

AP CS (CCA) Rules, 1991

ART 311 of COI

- Reasonable opportunity of being heard
- No dismissal or removal except by authority competent to appoint
- CCA Rules framed on this principle

AP C. S. (CCA) RULES

- **CONTAINS 46 RULES**
- **2 SCHEDULES**
- **4 APPENDICES**
- **C : Classification of Services**
 - Rule 5. Classification of Services
 - Rule 6. Constitution of State Services
 - Rule 7. Constitution of Subordinate Services
- **C : Control**
 - Rule 8. Suspension
 - Rule 9. Penalties
 - Rule 10. Other Penalties
- **A – Appeal (Rules 32 to 39)**

AP C. S. (CCA) RULES

- Schedule I: State Services
- Schedule II: Subordinate Services
- Appendix:I:General Subordinate Services
- II. Authorities imposing minor penalties on Subordinate officers
- III. Authorities imposing minor & major penalties against Subordinate officers
- IV. Authorities in respect of police etc

Application of Rules (Rule 3)

These rules shall apply to every Govt servant

except

- persons in casual employment**
- persons subject to discharge from service
on less than one month notice**
- Members of All India services**
- Persons for whom special provision is made**
- in respect of matters covered.**

SUSPENSION - WHEN

- DISCIPLINARY ACTION PENDING OR CONTEMPLATED
- IF ENGAGED IN SUBVERSIVE ACTIVITIES
- CRIMINAL OFFENCE UNDER INVESTIGATION, INQUIRY OR TRIAL
- PUBLIC SCANDAL
- CUSTODY FOR MORE THAN 48 HOURS IS DEEMED TO BE UNDER SUSPENSION

SUSPENSION

- STANDARDISED FORMS GIVEN IN G.O.Ms 411
GAD Dt. 20.7.93
- SUBSISTENCE ALLOWANCE TO BE SANCTIONED
- NO OTHER EMPLOYMENT DURING SUSPENSION
- NOT FREE TO GO TO ANYWHERE
- NO TA WILL BE PAID IF LEFT HQ
- RESIGNATION SHOULD NOT BE ACCEPTED

MINOR PENALTIES

- **(i) Censure**
- **(ii) Withholding of promotion**
- **(iii) omitted in 2005**
- **(iv) Withholding increment without cumulative effect not exceeding 3 years**
- **(v) (a) Suspension where the person is already suspended under Rule 8**
- **(v) (b) reduction to a lower stage in the time scale of pay for a period not exceeding three years , without cumulative effect and not adversely affecting his pension**

MINOR PENALTY – MAJOR PROCEDURE

- Withholding of increment without cumulative effect exceeding 3 years
- Not a major penalty but:
- Procedure for major penalty should be followed

Major penalties

- (vi) Withholding of increment with cumulative effect
- (vii) Reduction to:
 - (a) Lower stage in time scale of pay
 - (b) Lower time scale of pay, grade, post or Service
- (viii) Compulsory retirement
- (ix) Removal
- (x) Dismissal

HOW A DISCIPLINARY CASE ARISES

- Receipt of a complaint
- Finding the misconduct:
- Petitions
- News report
- Audit report
- Office inspection etc

PRELIMINARY INQUIRY

- No Inquiry if the complaint is:
 - ANONYMOUS or
 - PSUDONYMOUS
- But, If verifiable allegations
 - PRELIMINARY INQUIRY to assess facts
 - No procedure prescribed in CCA Rules
 - If allegations are found correct
 - Disciplinary Action to be initiated

Procedure to be followed

- Charge Memo:
- Explanation of the Public Servant
- Imposing Minor Penalty
- In Case of Major Penalty: Inquiry
- Appointing Inquiry officer
- Appointing Presenting officer

Articles of Charge

- A charge should be brief, clear and precise
- It should identify the Misconduct/ misbehaviour
- preferably be in the third person.
- A separate article of charge should be framed in respect of each transaction/event or a series of related transactions/ events.
- each misconduct should be specifically mentioned.
- Multiplication or splitting up of charges on the basis of the same allegation should be avoided.
- Charge should not contain expression of opinion
- Charge should not relate to a matter which has already been the subject matter of an inquiry and adjudication.

A specimen of an article of charge

"That Sri (name and designation of the Government servant at the time of framing of the charge), while functioning as (designation at the time of the misconduct) from to (period) demanded and obtained an amount of Rs.5,000 as illegal gratification from Sri (name), contractor, (address) on at (date and time), in his office (mention any other place) promising to pass his bill of execution of work (give the name of the work) without objections threatening otherwise to withhold payment, which constitutes misconduct of failure to maintain absolute integrity and devotion to duty and commission of an act unbecoming of a Government servant, in violation of sub-rules (1) and (2) of Rule 3 of the APCS (Conduct) Rules, 1964."

