

## SECOND SHOW CAUSE NOTICE

Sl.No	Date	Type	File No	Subject
1.	29.1.1977	Circular	DPAR 70 SSR 76	Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 - Amendments of rule 11-A, 25 and 26 of the- clarifies the position under the –
2.	16.8.1979	Circular	DPAR 56 SSR 78	Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 - Amendment of Rule 11-A-further clarification in respect of issue of Second Show Cause Notice.
3.	28.4.1982	Circular	DPAR 8 SDE 82	Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957- Clarification regarding second show cause notice.
4.	17.7.1982	Circular	DPAR 8 SDE 82	Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957-further clarification regarding second show cause notice.
5.	27.07.1987		ಡಿಪಿಎಆರ್ 25 ಎಸ್ ಡಿಇ 84,	ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳು, 1957-ಆಪಾದಿತ ನೌಕರನಿಗೆ ಮಹಾದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಮೊದಲು ಎರಡನೇ ಷೋಕಾಸ್ ನೋಟೀಸ್ ನೀಡುವ ಬಗ್ಗೆ ಸ್ಪಷ್ಟನೆಗಳು

## GOVERNMENT OF KARNATAKA

No.DPAR 70 SSR 76.

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated 29th January 1977.

### CIRCULAR

**Sub:-** Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 - Amendments of rule 11-A, 25 and 26 of the - clarifies the position under the -

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In keeping with the provisions of 311 of the Constitution of India before its amendment by the Constitution (42nd Amendment) Act, rules 11-A, 25 and 26 of the Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 required that before any of the penalties specified in clauses (v) to (viii) of rule 8 of the said rules were imposed on a Government servant, he shall be given an opportunity of making such representation as he may wish to make on the proposed penalty. This was generally called "the second show cause notice."

Consequent on the amendment of article 311 of the Constitution, rules 11-A, 25 and 26 have been amended in the Government Notification No. DPAR 70 SSR 76, dated 15th January 1977 (published in the Karnataka Gazette dated, 20th January 1977) and the requirements to issue the "second show cause notice" have been omitted. It is now not necessary to issue "the second show cause notice" in such cases.

Where such 'second show cause notice' has already been issued to a Government servant before the date of coming into force of the aforesaid amendments, a reply thereto may be awaited and the representation, if any, submitted by such Government servant taken into consideration before any final orders passed.

The Secretaries to Government and Heads of Department are requested to bring the above position to the notice of all the Disciplinary Authorities / Appointing Authorities under their control.

sd/-

Deputy Secretary to Government, Dept.  
of Cabinet Affairs & DPAR., (Service Rules)

**Circular No. DPAR 56 SSR 78, dated 16th August 1979**

**Sub:-Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 – Amendment of rule 11 'A' - Further clarification in respect of issue of Second Show Cause Notice.**

**Ref:-** Circular No. DPAR 70, SSR 76, dated 29th January, 1977.

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Consequent upon the amendment of Rule 11-A and some other rules of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 made under Government Notification No. DPAR 70 SSR 76, dated 15th January 1977, instructions were issued in the Circular referred to above that before imposing any of the penalties specified in clauses (v) to (viii) of Rule 8 of the Classification, Control and Appeal rules, it was not necessary to issue second show cause notice. It has also been specified that when the second show cause notice had already been issued to a Government servant before the date of coming into force of the aforesaid amendment, a reply thereto might be awaited and the representation if any submitted by such Government servant should be taken into consideration before any final orders were issued.

The matter has been re-examined in consultation with the law Department. Though Legally it may not be necessary, it is considered advisable, that in respect of proceedings started prior to 42nd amendment of the Constitution or prior to the amendment of the Classification, Control and Appeal Rules, which are still pending with the disciplinary authorities to issue the second show cause notice as who contemplated prior to the amendment. This is necessary with a view to avoiding a possible contention being raised before the Court that the requirement of Second Show Cause notice has not been followed on the plea that the proceedings that were pending as on the date of 42nd amendment of the Constitution should be considered and finalized in accordance with the Law as it existed prior to the amendment.

All Secretaries to Government and Heads of Departments are requested kindly to keep in view the above instructions while dealing the disciplinary cases of the kind mentioned above and also to bring them to the notice of several appointing and disciplinary authorities under their control.

## GOVERNMENT OF KARNATAKA

No.DPAR 8 SDE 82

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated the 28th April 1982.

### CIRCULAR

**Sub:-** Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 - clarification regarding second show cause notice.

**Ref:-** i) Circular No. DPAR 70 SSR 76 dated, 29.1.77

ii) Circular No. DPAR 56 SSR 78, dated, 16.8.79.

