

Official disciplines are stipulated as rules to control officials' behavior for proceeding an organization's personnel activities. Thai disciplinary system is a fair process consisting of laws and written rules prescribing appropriate and prohibited action as well as penalty and disciplinary action. According to legal principle, discipline provisions must be precise so that officials explicitly know whether their specific actions are appropriate. But section 81 of the Civil Service Act 1975 which controls officials' behavior is so broadly prescribed without any disciplinary punishment philosophy or explicit disciplinary objective to be a precise rule for an official. Thus, the enforcement of this law varies in directions causing unfairness for a person under a disciplinary action.

The objectives of this research are to study and analyze legal and practical problems incurring from the enforcement of section 81 of the Civil Service Act 1975 and to study guidelines or standard principle in respect of trial and determination of punishment on gross misconduct in order to achieve more explicit consideration on this matter.

The study finds that such broadly prescribed gross misconduct results in the overexpanding of this trial. A supervisor has no limit discretion which sometimes intruding in subordinate's personal behavior. In addition, the current principle of this trial is an abstract that is unusable as a precise guideline for a supervisor. The final problem is the application problem of section 81 of the Act of 1975 as the cabinet resolution on gross misconduct trial does not comply with this law.

In order to eliminate these problems, section 81 of the Act of 1975 should be amended by prescribing philosophy, disciplinary objectives and explicit guideline on misconduct trial. Additionally, there must be other legal measures and mechanisms as tools for a supervisor's gross misconduct trial. This will lead to a right and explicit direction of this trial applicable as a better standard than the current one.