



**SERVICE COMMISSIONS DEPARTMENT
CIRCULAR MEMORANDUM**


CONFIDENTIAL

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FROM: Director of Personnel Administration

TO: Permanent Secretaries and Heads of Departments

DATE:  October, 2021

SUBJECT **Treatment of Allowances of Officers who are to be Interdicted from Duty**

Public Service Commission wishes to draw to the attention of Permanent Secretaries and Heads of Departments regarding the treatment of allowances of officers who are to be interdicted from duty as a result of disciplinary proceedings against them, as outlined below:

Permanent Secretaries and Heads of Departments are reminded that **Regulation 89** of the Public Service Commission Regulations provides for the Interdiction of officers who are charged with disciplinary proceedings or criminal proceedings as outlined:

89 (1) - Where there have been or are about to be instituted against an officer -

- (a) disciplinary proceedings for his dismissal; or
- (b) criminal proceedings,

And where the Commission is of the opinion that the public interest require that that officer should forthwith cease to perform the functions of his office, the Commission shall interdict him from such performance.

(2) the effective date of interdiction shall be -

- (a) where an officer has continued to perform the duties of his office, the date of receipt by him of the notification of his interdiction.

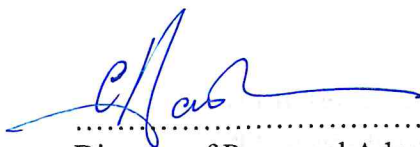
- (b) where, in accordance with regulation 88, an officer has ceased to perform the duties of his office, such date as the Commission may direct
- (3) An officer so interdicted shall, subject to the provisions of regulation 114, be permitted to receive such proportion of the pay of his office, not being less than one-half, as the Commission may determine, after taking into consideration the amounts being deducted per month from the pay of the officer.
- (4) If disciplinary proceedings against any such officer result in his exoneration, he shall be entitled to the full amount of the remuneration which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal, the officer shall be allowed such pay as the Commission may in the circumstances determine.

In this regard, the Commission has noted *inter alia* that the term “pay” as it relates to the aforementioned Regulation, specifically means the flat rate of pay which is attached to an office. Further, that the use of the words “such proportion of pay” in Regulation 89 (3) means that when the Commission imposes the Order of Interdiction on an officer, this **only** applies to the flat rate of pay attached to that office. Moreover, the Order of Interdiction **does not** apply to allowances which may be attached to said office.

Therefore, when the Commission imposes an order of interdiction on an officer, this would only relate to the flat rate pay (*the percentage % being specifically determined by the Commission*) attached to the office and not to any allowances paid to him. For an officer who is acting in a higher office, the flat rate of pay will only apply to the substantive office, since that officer would have been directed to cease to perform all duties and will therefore not be paid an acting allowance during the period of interdiction.

Finally, please be advised that since the Order of Interdiction does not apply to allowances attached to respective offices, it will be the responsibility of Permanent Secretaries and Heads of Departments to determine whether an officer who has been directed to cease to perform the duties of a particular office and is therefore off the job, should be entitled to such allowances during the period of their interdiction from duty.

Permanent Secretaries and Heads of Department are asked to bring this Circular Memorandum to the attention of the staff responsible for the disciplinary function in the Human Resource Management Unit in their Ministry/Department and be guided accordingly



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Director of Personnel Administration (Ag.)