

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : PERSONNEL (B)
DISPUR : : : GUWAHATI**

No. ABP. 152/ 2000/27

Dated, Dispur, the 25th Feb., 2002.

OFFICE MEMORANDUM

Subject: PROCEDURE FOR RECORDING OF THE STATEMENT OF DEPARTMENTAL WITNESSES AND DEFENCE WITNESSES IN AN ENQUIRY IN A DEPARTMENTAL PROCEEDING CASE.

It has come to the notice of the State Government that in the process of inquiry in the Departmental proceeding cases certain inquiry Officers are recording the Statements of defence witness first before recording the statements of Departmental witnesses or are first recording the statement of Departmental witnesses No. 1., thereafter the statement of defence witness and then again the statement of departmental witness No.2 in violation of the principle of natural justice. It may be mentioned that in an inquiry into charges against the delinquent official in any disciplinary proceeding, onus lies on the prosecution to prove the charges against delinquent official by producing cogent evidences.

In view of above, the examination of all prosecution witnesses has to be completed first, before starting the examination of any defence witness before the examination of the prosecution witness(es) or in between the examination of the prosecution witness (es)

It is, therefore, impressed upon all concerned that henceforth in an enquiry into charges against the delinquent official, the inquiry officer must complete the examination of all the prosecution witness(es) first before examination of the defence witness to avoid litigation.

Sd/- J.P.Saikia, IAS.
Commissioner & Secretary to the Govt. of Assam
Personnel (B) Department

Memo. No. ABP. 152/2000/27-A

Dated, Dispur, the 25th Feb., 2002

Copy to :-

1. Commissioner & Secretary to the Governor of Assam, Dispur.
2. Commissioner & Secretary to the Chief Minister, Assam.
3. PS to Minister s/Ministers of State, Assam.

4. PS to Chief secretary to the Government of Assam, Dispur.
5. Chairman, Assam Administrative Tribunal, Guwahati.
6. Chairman, Assam Board of Revenue, Guwahati.
7. PS to Additional Chief Secretary to the Government of Assam.
8. All principal Secretaries /Commissioner & Secretaries/ Secretaries to the Government of Assam.
9. All Heads of Departments.
10. All Commissioner Divisions.
11. All Deputy Commissioners.
12. Secretary Assam Public service Commission, Jawaharnagar, Guwahati – 22.
13. Principal Secretary, Karbi Anglong Autonomous Council, Diphu/ North Cachar Hills Autonomous Council, Haflong.
14. Principal Secretary, Bodoland Autonomous Council, Kokrajhar, Rabha Hasong Autonomous Council, Dudhnoi, Goalpara District, Mising Autonomous Council, Gogamukh, North Lakhimpur /Lalung (Tiwa) Autonomous Council, Marigaon .
15. All Sub –Divisional Officers.
16. Secretary, Assam Legislative Assembly, Dispur.

By order etc.,

**Deputy Secretary to the Government of Assam
Personnel (B) Department .**