



# L'ESSENTIEL SUR LA SANCTION DISCIPLINAIRE FONCTION PUBLIQUE



## DÉFINITION

L'agent public peut faire l'objet d'une sanction disciplinaire dès lors qu'il lui est reproché un manquement à ses obligations :



- > Une faute dans l'exercice de ses fonctions
- > Une faute entravant le fonctionnement du service public
- > Une faute portant atteinte à la considération du service public

## EXEMPLE



Consommation de produits stupéfiants,  
alcool pendant le service.



Détention de vidéos pédopornographiques  
pour un policier.

## LA PROCÉDURE DE LA SANCTION DISCIPLINAIRE PUBLIQUE

### ÉTAPE 1

L'obligation de  
communication du dossier  
individuel à l'agent



### ÉTAPE 2

Convocation  
à un entretien  
préalable



### ÉTAPE 3

La saisine du conseil  
de discipline à partir  
des sanctions du 2ème groupe



## LES GRADES DE SANCTIONS

1

### Sanctions du 1<sup>er</sup> Groupe

L'avertissement, le blâme et les exclusions  
temporaires des fonctions de 1 à 3 jours.

2

### Sanctions du 2<sup>ème</sup> Groupe

Essentiellement pécuniaires : la radiation du  
tableau d'avancement, l'abaissement  
d'échelon, l'exclusion temporaire de 4 à 15 jours.

3

### Sanctions du 3<sup>ème</sup> Groupe

D'interruption et de recul dans la carrière :  
la rétrogradation et l'exclusion temporaire  
de 10 jours à 2 ans.

4

### Sanctions du 4<sup>ème</sup> Groupe

L'exclusion définitive : la mise à la retraite  
et la révocation.

## LES RECOURS

### Le recours administratif

L'agent public peut le former :

- > Par un recours gracieux auprès de l'autorité  
disciplinaire qui a pris la décision ;
- > Par un recours hiérarchique auprès de l'autorité  
supérieure qui dispose d'un pouvoir hiérarchique  
sur l'autorité qui a pris la décision de sanction  
disciplinaire ;
- > Par un recours devant la commission des recours  
du Conseil Supérieur de la fonction publique de  
l'État.

### Le recours contentieux

Saisir le juge administratif dans un délai de 2 mois  
pour contester la sanction disciplinaire



Place  
DU DROIT

# Leacutegaliteacute Dans La Fonction Publique

**Jean-Marie Auby**



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