

# **The Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991**

ANDHRA PRADESH

India

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### **Rule**

### **THE-ANDHRA-PRADESH-CIVIL-SERVICES-CLASSIFICATION-CONTROL-AND-APPEAL-RULES-1991**

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The Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991Published vide Notification G.O.Ms.No. 487, GA (Ser-C) Department , dated 14-9-1992 issued in G.O.Ms.No. 490, GA (Ser-C) Department , dated 8-8-1991 and published in A.P. Gazette, Part 1, Extraordinary No. 235, dated 1-7-92)In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following rules, in supersession of the A. P. Civil Services (Classification, Control and Appeal) Rules, 1963 issued in G.O. Ms. No. 1376, G.A. (Rules) Department , dated the 28th November, 1963.Part - I General

### **1. Short title and commencement:**

(1)These Rules may be called the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.(2)They shall come into force on and after the expiration of three months from the date of publication of these rules in the Andhra Pradesh Gazette. (Came into effect on 1-10-92).

### **2. Interpretation:**

- In these rules, unless the context otherwise requires-(a)'appointing authority in relation to a Government servant' means-(i)the authority which actually made the temporary or officiating or substantive appointment as the case may be, of the Government Servant to the post held by him at the time of initiation of disciplinary proceedings; or(ii)the authority which is, under the rules regulating the recruitment to the post which the Government servant for the time being holds,

competent to make an appointment, whichever authority is higher;(b)'Commission' means the Andhra Pradesh Public Service Commission;(c)'disciplinary authority' means the authority competent under these rules to impose on a Government Servant any of the penalties specified in Rule 9 or Rule 10;(d)'Government' means the Government of Andhra Pradesh;(e)'Government Servant' means a person who-(i)is a member of a Civil Service of the State or holds a post in connection with the affairs of the State, whether temporary or permanent, appointed thereto before, on or after the date specified in Rule 1 and includes such Government Servant whose services are temporarily placed at the disposal of the Government of India, the Government of another State, or a Company, Corporation or Organisation owned or controlled by Government, or a local or other authority, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the State;(ii)is a member of a Civil Service of, or holds a Civil post under the Government of India or the Government of another State and whose services are temporarily placed at the disposal of the Government;(iii)is in the service of a local or other authority and whose services are temporarily placed at the disposal of the Government.(f)'Governor' means Governor of Andhra Pradesh;(g)'major penalty' means any of the penalties specified in clauses [(iv) to (x)] [Substituted by G.O.Ms. No. 205, G.A.D., 5-6-1998] (both inclusive) of Rule 9;(h)'minor penalty' means any of the penalties specified in clauses (i) to (v) (both inclusive) of Rule 9 and in Rule 10;(i)'Service' means a Civil Service of the State;(j)'State' means the State of Andhra Pradesh.

### **3. Application:**

(1)These Rules shall apply to every Government Servant except-(a)persons in casual employment,(b)persons subject to discharge from service on less than one month's notice,(c)persons for whom special provision is made, in respect of matters covered by these rules, by or under any law for the time being in force or in any rule or by or under any contract or agreement entered into by or with the previous approval of the Government before or after the commencement of these rules, in regard to matters covered by such special provisions,(d)members of the All India Services.(2)If any doubt arises -(a)whether these Rules apply to any person, or(b)whether a person to whom these rules apply belongs to a particular service, or as to which of the two or more services is the Service to which such person belongs,the matter shall be referred to the Government whose decision shall be final.

### **4. Power to exclude from operation:**

-Notwithstanding anything in Rule 3, the Governor may, by notification published in the Andhra Pradesh Gazette, exclude, wholly or in part, from the operation of these rules, the holder of any post or, the holders of any class of posts, in respect of whom the Governor decides that the rules cannot suitably be applied and these rules shall, thereupon to the extent of such exclusion, cease to apply to them accordingly.Part - II Classification

### **5. Classification of Services:**

(1)The Civil Services of the State, the members of which are subject to these rules, shall be classified as follows :(a)the State Services; and(b)the Subordinate Services.(2)A member of the Civil Service of

the State and every person holding a civil post under the State whose services are placed at the disposal of any company, corporation, organisation or local authority by the Government or by any competent authority shall, for the purposes of these rules, be deemed to be a member of such civil service or be deemed to hold such civil post, notwithstanding that his salary is drawn from a source other than the Consolidated Fund of the State.[6. Constitution of State Services: - The State Services shall consist of the services specified in Schedule I to these rules and includes any other services that may be notified or as the case may be constituted by Government from time to time] [Substituted by G.O.Ms. No. 516, G.A.D., 16-12-1999]. [7. Constitution of Subordinate Services: - The Subordinate Services shall consist of the services specified in Schedule II to these rules and include any other services that may be notified or as the case may be constituted by Government from time to time] [Substituted by G.O.Ms. No. 516, G.A.D., 16-12-1999].Part - III Suspension

## 8. Suspension:

(1) A member of a Service may be placed under suspension from service-(a) where a disciplinary proceeding against him is contemplated or is pending, or (b) where in the opinion of the authority competent to place the Government servant under suspension, he has engaged himself in activities prejudicial to the interest of the security of the State, or (c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial. [x x x x] [Proviso omitted by G.O.Ms.No. 417, G.A.D., dated 24-8-94] (d) [A member of a service may be placed under suspension from service even if the offence for which he was charged does not have bearing on the discharge of his official duties.] [Added by G.O.Ms. No. 27, G.A.D., dated 24-01-2002] (2) A Government servant shall be deemed to have been placed under suspension by an order of the authority competent to place him under suspension-(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise for a period exceeding forty-eight hours; (b) with effect from the date of his conviction if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction. Explanation : - The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account. (c) [the order of suspension ceases to be operative as soon as the criminal proceedings, on the basis of which the Government servant was arrested and released on bail, are terminated] [Added by G.O.Ms. No. 27, G.A.D., dated 24-01-2002]. (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on revision or review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal, or compulsory retirement and shall remain in force until further orders. (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void, in consequence of or by a decision of a court of law and the authority competent to impose the penalty, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the authority competent to impose the suspension from

the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders :Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.(5)(a)An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority which made or is deemed to have made the order or by an authority to which that authority is subordinate.(b)Where a Government servant is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.(c)An order of suspension made or deemed to have been made under this rule may, at any time, be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.Executive Instructions

### **1. Date of effect of an order of suspension - Regarding.**

(Memorandum No. 1085/Ser. C/72-3, dated 10-5-1973)Order: - A question has often been raised as to the date from which an order of suspension pending inquiry will take effect, i.e., whether it is the date on which the competent authority has passed the order, whether it is the date of dispatch of the order, or whether it is the date on which the Government servant concerned has actually been served with the order of suspension.

