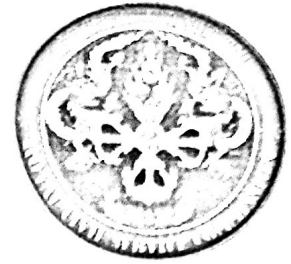




དཔལ་ལྷན་འབྲུག་གཞུང་།  
རྒྱལ་གཞུང་གི་གཞི་གཞི་ལྷན་ཚོགས།  
ROYAL GOVERNMENT OF BHUTAN  
ROYAL CIVIL SERVICE COMMISSION

*Excellence in Service*



RCSC/LS-57/2019/

4<sup>th</sup> September 2019

**PRESS RELEASE**

ACC vide their letter No. ACC/DoI-II/Case-29/2017/1199 dated 26<sup>th</sup> August 2019 had asked the RCSC to suspend the service of Mr. Sherab Tenzin, Director General, DoEHR, MoLHR who has been charged before the Thimphu Dzongkhag Court in connection with alleged corruption in the Overseas Employment Program implemented by MoLHR.

The Royal Civil Service Commission during its 15<sup>th</sup> Commission Meeting deliberated the matter taking into account the provisions of BCSR 2018 and the *Conclusion Paragraphs* and the *Court Order* of the Supreme Court issued vide its Judgment No. Nyontho (OM12-267) dated 17<sup>th</sup> July 2013.

The Commission after due deliberation has decided not to suspend the service of Mr. Sherab Tenzin, Director General, DoEHR, MoLHR based on the following provisions of the BCSR 2018 and the *Conclusion Paragraphs* and the *Court Order* of the Supreme Court;

1. Section 19.10.1 of the BCSR 2018 states that the “Suspension shall be discretionary and not mandatory in its application. It is a means to prevent one from hampering the *ongoing investigation* while the person is in the office or to prevent further misfeasance/malfeasance or destruction of evidence”;
2. Suspension is to ensure non-interference and prevent possible destruction of evidence during *ongoing investigation* and if there are possible of continuance of the malfeasance while in office;
3. Suspension once charges are filed must be based on whether the public servant while in office has the opportunity or is in a position to impede or frustrate prosecution or commit further acts of malfeasance or both;
4. Suspensions *once charges are filed* must be optional at the discretion of the Competent Authority and not mandatory; and
5. Section 19.10.5 of the BCSR states that “Once charges are filed, public interest should be the guiding factor in deciding to place a civil servant under suspension. The Agency shall consider the following circumstances for placing civil servants under suspension pending an investigation when civil servant faces criminal charges in a court of law:
  - a. Section 19.10.5.1 “Cases where continuance of office will prejudice the disciplinary process”;
  - b. Section 19.10.5.2 “Where continuance in office is likely to seriously subvert discipline in the office or organisation”;

The Commission also decided that if Mr. Sherab Tenzin, Director General, DoEHR, MoLHR desires to attend the Court, he must do so by availing appropriate leave at his own expenses and shall not be permitted to use any government resources while attending the Court.