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Consequent on the amendment of Article 311(2) of the Constitution of India by the Constitution (42nd Amendment) Act, Rules 11-A, 25 and 26 of the Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957, were amended in Notification No.DPAR 70 SSR 76, dated 15.1.77. The main object of the amendment of Article 311(2) was to do away with what was generally known as "the second show cause notice." In the Circular cited at (i) above it was clarified that after the amendment of the Rules it was not necessary to issue the second show cause notice. In the Circular cited at (ii) above it was, however pointed out that in respect of proceedings started prior to the 42nd amendment of the Constitution or prior to the amendment of the Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957, and which were pending with the disciplinary authorities, it was advisable to issue the second show cause notice as was necessary prior to the amendment.

2) This issue was examined by a Division Bench of the High Court of Karnataka in W.P. No. 17572 of 1980 (M.P.Naik Vs. the State of Karnataka and others). The court held the view, among others, that the opportunity to show cause to be given to the Government servant after furnishing a copy of Inquiry Officer's report was a part of the reasonable opportunity of being heard contemplated by Article 311(2) before as well as after its amendment and that what was denied by the amendment of Article 311(2) was only an opportunity of making representations in regard to the proposed penalty. According to the court, the amendment did not take away the right of Government servant to be supplied with a copy of the report of the Inquiry Officer and to an opportunity of showing cause vis-a-vis the findings recorded by the Inquiry Officer in his report

3) The State Government have appealed to the Supreme Court. But pending decision on the appeal, it is considered necessary to comply with the direction of the

High Court of Karnataka in the W.P. referred to above.

4) Thus, in modification of the instructions contained in the Circulars read above, Government direct that before passing the final orders imposing any of the penalties specified in clauses (v) to (viii) of rule 8 of the K.C.S. (C.C.&A) Rules, 1957, on a Government servant, a copy of the Inquiry Officer's report should be given to the Government servant providing him an opportunity of showing cause why the findings recorded by the Inquiry Officer in his report should not be accepted. It is not necessary to intimate him the tentative decision of the disciplinary authority in regard to the penalty proposed.

5)The Secretaries to Government and the Heads of Departments are requested to bring the above instruction to the notice of all Disciplinary Authorities/Appointing Authorities under their control.

sd/-

**A.H.Someshwar,**  
Deputy Secretary to Government,  
Dept. of Personnel & Admnv.  
Reforms, (Service Rules).

**GOVERNMENT OF KARNATAKA**

No.DPAR 8 SDE 82

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, Dated the 17th July 1982.

**CIRCULAR**

**Sub:-** Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 - further clarification regarding second show cause notice.

**Ref:-** Circular No. DPAR 8 SDE 82 dated 28-4-1982.

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In the circular dated 28-4-1982 referred to above, it was clarified, among others, that before passing final orders imposing any of the penalties specified in clauses (v) to (viii) of rule 8 of the Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 on a Government servant, a copy of the Inquiry Officer's report should be given to the Government servant thus providing him an opportunity of showing cause why the findings recorded by the Inquiry Officer in his report should not be accepted.

2) This matter has been further examined and the following further clarifications are issued:

- (i) In a case where the Disciplinary Authority proposes to disagree with the findings of the Inquiry Officer on all or any of articles of charge, the findings of the disciplinary authority specifying reasons for such disagreement may also be communicated together with a copy of the Inquiry Officer's report to the Government servant.
- (ii) When an inquiry has been conducted by the Vigilance Commission under Rule 14-A of the Karnataka Civil Services (Classification, Control & Appeal) Rules, 1957 and report of the Inquiry Officer's and the recommendations of the Vigilance Commission are received by the Government, a copy of recommendations of the Vigilance Commissioner should also be supplied along with a copy of Inquiry Officer's report to the Government servant.

3) The Secretaries of Government and the Heads of Departments are requested to bring the above instructions to the notice of all Disciplinary Authorities/Appointing Authorities under their control.

sd/-

**A.H.Someshwar,**  
Deputy Secretary to Government,  
Dept. of Personnel & Admn.  
Reforms, (Service Rules).

## ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 25 ಸೇಇವಿ 84

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ  
ವಿಧಾನಸೌಧ  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27.07.1987

### ಸುತ್ತೋಲೆ

**ವಿಷಯ:** ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳು, 1957ರ ಆಪಾದಿತ ನೌಕರನಿಗೆ ಮಹಾದಂಡನೆಯನ್ನು ವಿಧಿಸುವ ಮೊದಲು ಎರಡನೇ ಷೋಕಾಸ್ ನೀಡುವ ಬಗ್ಗೆ ಸ್ಪಷ್ಟನೆಗಳು.

**ಉಲ್ಲೇಖ:** ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಡಿಪಿಎಆರ್ 8 ಎಸ್‌ಡಿಇ 82, ದಿನಾಂಕ: 28.04.82 ಮತ್ತು 17.07.1982

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ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳು 1957ರ 8ನೇ ನಿಯಮದಲ್ಲಿ ನಮೂದಿಸಿರುವ (5) ರಿಂದ (8)ನೇ ದಂಡನೆಗಳಲ್ಲಿ ಯಾವುದೇ ದಂಡನೆಯನ್ನು ಆಪಾದಿತ ನೌಕರನಿಗೆ ವಿಧಿಸುವ ಮೊದಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಆಪಾದಿತ ನೌಕರನಿಗೆ ಎರಡನೇ ಷೋಕಾಸ್ ನೋಟೀಸ್ ನೀಡುವ ವಿಷಯದಲ್ಲಿ ಅನುಸರಿಸಬೇಕಾದ ಕ್ರಮವನ್ನು ಉಲ್ಲೇಖಿತ ಸುತ್ತೋಲೆಗಳಲ್ಲಿ ನೀಡಲಾಗಿದೆ.

