

Lokayukta Act, 1984

Section 13 - Public Servant to Vacate Office if Directed by Lokayukta, Etc.

(1) Where after investigation into a complaint the Lokayukta or an Upalokayukta is satisfied that the complaint involving an allegation against the public servant 1 [is substantiated]1 and that the public servant concerned should not continue to hold the post held by him, the Lokayukta or the Upalokayukta shall make a declaration to that effect in his report under sub section (3) of section 12. 1 [Where the competent authority is the Governor, State Government or the Chief Minister, it may either accept or reject the declaration. In other cases, the competent authority shall send a copy of such report to the State Government which may either accept or reject the declaration.]1 If it is not rejected within a period of three months from the date of receipt of the report 1 [or the copy of the report, as the case may be] it shall be deemed to have been accepted 2 [x x x] on the expiry of the said period of three months.

(2) If the declaration so made is accepted or is deemed to have been 1 [accepted] the fact of such acceptance or the deemed acceptance 1 [shall, immediately be intimated by registered post by the Governor, the State Government or the Chief Minister, if any of them is the competent authority and the State Government in other cases] then, notwithstanding anything contained in any law, order, notification, rule or contract of appointment, the public servant concerned shall, with effect from the 1 [date of intimation of such acceptance or of] the deemed acceptance of the declaration,-

(i) if the Chief Minister or a Minister resign his office of Chief Minister, or Minister, as the case may be;

1 [(ii) if a public servant falling under items (e) and (f), but not falling under items (d) and (g) of clause (12) of section 2, be deemed to have vacated his office; and]

(iii) 1 [if a public servant falling under items (d) and (g) of clause (12) of section 2] be deemed to have been placed under suspension by an order of the appointing authority;

Provided that if the 1 [public servant] is a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (Central Act 61 of 1951) the State Government shall take action to keep him under suspension in accordance with the rules or regulations applicable to his service.

1. Substituted by Act 31 of 1986 w.e.f. 16.6.1986.

2. Omitted by Act 31 of 1986 w.e.f. 16.6.1986.