**2. Except in cases where a Government servant is deemed to have been placed under suspension under Rule 13(2) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963 the order of suspension will ordinarily be communicated to the Government servant immediately after it is passed. A difficulty may, however, arise in determining the date from which the Government servant is under suspension, if the Government servant placed under suspension is-**

(a)stationed at a place other than that where the competent authority passed the order of suspension;(b)on tour and it may not be possible to serve the order of suspension on him immediately;(c)one holding charge of stores, cash, warehouses, seized goods, bounds, etc., and he has to be relieved of the charge; and(d)on leave or absent from duty without permission or availing joining time.

**3. The Government have examined the question and they issue the following instructions :**

(i) In cases referred to in items (a) and (b) above, will not be feasible to give effect to an order of suspension from the date on which it is passed, owing to the fact that during the intervening period, a Government servant may, perform certain functions lawfully exercisable by him or may enter into contracts, etc. In such cases, the order of suspension takes effect from the date of its service on the Government servant concerned. (ii) In cases referred to in item (c) above, the concerned Government servant may not be able to hand over charge immediately on receipt of suspension order by him, without checking and verification of stores, cash etc., and the order of suspension takes effect from the date of normal handing over the stores, cash etc., by the Government servant concerned. (iii) In cases referred to in item (d) above, the order of suspension takes effect from the date of its despatch from the office of the authority which passes it. Where a Government servant on leave is suspended, it is not necessary to recall him from leave, but it is sufficient if the unexpired portion of the leave is cancelled by an order to that effect.

**4. It may be borne in mind that no order of suspension should be made retrospective effect, as a retrospective order of suspension is illegal.**

**5. The Government also direct that the above orders will apply mutatis mutandis to an order imposing the penalty of dismissal, removal or compulsory retirement on a Government servant.**

## **2. Suspension of Government servants - Pending enquiry - Consolidated instructions - Issued.**

(Memo. No. 1470/Ser. C/77-2, General Administrator (Ser-C) Department, dated 26-12-1977) Instructions were issued from time to time regarding suspension of Government servants pending enquiry into charges against them, apart from the provisions contained in the Andhra Pradesh Civil Services (CC&A) Rules, 1963. It is considered desirable to consolidate these instructions for information and guidance of the Departments of Secretariat, Heads of Departments and other officers. Therefore, the instructions are incorporated in the Annexure to this Memo. The officers concerned are requested to follow these instructions scrupulously. Annexure (1) Memorandum No. 3903/64-1, G.A. (Service -C) Department, dated 2-1-1965. The orders made by an authority other than Government placing an employee under suspension pending enquiry, may be revoked by that authority or by the Government or by any authority to whom that authority is administratively subordinate, even though the sanctions of Government to the extension of suspension, after the period of six months was obtained as such order of extension does not render the original order of suspension ineffective and substitute in its place an order of the Government suspending the employee pending enquiry. (2) Memorandum No. 2044/65-2, G.A. (Service-C) Department, dated 17-8-1965. A member of a service who is deemed under sub-rule (2) of Rule 13 of the Andhra Pradesh Civil Services (CC & A) Rules, to have been suspended by an order of the competent authority to suspend him, remains under suspension until further orders. The further orders contemplated by the said sub-rule are those of the competent authority or of a higher authority under sub-rule (5). The competent authority or the higher authority need not necessarily revoke the order of suspension when the member of a service who is