2. ಈ ಸುತ್ತೋಲೆಗಳಲ್ಲಿರುವ ಸೂಚನೆಗಳನ್ನು ಏಪ್ರಿಲ್ 1986 ಎಸ್.ಸಿ 1173ರಲ್ಲಿ ಪ್ರಕಟವಾಗಿರುವ ಸರ್ವೋನ್ನತ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪು ಮತ್ತು ಏಪ್ರಿಲ್ 1986 ಕರ್ನಾಟಕ 2245 ರಲ್ಲಿ ಪ್ರಕಟವಾಗಿರುವ ಕರ್ನಾಟಕ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪಿನ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪರಿಶೀಲಿಸಲಾಯಿತು.

3. ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ವಿಭಾಗೀಯ ಪೀಠವು ಏಪ್ರಿಲ್ 1986 ಕರ್ನಾಟಕದ 2245ರಲ್ಲಿ ಪ್ರಕಟವಾಗಿರುವ ತೀರ್ಪಿನಲ್ಲಿ ಸರ್ವೋನ್ನತ ನ್ಯಾಯಾಲಯವು ತುಳಸಿ ರಾಮ್ ಪಟೇಲ್ ರವರ ಪ್ರಕರಣದಲ್ಲಿ ನೀಡಿದ ತೀರ್ಪಿನ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಎಂ.ಪಿ.ನಾಯಕ್ ಪ್ರಕರಣದಲ್ಲಿ (ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 17572-1980) ನೀಡಿದ ತೀರ್ಪು ಉಚಿತವಲ್ಲವೆಂದು ತೀರ್ಪಿತ್ತಿದೆ. ತಾತ್ಕಾಲಿಕವಾಗಿ ಯಾವುದೇ ಮಹಾದಂಡನೆಯನ್ನು ಆಪಾದಿತ ನೌಕರನಿಗೆ ವಿಧಿಸುವ ಮೊದಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಎರಡನೇ ಷೋಕಾಸ್ ನೋಟೀಸ್‌ನ್ನು ಕೊಡುವ ಪ್ರಮೇಯವಿಲ್ಲ. ಆದುದರಿಂದ ಉಲ್ಲೇಖಿತ ಸುತ್ತೋಲೆಗಳಲ್ಲಿ ನೀಡಿರುವ ಸೂಚನೆಗಳನ್ನು ತಕ್ಷಣದಿಂದ ಹಿಂತೆಗೆದುಕೊಳ್ಳಲಾಗಿದೆ.

4. ಆದರೂ ಸಹ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಯಾವುದೇ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿತ ಸುತ್ತೋಲೆಗಳಲ್ಲಿರುವ ಸೂಚನೆಗಳ ಪ್ರಕಾರ ಈಗಾಗಲೇ ಆಪಾದಿತ ನೌಕರನಿಗೆ ಷೋಕಾಸ್ ನೋಟೀಸ್‌ನ್ನು ನೀಡಿದ್ದಾರೆ ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ನೋಟೀಸಿಗೆ ಉತ್ತರ ಸಲ್ಲಿಸಲು ನಿಗದಿಪಡಿಸಿರುವ ಅವಧಿಯು ಮುಗಿದ ನಂತರ ಒಂದು ವೇಳೆ ಅವಧಿಯೊಳಗೆ ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದರೆ ಅದನ್ನು ಪರಿಗಣಿಸಿ ಅಂತಿಮ ತೀರ್ಮಾನವನ್ನು ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದು.

5. ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಗಳು ಮತ್ತು ಇಲಾಖಾ ಮುಖ್ಯಸ್ಥರುಗಳು ಈ ಸುತ್ತೋಲೆಯಲ್ಲಿರುವ ಸೂಚನೆಗಳನ್ನು ತಮ್ಮ ಅಧೀನದಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುವ ಎಲ್ಲಾ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಗಳ ಗಮನಕ್ಕೆ ತರತಕ್ಕದ್ದು ಹಾಗೂ ಪಾಲಿಸತಕ್ಕದ್ದು.

ಸಹಿ/-

ಎಂ.ಎಂ.ನಾಯ್ಕ,

ಸರ್ಕಾರದ ಅಪರ ಕಾರ್ಯದರ್ಶಿ,

ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣಾ ಇಲಾಖೆ,

(ಸೇವಾ ನಿಯಮಗಳು)