

**Stepwise Duty of Disciplinary Authority after Receiving  
the Final Enquiry Report from the Enquiry Officer.**

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1. The Disciplinary Authority shall send a copy of the final enquiry report alongwith his covering letter to the delinquent inviting his comments/objections against the final enquiry report by the date fixed in his letter.
2. The Disciplinary Authority, after receiving the comments/objections/representation from the delinquent, shall consider the enquiry report and also the comments/objections received from the delinquent and thereafter shall pass a reasoned and speaking order expressing his clear opinion as to whether he is agreed with the conclusions of the Enquiry Officer recorded by him in his final enquiry report or not. In case the Disciplinary Authority is agreed with the conclusions arrived at by the Enquiry Officer in his final enquiry report, the Disciplinary Authority shall accept the enquiry report and in the same order reject the comments/objections of the delinquent submitted against the final enquiry report by passing a reasoned and speaking order.
3. The Disciplinary Authority shall then send another letter to the delinquent alongwith a copy of his above order apprising the delinquent that the final enquiry report has been accepted by him by rejecting the delinquent's comments/objections/representation. In the same letter the Disciplinary Authority shall propose the penalty to be inflicted upon the delinquent and shall call for his comments/representation against the proposed penalty. In the same letter the Disciplinary Authority shall also provide an opportunity

of personal hearing to the delinquent by specifying in the letter the venue, date & time for such personal hearing of the delinquent before him.

4. After considering the comments/representation/defence-pleas taken by the delinquent in writing and also during his personal hearing against the proposed penalty and also the nature and seriousness of the guilt proved against the delinquent, the Disciplinary Authority shall pass a reasoned and speaking order whether he accepts or rejects the representation/comments/defence-pleas taken by the delinquent or not. In the same order, the Disciplinary Authority shall award a suitable penalty against the delinquent. While awarding the final penalty, the Disciplinary Authority must not award any such penalty which has not been prescribed in the Rules/Statutes governing the service conditions of the delinquent. In other words, the Disciplinary Authority has to award any one of the penalties prescribed in the Rules/Statutes.
5. The copy of the order containing penalty awarded by the Disciplinary Authority should be sent or got received by the delinquent and a copy of the same should also be sent to the Registrar of the University for making consequential entries in the relevant record of the University.
6. Since the Board of Management is the appointing authority in the Agricultural Universities and the Executive Council in the State Universities, therefore, after receiving the comments of the delinquent against the final enquiry report and also against the proposed penalty the same should be placed by the Vice-Chancellor before the Board/Executive Council for it's decisions as stated in the preceding paragraphs.

**Note :** As regards the question of determination of penalty to be proposed and imposed against the delinquent, it is always discretionary with the Board/Executive Council to constitute a Committee to advise/propose the

penalty to be inflicted on the delinquent in the light of the gravity and nature of the proven misconduct of the delinquent. However, the Appointing Authority i.e. the Board or the Executive Council is not bound by the penalty advised/proposed by such Committee and it may, in its discretion, inflict any suitable penalty prescribed in the Statutes against the delinquent. However, the penalty awarded must be commensurate with the nature and gravity of the proven misconduct of the delinquent.