arrested and detained on a criminal charge or otherwise for a period exceeding 48 hours is released on bail, but the said authority may revoke the order of suspension and admit him to duty or grant him leave during the period if applied for by him, if the said authority thinks fit to do so having regard to the nature of the charge and other circumstances of the case. The mere fact that the member of a service has been granted bail, does not give him a right to be restored to duty.(3)Memorandum No. 1933/65-4, G.A. (Ser-C) Department , dated 28-12-1965.Where the work and conduct of an employee who is appointed temporarily are not satisfactorily, he need not be placed under suspension pending enquiry as it involves financial loss to Government, not should disciplinary action be initiated against him but he should be discharged in terms of his appointment, by an innocuous order, so as to avoid complication.(4)Memorandum No. 2213/Ser-C/668, G.A. (Ser-C) Department , dated 30-11-1966.In order to ensure that suspension is not resorted to for simple reasons, the Government have decided that when the reinstating authority held that the suspension of the employee was wholly unjustified and it made an order that for the period of suspension the employee considered be paid full pay and allowances, proceedings should be initiated under Rule 19 of Andhra Pradesh Civil Services (CC & A) Rules, 1963, against the officer who suspended the employee and the question of recovery from pay of such officer the whole or any part of the pecuniary loss caused to the Government due to payment of pay and allowances under F.R. 54, should be considered.(5)Memorandum No. 904/Ser-C/67-1, G.A., (Ser-C), Department , dated 29-5-1967.The necessity for continuance or otherwise of a Government employee under suspension is required to be reviewed by the Government at intervals of not more than 6 months. The object is to ensure that Government employee placed under suspension indefinitely and that the necessity or otherwise for his continuance is reviewed periodically by Government so that if in any case it is felt that further continuance of the Government employee involves undue-hardship, necessary relief may be granted, either by revoking the order of suspension and restoring him to duty or allowing him to proceed on leave.In cases of suspension and review the following procedure may be adopted:(a)Where an employee is suspended the order may be so drawn up, that he is suspended, pending enquiry, until further orders.(b)When upon a review which may be ordinarily made at intervals of not more than six months, it is considered that he should be continued under suspension, the order that may be made after such review may be as follows : "The Government have reviewed the case of Sri.....who is under suspension pending enquiry and they have decided that he shall continue under suspension. The next review will be taken up at the end of six months from the date of this order."(6)Memorandum No. 1733/Ser-C/67-2, G.A. (Ser-C), Department , dated 3-8-1967.Instead of placing an employee under suspension pending investigation into grave charges, the desirability of transferring him to some other place or to allow him to go on leave may be considered.(7)U.O. Note No. 1742/Ser-C/68-3, G.A. (Ser-C), Department , dated 16-10-1968.When the Anti-Corruption Bureau enquiry goes beyond six months after an officer has been placed under suspension, the Director, Anti-Corruption Bureau should send a report to the concerned Secretary to Government intimating the stage of enquiry and whether or not the officer should be continued under suspension furnishing the reasons therefor. Where the suspension of an officer is to be continued beyond a period of six months prompt action should be taken in compliance with the instructions issued by the Government in Memorandum No. 904/67, G.A. (Ser.C) Department, dated 29-5-1967.(8)Memorandum No. 365/Ser-C/69-1.G.A. (Ser-C) Department , dated 11-6-1970.The cases of all officers who are under suspension for six months irrespective of the fact, whether the cases are under investigation by the Anti-Corruption Bureau or

pending enquiry be the Anti-Corruption Bureau or pending enquiry before the Tribunal for Disciplinary Proceedings or departmental authority or pending trial before the Court of Special Judge for Special Police Establishment and Anti-Corruption Bureau cases or pending with Government will have to be reviewed by the Government and the Government Should have adequate and sufficient material before them to judge the necessity or otherwise of the continuance of the suspension. The Director, Anti-Corruption Bureau should send his reports to the Government not only in respect of cases which are under investigation by the Anti-Corruption Bureau but also in cases pending enquiry before the Tribunal for Disciplinary Proceedings and trial in the Court of the Special Judge for Special Police Establishment and Anti-Corruption Bureau cases. He need not, however, send reports in cases where enquiries are being conducted by Departmental authorities or in cases pending with the Government after the receipt of the Tribunal for Disciplinary Proceedings and the Judgement of the Special Judge for the Special Police Establishments and Anti-Corruption Bureau cases. (9) G.O.Ms.No. 517, G.A. (Ser.C) Department, dated 27-7-1977. A proforma as given below has been prescribed in order to enable the Government to take a decision on each based on the information given by the various officers requesting for extension of suspension of officers. The Establishment Officer will have to take a view on the question of extension of suspension and if he feels that within the extended period or within six months, the case cannot be decided, then he has to send a report in the proforma about two months in advance of the period. Proforma for Extension of Period of Suspension beyond Six Months

Sl. No.	Name and designation of the officer under suspension	Date of suspension	Date of appointment of Enquiry officer	(a) Have Charges been framed, if so, date	(b) Has it been served on the other officer, if so, when date	(c) Has it been served on the other officer, if so, when date	(d) Has the case in support of the charge been presented before Enquiry officer, date	(e) has the officer under suspension entered upon his defence. If So, the date
(a)	(b)	(c)	(d)	(e)	(b)	(c)	(d)	(e)
1	2	3	4	5	6	7	8	9

### 3. Prevention of corruption - Suspension of Officers involved in trap cases and with reference to the possession of disproportionate assets.

(Memo. No. 1095/Ser. C/84-4, Gen. Administrator (Ser-C) Department, dated 27-4-1985) Ref: - 1. Government Memo. No. 204/Ser.C/76-3, dated 31-5-1976.

### 2. Memo. 355/Ser.C/69-1, G.A.D., dated 11-6-1970,

Order: - In the references cited, instructions were issued in regard to suspension of the Government employees on the basis of reports received from the Director, Anti-Corruption Bureau.

**2. The matter regarding suspension of Government servants involved in cases of traps and possession of disproportionate assets taken up for investigation by the Anti-Corruption Bureau has been reviewed and the following instructions are issued:**

(1) In trap cases, the officers trapped should be placed under suspension immediately and if there is likely to be any interregnum between the trap and the actual relief of the trapped officer consequent upon suspension, the trapped officer should be immediately shifted out of his charge so that he will not have any opportunity to tamper or destroy material evidence. In this connection, attention is drawn to the instruction issued in G.A. (Ser.C) Department, Memo. No. 204/Ser.C/76-3, dated 31-5-1976 (2) As regards the cases of possession of disproportionate assets, the following will be the circumstances in which the Government servant involved in the case should be placed under suspension : (a) When the disproportionate assets detected are prima facie sufficiently large taking into consideration the income from all sources and the likely expenditure of the Government servant concerned. The Director, Anti-Corruption Bureau; should mention in his report, the rough estimate of income, expenditure and assets and how the disproportion was arrived at, while recommending suspension in such cases. (b) If a Government servant is not placed under suspension immediately after the registration of a case of possession of disproportionate assets and searches conducted in pursuance thereof, he may subsequently be placed under suspension, if, - (i) during the course of investigation of the case, the Government servant is found to be not co-operating with the investigating authorities in the conduct of investigation such as not furnishing the property statements and other required information; or (ii) the Government servant is found, interfering with the investigation of the case of tampering with witness or documents; or (iii) a charge sheet is filed against him in the said case after the completion of investigation.