Inquiry procedure

- Preliminary hearing
- Choosing the Defence assistant by CO
- Furnishing statements of witnesses if recorded
- Allowing to examine documents in the presence of IO

Inquiry procedure

- Hearing
- Examination-in-Chief
- Cross examination
- Reexamination
- Recording
- Taking signature of the recorded statements
- Note of next hearing

Inquiry procedure

- Personal hearing, if CO desires
- Written Brief
- Inquiry report in the form of a statement containing :
 - Articles of charge
 - Defense statements
 - Assessment of evidence
 - Findings
 - Submission to Disciplinary Authority

Inquiry procedure

- Disciplinary Authority to:
 - Satisfy himself/herself with the findings
 - If any deviation in procedure found:
 - Refer back to the IO for re-inquiry
 - DA can come to independent decision based on the facts

Inquiry procedure

- Once satisfied:
 - Copy of the Inquiry Report to be communicated to the Charged Officer
 - Receipt of further representation within 30 days
 - Speaking order of DA in consultation with APPSC if required
- Appeal
- Revision
- Review

principles of natural justice

- He should be informed of the charges
- He should be given reasonable opportunity to give his explanation
- He should be supplied with all the relevant copies of documents which he required to defend his case
- He should be informed of his right to appoint a defence assistant to defend his case

- The C.O. shold be given opportunity to cross examine the Mgt. witness
- Personal hearing, if the Charged officer desires so.
- Communication of written brief of the presenting officer
- Opportunity to submit defense statement
- Communication of Inquiry report

- Reasonable opportunity to make further representation on the Inquiry report
- The penalty should be proportionate to the gravity of offence
- While disposing appeal, if the AA decides to enhance penalty, the C.O. should be given reasonable opportunity to being heard
- No double jeopardy.

Rules in CCA Rules, 1991

- Rule 1. Short title and commencement**
- Rule 2. Interpretations**
- Rule 3. Application**
- Rule 4. Power to exclude from operation**
- Rule 5. Classification of Services**
- Rule 6. Constitution of State Services**
- Rule 7. Constitution of Subordinate Services**
- Rule 8. Suspension**
- Rule 9. Penalties**

Rules in CCA Rules, 1991

- Rule 10. Other Penalties**
- Rule 11. Disciplinary Authorities in respect of State Services**
- Rule 12. Government's power to impose penalties on members of State Services**
- Rule 13. Authorities competent to suspend members of State Services**
- Rule 14. D.A. and Authorities competent to suspend, in respect of Subordinate Services**

Rules in CCA Rules, 1991

Rule 15. **Powers of appointing authority etc.
to suspend members of State and
Subordinate Services.**

Rule 16. **Disciplinary authority in case of
promotion or transfer of a member of a
Service and a reversion or reduction**

Rule 17. **Special provision to respect of Police
Officials employed in Anti – Corruption
Bureau, Vigilance and Enforcement
Department and Lokayukta and Upa-
Lokayukta**

Rules in CCA Rules, 1991

- Rule 18.** **Lower authority not to reopen case:**

- Rule 19.** **Authority to institute proceedings**

- Rule 20.** **Procedure for imposing major penalties**

- Rule 21.** **Action on the Inquiry report**

- Rule 22.** **Procedure for imposing minor penalties**

- Rule 23.** **Communication of orders**

- Rule 24.** **Common proceedings**

Rules in CCA Rules, 1991

- Rule 25. Special procedure in certain cases**
- Rule 26. Waiver procedure to certain cases**
- Rule 27. Action on report of Lokayukta and Upa-Lokayukta**
- Rule 28. Rule not to affect provisions relating to Andhra Pradesh Survey and Land Records Subordinate Service**
- Rule 29. Rules not to affect provisions in Andhra Pradesh Stationery Manual**

Rules in CCA Rules, 1991

Rule 30. **Provisions regarding officers lent to Government of India etc.**

Rule 31. **Provisions regarding officers borrowed from Government of India etc.**

Rule 32. **Orders against which no appeal lies**

Rule 33. **Orders against which appeal lies**

Rule 34. **Appellate Authorities**

Rule 35. **Period of limitation for appeals**

Rules in CCA Rules, 1991

- Rule 36. Form and contents of appeal**
- Rule 37. Consideration of Appeal**
- Rule 38. Review of original orders passed by Govt., in lieu of appeal**
- Rule 39. Implementation of orders in appeal**
- Rule 40. Revision**
- Rule 41. Review**

Rules in CCA Rules, 1991

Rule 42. Service of orders, notices etc.

Rule 43. Power to relax time-limit and to condone delay

Rule 44. Supply of copy of Commission's advice

Rule 45. Repeal and Saving

Rule 46. Removal of Doubts

Prescribed Formats

(G.O. Ms. No. 411 G.A.D., Dt. 20.07.1993)

- **Annexure – I - Form of order of suspension
(Where charge sheet has been issued)**
- **Annexure – II Form of order of Suspension
(where disciplinary proceedings are contemplated)**
- **Annexure – III – Form of order of suspension
(Where a case has been registered and it is under investigation)**

Prescribed Formats

(G.O. Ms. No. 82, G.A. (Ser.C.) Dept., Dt.
1.3.1996)

- Form- I - Non employment Certificate
- Form- II - Articles of Charges
- Form- III - Order of revocation of suspension order
- Form- IV- Appointment of Inquiry Authority
- Form- V - Appointment of Presenting Officer
- Form-VI - Memorandum of Charges for imposing minor penalty under Rule 22
- Form-VII- Minor Penalty proceedings
- Form-VIII- Common Proceedings

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