necessary, from the departments or institutions in which the officer had earlier worked, together with his observations and recommendations, to the appropriate Disciplinary Authority.

33:3 A Disciplinary Authority receiving a report in terms of sub-section 33:2 above, should direct the relevant officer to show cause, if any, in writing, within a stipulated period, as to why he should not be retired for general inefficiency.

33:4 The Disciplinary Authority may, in consideration of the matters contained in the report sent by the Secretary or the Head of Department and the explanations submitted by the officer, retire him for general inefficiency or order any other appropriate punishment.

33:5 Where the officer fails or willfully neglects to submit his explanations within the stipulated period it will be deemed that he has no explanations to offer and the Disciplinary Authority may impose an appropriate order under sub-section 33:4 above.

33:6 The Disciplinary Authority making an order for retirement of the officer for general inefficiency may, taking into consideration the nature of the offences committed or the inefficiency of the officer, recommend to the Secretary in charge of the subject of Public Administration that a certain percentage of the pension payable to the officer be deducted.

34. Permission to leave the Island when preliminary action is being taken to commence disciplinary proceedings against a Public Officer or while a formal Disciplinary inquiry is pending after the issue of a charge sheet or Proceedings are in Progress

34:1 Where preliminary work with regard to taking disciplinary action against a public officer has been done by the relevant Disciplinary Authority or Head of Institution but a charge sheet has not yet been issued to him, and the officer requests that he be allowed to leave the Island, the Head of Institution should forward such application together with his observations and recommendations to the relevant Disciplinary Authority. The Disciplinary Authority, taking into consideration all relevant matters, should forward his recommendations on the application of the officer to the authority approving the leave. The authority approving the leave should take note of the observations and recommendations made by the Disciplinary Authority when approving such leave.

34:2 Whenever a public officer to whom a charge sheet has been issued in connection with a formal disciplinary inquiry to be held against him wants to leave the Island he should obtain the written concurrence of the Disciplinary Authority through the Head of his Institution. On receiving such an application the Disciplinary Authority, taking all the relevant matters to his consideration, should make his recommendation, as the case may be, to the authority approving leave out of the Island. The Authority approving the leave should take note of the observations and recommendations of the Disciplinary Authority when approving leave.

35. Resignation of a Public Officer when Disciplinary Proceedings against him are in Progress

35:1 Any written application made by a public officer for resignation after disciplinary proceedings against him have been initiated but before the disciplinary order is made should be rejected.