**3. Once a Government servant has been placed under suspension in an A.C.B. enquiry of the nature contemplated supra, while revoking or continuing suspension. the disciplinary authority should have regard to the stage of investigation and progress achieved. In respect of cases where the A.C.B. has submitted a final report and where criminal prosecution is not envisaged, the continuation of suspension or revocation shall be considered by the competent authority keeping in view the gravity of charges held substantiated. (Para 3 as amended by Memo.No.638/Ser.C/86-3 General Administrator (Ser.C) Department , dated 16-8-1986)**

**4. All the Departments of Secretariat, Heads of Departments and District Collectors are requested to follow the above instructions scrupulously and also communicated the above instructions to the concerned disciplinary authorities for their guidance while dealing with the above type of cases.**



#### **4. Instructions on Suspension of Government Employees involved in cases of Traps and Possession of Disproportionate Assets taken-up for Investigation by the ACB.**

(G.O.Ms.No. 220/Ser.C/89-I, Gent. Administrator (Services-C) Department , dated 8-3-1989)Order: - (a) In trap cases, the Government servant should be suspended immediately after the trap basing on the preliminary report of the A.C.B.(b)In disproportionate assets cases, the accused Officer need not be suspended immediately following the registration of the case. But he may be transferred to a far off non-local post to avoid likelihood of his tampering with the records and influencing the witness,. Attention is invited to Government Memo. No. 1733/Ser.C/67-2, General Administration Department , dated 3-8-1967.(c)If, however, the ACB finds during investigation that there is reasonable ground for believing that the accused officer has deliberately failed to co-operate with the Investigating Agency or that he is trying to tamper with the official records or influencing the witnesses or bringing pressure on the Investigating Officers, it is open to the Disciplinary Authority to place the accused Officer under suspension at that stage, based on the recommendation of the ACB to that effect.(d)In case other than those mentioned above, the accused officer should be suspended when a charge-sheet is filed against him in the Court.(e)Where after investigation, it is decided to initiate Regular departmental action for imposing any of the major penalties and charge memo is served or the delinquent Government servant, alleging specific acts of corruption or gross misconduct involving moral turpitude, he may be suspended immediately after the charge memo is served on him.

#### **5. Payment of Subsistence Allowance during the period of suspension.**

(Circle Memo. No. 13431-160-AF.R.II/93, Fin. & Plg., dated 1-4-1993)Order: - It has come to the notice of Government that the employees who are kept under suspension beyond 6 months are not receiving subsistence allowance beyond 6 months on the ground that the suspension has to be reviewed by the competent authorities. In this connection, the following instructions are issued for implementation by all the competent authorities who place a Government servant under suspension in public interest.

**2. According to Rule 18 (c) (i) of A.P. Civil Services (CC &A) Rules, 1963, an officer should not be kept under suspension for a period exceeding 6 months normally and the disciplinary proceedings should be finalised within that period. The cases of Officers who are placed under suspension should be reviewed by the authorities higher or by the Government themselves every six months, in order to ensure that suspensions are not continued indefinitely without justification.**

- 3. According to F.R. 53 (i) (ii) (a), subsistence allowance at an amount equal to the leave salary which the Government Servant would have drawn, if he had been on leave on behalf average pay, or half pay has to be paid, apart from the admissible allowances as per Rules. In terms of provision thereto, the amount of subsistence allowance can be enhanced or reduced by an amount not exceeding 50% of the subsistence allowance already admissible under the circumstances mentioned at (i)/(ii) under the above provision. Under Fundamental Rules, there is no bar or restriction limiting payment of subsistence allowance upto a period of six months in cases when the period of suspension is to be reviewed. In other words, the subsistence allowance according to F.R. 53(i)(ii)(a) and in terms of proviso thereto, depending upon the situation of the case specified in item Nos. (i) and (ii) under the proviso, as the case may be, has to be paid, as long as a person is continued under suspension even if the period is extended by undertaking a review or not.**
- 4. Thus, the subsistence allowance shall not be denied to the suspended employee on any ground unless the suspended employee is unable to furnish a certificate that he is not engaged in any other employment etc., during the period to which the claim relates.**
- 5. According to the instructions, revision of subsistence in terms of proviso to Clause (ii) (a) of Sub-rule (i) of F.R. 53 should not be given retrospective effect.**
- 6. It is observed that payment of subsistence allowance is being delayed on the ground that the suspension is being reviewed. In this connection, the attention of the Departments of Secretariat, and the heads of Departments is invited to the orders issued in G.O.Ms.No. 205, G.A. (Ser.C) Department, dated 17-3-1990. There is no need for withholding the subsistence allowance pending review as, even if the higher authority decides, that it would no longer be necessary to continue the employee under suspension, the reinstatement will be only with prospective effect. In view of this, even if a review is pending with a higher authority, which is a non-statutory review it is not necessary to withhold the payment of subsistence allowance.**

## **6. Orders of suspension - Prescription of format.**

(G.O.Ms.No. 411, G.A.D., dated 20-7-1993)Ref : - G.O.Ms.No. 487, G.A. (Ser.C) Department , dated 14-9-1992.Order: - Under Rule 8(1) of the Andhra Pradesh Civil Services (CCA) Rules, 1991, a member of service may be placed under suspension from service -(a)Where a disciplinary proceedings against him is contemplated or is pending; or(b)Where in the opinion of the authority competent to place the Government servant under suspension, he has engaged himself in activities prejudicial to the interest of the security of the State; or(c)Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

**2. The authority competent to order a Government Servant to be placed under suspension should apply his mind before passing such order and the order of suspension should be in the legally correct format. If the orders of suspension issued are defective and not in the correct format such orders are liable to be challenged in courts merely on technical grounds.**

**3. With a view to avoiding such situations and to bring uniformity in the forms of orders of suspension having regard to the provisions contained in the Andhra Pradesh Civil Services (CCA) Rules, 1991, it has been considered desirable to prescribe model formats of order for the guidance of the competent authorities who are empowered to pass suspension orders against the delinquent officers.**

**4. Government accordingly direct that the competent authority should issue order of suspension after due consideration, in the relevant proforma annexed to this order as indicated below :**

(a)Where charge sheet has been issued, the form in Annexure-I to this order may be considered for adoption;(b)Where disciplinary proceedings are contemplated, the form in Annexure II to this order may be considered for adoption; and(c)Where a case has been registered and it is under investigation, the Form in Annexure III to this order may be considered for adoption.

