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C I R C U L A R

It has been observed that during the finalization of departmental enquiries initiated against the delinquent officials, in many a case, when the delinquent is found guilty for minor lapses or acts of misconduct, none of the scheduled penalties as provided by Rule 334 of Police Manual is awarded and instead such delinquent officials are simply warned to remain careful in future. This also holds true when such delinquents are given benefit of doubt by the disciplinary authority and/ are exonerated during the enquiry proceedings. The award of **warning** to delinquent official in such cases is not warranted as per the rules in vogue and guidelines issued by the Government from time to time. Warning is not a recognized penalty under Police Rules, Central Civil Service (Classification, Control and Appeal) Rules, 1965 and the Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules 1956.

Rule 334 (1) of J&K Police Manual prescribes that no police officer shall be departmentally punished, otherwise than as prescribed under these rules and Rule 334 (2) gives a list of authorized departmental punishments to be awarded to the police officers of and below the rank of Inspector, besides, Rule 336 of J&K Police Manual specifies that a punishment should fit the default and be deterrent without being harsh after conducting departmental enquiries as per the procedure defined in Rule 359 of J&K Police Manual.

Further, the Govt. of India Ministry of Personnel Public Grievances & Pensions (Department of Personnel and Training) vide OM No 11012/12/2016-Estt.A-iii dated 06-12-2016 with reference to O.M No 11012/6/2008-Estt(A) dated 07-07-2008, has also instructed that where a departmental proceeding has been instituted and it is considered that a Government servant deserves to be penalized for the offence/ misconduct, one of the prescribed penalties may be awarded and no warning should be issued to the Government servant.

Accordingly, Ministry of Personnel, Public Grievances and Pensions DOPT vide ibid Office Memorandum has issued following clarification:-

- i) Warning is administrated by any authority superior to a Government employee in the event of minor lapses like negligence, carelessness, lack of thoroughness, delay etc. It is an administrative device in the hands of superior authorities for cautioning the Government employees with a view to toning up efficiency and maintaining discipline. There is, therefore, no objection to the continuance of this system. However, where a

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copy of the warning is also kept in the confidential Report dossier, it will be taken to constitute an adverse entry and the officer so warned will have the right to represent against the same in accordance with the existing instructions relating to communication of adverse remarks and consideration of representation against them.

- ii) Where a department proceeding has been instituted under the provisions of relevant Rules, after the conclusion of disciplinary proceedings, the officer is either exonerated or some blame attaches to the officer, he should be awarded one of the recognized statutory penalties as given in the prescribed Rules i.e at least "Censure" should be imposed. In such situation, a warning, recordable or otherwise should not be issued.
- iii) Warning, letter of caution, reprimands or advisories administered to Government servants do not amount to a penalty and, therefore, will not constitute a bar for consideration of such Government servants for promotion.

Hence, it is enjoined upon all the supervisory officers to comply the orders in letter and spirit while dealing with the departmental enquiries.

No:-Pers/ P-401/2023/ 34854-900

Dated:- 25 -08-2023

(Dilbag Singh) IPS

Director General of Police,
J&K Srinagar.

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