**5. All Departments of Secretariat, Heads of Departments etc., are requested to bring these orders to the notice of all competent authorities.**

Annexure - IForm of order of suspension (where charge sheet has been issued) under Rule 8 (1) of the Andhra Pradesh Civil Service (CCA) Rules, 1991Sub : - Public Services - Sri/Smt.....  
Suspension from service - Orders - Issued.And whereas the Government of Andhra Pradesh/undersigned being the competent authority (appointing authority/any other competent authority) consider it necessary to place Sri/Smt..... under suspension pending enquiry into grave charge or charges aforementioned.Now, therefore, in exercise of the powers conferred by

sub-rule (1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991, the Government of Andhra Pradesh/undersigned (appointing authority/any other competent authority) hereby place(s) the said Sri/Smt..... under suspension from the date of communication of this order and he/she shall continue to be under suspension in public interest until the conclusion of the disciplinary proceedings/termination of all proceedings relating to the criminal charge(s). It is further ordered that during the period this order remains in force the headquarters of Sri/Smt..... (name and designation of Government servant) shall be (name of the place) and the said Sri/Smt..... shall not leave the headquarters without obtaining the previous permission of the undersigned. [It is further ordered that during the period of suspension, Sri/Smt..... (Name and designation of the Government servant) shall be paid subsistence allowance equivalent to the leave salary on half pay leave. The D.A. and other compensatory allowances shall be paid along with subsistence allowance. The quantum of subsistence allowance will be reviewed and revised in terms of FR-53(i) after 3 months. Pending review he shall continue to draw the subsistence allowance now sanctioned.] [Added by G.O. Ms. No. 296, Fin. & Plg. (FW.FR.II), dated 14-10- 1996] Signature Name and Designation of the Suspending authority. Annexure - II Form of order of suspension (where disciplinary proceedings are contemplated) under Rule 8(1) of the Andhra Pradesh Civil Services (CCA) Rules, 1991 Sub : - Public Service - Sri/Smt..... Suspension from service - Orders - Issued. Whereas it has come to the notice of the Government of Andhra Pradesh/ Undersigned who is the competent authority (Appointing authority/any other competent authority) alleging that -And whereas disciplinary proceedings against Sri..... are contemplated; And whereas the Government of Andhra Pradesh/undersigned (appointing authority/any other competent authority) after careful consideration of the available material and having due regard to the circumstances of the case, are satisfied that it is necessary to place Sri/Smt..... under suspension. Now, therefore, in exercise of the powers conferred by sub-rule (1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991 the Government of Andhra Pradesh/undersigned (appointing authority/any other competent authority) hereby place(s) the said Sri/Smt..... under suspension from the date of communication of this order and he/she shall continue to be under suspension until the conclusion of the disciplinary proceedings/termination of all proceedings relating to the criminal charge(s). It is further ordered that during the period this order remains in force, the headquarters of Sri/Smt..... (name and designation of the Government servant) shall be..... (name of the place) and the said Sri/Smt..... shall not leave the headquarters without obtaining the previous permission of the undersigned. Signature Name and designation of the Suspending authority. Annexure - III Form of order of suspension (where a case has been registered and it is under investigation) under Rule 8(1) of the A.P. Civil Services (CCA) Rules, 1991 Sub : - Public Services - Sri/Smt..... Suspension from service - Orders - Issued. Whereas it has come to the notice of the Government of Andhra Pradesh/ Undersigned who is the Competent authority (appointing authority or any other competent authority) alleging that -And whereas a case has been registered by the Anti-Corruption Bureau/Officer incharge of the Police Station..... in Crime No..... under Section..... of..... And whereas it is considered that his/her continuance in Office will prejudice the investigation; And whereas the Government of Andhra Pradesh/undersigned (appointing authority or any other competent authority) after careful consideration of the available material and having due regard to the circumstances of the case, are satisfied that the Criminal charge under

investigation is connected with his official position as a Government servant and involved moral turpitude and therefore consider it necessary to place Sri/Smt..... under suspension. Now, therefore, in exercise of the powers conferred by sub-rule (1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991 the Government of Andhra Pradesh/undersigned) appointing authority/any other under competent authority) hereby place(s) the said Sri/Smt..... under suspension from the date of communication of this order and he/she shall continue to be under suspension until the conclusion of the disciplinary proceedings/termination of all proceedings relating to the criminal charge(s). It is further ordered that during the period this order remains in force, the headquarters of Sri/Smt..... (name and designation of the Government servant) shall be..... (name of the place) and the said Sri/Smt..... shall not leave the headquarters without obtaining the previous permission of the undersigned. Signature Name and designation of the Suspending authority.

## **7. Review of orders of suspension for continuance beyond the period of six months - Authorities empowered to undertake review.**

(G.O. Ms. No. 480, G.A.D., dated 7-9-1993) Ref : - 1. G.O. Ms. No. 205, General Administrator (Ser.C) Department , dated 17-3-1990.

## **2. G.O. Ms.No. 487, General Administrator (Ser.C) Department . dated 12-9-1992.**

Order: - Sub-rule (1) of Rule 8 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, lays down that a member of a service may be placed under suspension from service : (a) Where disciplinary proceedings against him are contemplated, or pending; (b) Where in the opinion of the authority competent to place the Government Servant under suspension, he has engaged himself in activities prejudicial to the interest of the security of the State; or (c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial. Sub-rule (5) (a) of Rule 8 of the said Rules lays down that an order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority which made or is deemed to have made the order or by an authority to which that authority is subordinate. Under Sub-rule 5(b), of Rule 8, it is specified that where a Government servant is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceedings or otherwise, and any other disciplinary proceedings is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all, or any of such proceedings.

## **2. In its order dated 10-4-1993 in O.A.No. 7109/92 the Andhra Pradesh Administrative Tribunal has observed as follows :**

"We wish to observe that the order of suspension needs to be reviewed by the authorities periodically. The criminal trial or disciplinary proceedings may take a long time and the Government is to review the need for continued suspension on relevant grounds periodically. The observation in para 5 of the impugned order that the applicant shall continue under suspension until the termination of all proceedings relating to the criminal charge does not imply that till the trial, if any, is concluded, the order of suspension need not be reviewed or revoked. It will be for the Government to review the need for continued suspension at reasonable periodical intervals say six months".

**3. In the G.O. 1st read above, executive instructions were issued for review of suspension at periodical intervals. Subsequently, the new Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 have come into force with effect from 1-10-1992 repealing the old Classification, Control and Appeal Rules, 1963. Consequently it has been decided to issue revised instructions for review of suspensions at periodical intervals.**

**4. Accordingly, the following instructions are issued for review of the suspension cases :**

I. Gazetted Officers :(i)In the case of Gazetted Officers, the first review of the order of suspension beyond a period of six months shall be undertaken by the Head of the Department, provided the original order of suspension was not issued by Government, and orders issued, if so decided, to continue the officer under suspension until further orders.(ii)The second and subsequent reviews at intervals of six months will be undertaken and orders for continuance of the officer under suspension until further orders will be issued by the Government.(iii)If the original order of suspension was issued by the Government, all the reviews including the first review shall be undertaken by the Government themselves and orders for continuance of the Officer under suspension until further orders will be issued by the Government.II. Non-Gazetted Officers :(i)In the case of non-gazetted officers first review of the orders of suspension beyond a period of six months shall be undertaken either by the authority next above the appointing authority or by the Head of the Department as the case may be, and orders issued, if so decided, to continue the Officer under suspension until further orders.(ii)The next review beyond a period of one year from the date of suspension shall be undertaken by the Head of the Department and orders issued by him, if so decided, to continue the officer under suspension until further orders.(iii)Any further review for continuing or otherwise of an officer under suspension beyond a period of one and a half year from the date of suspension at intervals of six months shall be undertaken by the Government and orders for continuance of the officer under suspension until further orders will be issued.III. At the end of the review as laid down above, if it is decided by the competent authority/head of the Department/Government, as the case may be, that the member of the service need no longer be continued under suspension, orders, should be issued forthwith revoking the order of suspension and he shall be reinstated into service immediately.

## **8. Review of orders of suspension for continuance beyond the period of six months - Authorities empowered to review Revised Orders Issued.**

(G.O. Ms. No. 578, G.A. (Ser. C) Department , dated 31-12-1999)Ref : - 1. G.O. Ms. No. 480, G.A. (Ser. C) Department , dated 7-9-93.

### **2. G.O. Ms. No. 428, G.A. (Ser. C) Department , dated 13-10-99.**

Order: - In the reference first read above, orders were issued in regard to periodical review, at an interval of six months of the order of suspension, in disciplinary cases, duly indicating the authorities empowered to undertake the review. In the reference second read above, the disciplinary powers have been delegated to the Regional Authorities and Heads of Departments in respect of the officers of first and second level categories in the State Service. The implementation of the Government order first read above has been reviewed. To expedite disposal, the following revised orders are issued for review of suspension cases, in modification of the G.O. 1st read above.

**I. Member of service in Subordinate Service/Non-Gazetted Officers :**(i)The first review, of the order of Suspension after six months from the date of issue of orders shall be by the appointing authority. The 2nd and subsequent reviews shall be by the Regional Authority, where it exists, at intervals of six months. Where no Regional Authority exists, the 2nd and subsequent reviews of order of suspension, shall be by the Head of the Department at an interval of every six months, where the appointing authority is Head of the Department itself, the review of the order of the suspension at an interval of six months shall be by the Head of the Department only.(ii)Even if suspension is ordered by a higher authority, the review shall be done as ordered above except that a report on the result of review shall be sent to the higher authority for information and record.

**II. Members of Service in State Service (Gazetted Officers) :**(i)Where the Order of Suspension is issued by the Regional Authority, the 1st review of such order after six months, shall be by the Regional Authority. The 2nd and subsequent reviews at six monthly intervals shall be by the Head of the Department.(ii)Where no Regional Authority exists, and the order of suspension on a Member of Service in initial as well as second level Gazetted Category is issued by the Head of the Department such order shall be reviewed at an interval of every six months by the Head of the Department.(iii)Even if suspension is ordered by Government, the review shall be done as ordered above except that prior approval of the Government to the result of the review shall be obtained where the review leads to reinstatement, before orders of reinstatement are issued.(iv)In respect of third level and above Gazetted Categories of Officers, the review of order of suspension, at an interval of every six months, shall be by the Government only.

## **9. Review of orders of suspension against Government Servants.**

(G.O.Ms.No. 86, G.A.D.,, dated 8-3-1994)Ref : - G.O.Ms.No. 480, G.A. (Ser-C) Department , dated 7-9-1993.Order :- In the G.O. read above, instructions have been issued for review of the suspensions of Gazetted and Non-Gazetted Officers, indicating the authorities empowered to undertake such reviews of orders of suspension for continuance beyond the period of six months.

**2. During the meeting of the Secretaries to Government held on 7-7-1992, the issue of inordinate delays in finalising enquiries both Departmental and ACB resulting in hardship to the employees was discussed and an Officers Committee was constituted to examine, among others, the issue of "Suspension of Public Servants" and to submit proposals for review of the existing instructions. The Committee has accordingly made certain recommendations which have been accepted by the standing sub-committee of Secretaries to Government in their meeting held on 6-12-1993.**

**3. Keeping the said recommendations in view following further orders are issued for review of suspension orders against the Government Servants :**

(i)The order of suspension against a Government servant shall be reviewed at the end of every six months;(ii)The appropriate reviewing authority should take a decision regarding continuance or otherwise of the employee concerned under suspension, with reference to the nature of charges , where delays in finalisation, of enquiry proceedings cannot be attributed to the employee or when there is no interference from the employee in facilitating the enquiry.(iii)An outer limit be provided as two years from the date of suspension, failing which the public servant may have to be reinstated without prejudice to the proceedings being pursued. However, in exceptional cases, considering the gravity of the charges, one could be continued under suspension even beyond a period of two years, especially in cases where there is deliberate delay caused due to non-cooperation of the employee concerned.(iv)The concerned Principle Secretary/Secretary of the Department should review the suspension cases of their department at an interval of six months with the representative from the ACB, if the proceedings arose out of the investigations conducted by the Anti-Corruption Bureau and make suitable recommendations as to the desirability or otherwise for the further continuance of the officers under suspension.

**4. The above benefit may be given to all existing cases as and when their half yearly review is taken up.**

**10. Payment of Subsistence Allowance during Suspension period - Further instructions.**

(Circular Memo. No. 29730-A/458/A2/FR.11/94, Fin. & Plg., dated 15-9-1994)Ref: - 1. Circular Memo.No. 13431/160-A/FR.II/93, dated 1-4-1993 of the Fin. & Plg. (FW) Department .

**2. Recommendation of the High Power Committee Headed by Sri A.V.S. Reddy, IAS.**

Order: - In the Circular Memo. 1st cited detailed instructions were issued for prompt payment of subsistence allowance to the employees who were placed under suspension. The Joint Action



Committee of Employees, Teachers and Workers of Andhra Pradesh, however, represented to the High Power Committee of Secretaries to Government that the employees who were placed under suspension were not being paid subsistence allowance and were subjected to much difficulty and harassment. The High Power Committee in their Report submitted to Government made the following observations :According to the existing instructions, there is no bar or restriction limiting payment of subsistence allowance upto a period of six months. Subsistence Allowance is to be paid as long as a person is continued under suspension, even if the period is extended. The review envisaged for every six months during the period of suspension is only to ensure that the suspensions are not continued indefinitely without justification. There is, therefore, no need for with-holding the subsistence allowance pending review. The High Power Committee also recommended that instructions already issued by the Finance Department in Circular Memo. 1st cited may be reiterated and that disciplinary action may be taken against the officials who fail to comply with these instructions. All the Departments of Secretariat and the Heads of Department are therefore requested to follow the instructions issued in the Circular Memo first cited scrupulously and ensure prompt payment of subsistence allowance to the employees who are placed under suspension. They are also informed that any failure to comply with these instructions will attract disciplinary action against the officers concerned. All the Departments of Secretariat and the Heads of Departments are also requested to bring these instructions to the notice of all the concerned under their administrative control for strict compliance.

## **11. Prevention of Corruption - Suspension of Officers involved in trap cases.**

[Memo. No. 357/Ser.C/94-1, General Administrator (Ser.-C) Department , dated 4-8-1994]Ref: - 1. Memo. No. 220/Ser. C/89-1, dated 8-3-89.

### **2. Memo. No. 1419/Ser. C/89-1, dated 25-10-1989.**

Order: - In the references cited, instructions were issued regarding suspension/transfer of Government servants involved in cases of trap and possession of disproportionate assets taken up for investigations by the Anti-Corruption Bureau. It has been brought to the notice of Government that there are abnormal delays in taking action to suspend/transfer the Government servant concerned on receipt of advice tendered by the Vigilance Commission in cases taken up for investigation by the A.C.B. Due to the delay, the A.C.B. is handicapped in taking up the regular enquiry. While reiterating the instructions issued in the references cited, all the Departments of Secretariat/Heads of Departments are once again requested to take expeditious action to place the Accused Officer under suspension or transfer them as the case may be within a period of 15 days without fail and ensure that no delays occur in this regard. They are also requested to bring these instructions to the notice of the disciplinary authorities under their administrative control.

## **12. Interim Relief pending revision of scales of pay - Payment of Interim Relief to those who are under suspension - Clarification - Issued.**

(Memo. No. 44113/541/PC1/1/98-1, Fin. & Plg. (FW.PC.1), dated 11-11-1998)Ref : - 1. G.O. (P) No.

117, Fin. & Plg. (FW.PC.I) Department , dated 3-7-1998.

**2. From the CAO 0/0 the DG and IGP, Lr.RC.No. P1/90/97, dated 28-10-1998.**

Order: - In the G.O. first cited orders were issued sanctioning an Interim Relief of 11% to the State Government employees from 1-6-1998, pending revision of pay scales. In the reference 2nd cited, a clarification has been sought for regarding admissibility of Interim Relief to those who are under suspension. The issue has been examined. Interim Relief cannot be treated neither as pay or wage or as an allowance. Hence, it is hereby clarified that Interim Relief is not admissible during the period of suspension.

**13. Anti-Corruption Bureau - Trap cases - Transfer of trapped officers.**

(Memo. No. 2487/SC.E/984 GA(Ser.E) Department , dated 19-11-1998) Ref.: - 1. Government Memo. No. 204/Ser.C/76-3; General Administrator (Ser.C) Department , Dated 31-5-1976.

**2. Government Memo. No. 1095/Ser.c/84-4; General Administrator (Ser.C) Department , dated 27-4-1985**

**3. Government Memo. No. 220/Ser.C/89-11; General Administrator (Ser.C) Department , dated 8-3-1989**

**4. Government Memo. No. 853/Ser.C/90-2; General Administrator (Ser.C) Department dated 23-9-1991**

**5. From the Director General, Anti-corruption Bureau, A.P., Hyderabad, Letter C.No.96/RPC(C)/93, dated 16-11-1993**

Order: - In the reference first cited, instructions were issued among others that in 'Trap Cases' if there is likely to be any interregnum between the trap and the actual relief of the Trapped Officer after being placed under suspension, the competent authorities should consider whether the Officers could be transferred immediately so that the material evidence is not destroyed and that arrangements should be made to relieve Trapped Officers forthwith. In the reference second cited and from time to time, the said instructions were reiterated, among others.

**2. The Director General, Anti-Corruption Bureau in the reference fifth cited has brought to the notice of the Government that some Departments are not following the said instructions of the Government and are waiting till the Government orders are received by them without shifting the Trapped Officers from the places of their work. He has stated that as it would take about two to four weeks time for the Government to take a decision on the**

**preliminary report of the Bureau, the Trapped Officers tend to remain at the same posts and as a consequence, thereof, there is every likelihood of their destroying or tampering with the records/evidence. The Director General, Anti-Corruption Bureau has further stated that in some cases, the witnesses are not coming forward to give evidence especially when the Trapped Officer is their immediate superior and as he/they continue to work at the same place.**

**3. The Director General, Anti-Corruption Bureau, has, therefore, requested to reiterate the Government instructions in the matter and also to issue further instructions to the effect that Trapped Officers should be transferred out of their work by the competent authorities, immediately, on receipt of Radio Message etc., by them from the Bureau so as to ensure that there is no tampering with evidence/ destruction of records by the Trapped Officers.**

**4. As such, the matter has been reconsidered by the Government in the light of facts brought out by the Bureau in the reference fifth cited and the request made therein. The Government, while reiterating the instructions issued in the references first and second cited, also direct that the trapped officers should be transferred out from the place of their work by the Head of the Department concerned/appointing authority/competent authority, immediately, on receipt of intimation about the trap by them by way of Radio Messages etc., from the Anti Corruption Bureau.**

**5. However, a decision to place the Trapped Officers under suspension can be taken as per the instructions issued by the Government on the subject from time to time.**

#### **14. Disciplinary Cases    Review of orders of suspension against Government Servants - Instructions - Reiterated.**

(U.O. Note. No. 2776/SC.E/98- 1, G.A.(Ser-E) Department , dated 3-12-1998)Ref : - 1. G.O. Ms. No. 480, General Administrator (Ser.C) Department , dated 7-9-1993.

**2. G.O.Ms.No.86, General Administrator (Ser.C) Department , dated 8-3-1994.**

**3. From the Vigilance Commissioner, A.P. Vigilance Commission, D.O. Letter No.1974NC.F1/98-1, dated 27-11-1998.**

Order: - In the G.O. 2nd cited while reiterating the instructions issued in the G.O. 1st cited, further orders were issued with regard to review of orders of suspension against Government Servants as follows:(i)The order of suspension against a Government Servant shall be reviewed at the end of every six months.(ii)The appropriate reviewing authority should take a decision regarding continuance or otherwise of the employee concerned under suspension, with reference to the nature of charges, where delay in finalisation of enquiry proceedings cannot be attributed to the employees or when there is no interference from the employee in facilitating the enquiry.(iii)An outer time limit be provided as two years from the date of suspension, failing which the Public Servant may have to be reinstated without prejudice to the proceedings being pursued. However, in exceptional cases, considering the gravity of the charges, one could be continued under suspension even beyond a period of two years, especially in cases where there is deliberate delay caused due to non co-operation of the employee concerned.(iv)The concerned Principal Secretary/Secretary of the Department should review the suspension cases of their Department at an interval of six months with the representative from the Anti-Corruption Bureau, if the proceedings arose out of the investigations conducted by the Anti-Corruption Bureau and make suitable recommendations as to the desirability or otherwise for the further continuance of the Officers under suspension.

**2. With regard to the above mentioned orders, the A.P. Vigilance Commission have made the following observations:**

(1)That the Departments of Secretariat are referring cases for reinstatement into service of the suspended employees in a routine manner to the Vigilance Commission;(2)That the Government Departments do not appear to be conducting the half yearly reviews of suspension of Government Servants (Accused Officers) with the representatives of Anti-Corruption Bureau and that whenever such reviews are conducted, the cases are referred to the Vigilance Commission without furnishing the following information:(i)Whether the delay in finalisation of enquiry Proceedings cannot be attributed to the employees;(ii)Whether the suspended employee is co-operating with the prosecution agency in facilitating the enquiry;(iii)Whether the suspended employee is attending the Court whenever summoned for hearing.

**3. The matter has been carefully considered by the Government and the Government while reiterating the orders issued in the G.O. 2nd cited also direct that all the Government Departments should obtain the information as mentioned in sub para 2(i), (ii) and (iii) of para 2 above from the Anti-Corruption Bureau whenever necessary and then propose action as to whether to continue the Government Servant (Accused Officer) under suspension or to reinstate him as the case may be.**

**4. The Departments of Secretariat are also directed to consult the Andhra Pradesh Vigilance Commission invariably before taking a decision in the matter as per the scheme of the Vigilance Commission.**

**15. Appointment by Promotion/Transfer to higher categories of employees who are facing disciplinary cases - Guidelines - Issued.**

(G.O. Ms. No. 257, G.A.(Ser.C) Department , dated 10-06-1999)Ref : - 1. G.O. Ms. No. 424, G.A.(Ser.C) Department , dated 25-05-1976.

**2. G.O. Ms. No. 104, G.A.(Ser.C) Department , dated 16-02-1990.**

**3. G.O. Ms. No. 66, G.A.(Ser.C) Department , dated 30-01-1991.**

**4. From the Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India  
Memo.No.22011/4/91-Estt.(A), dated 14-09-1992.**

**5. G.O.Ms.No.74, G.A.(Ser.C) Department , dated 24-02-1994.**

**6. G.O. Ms. No. 203, G.A.(Ser.C) Department , dated 05-05-1999.**

Order: - In the G.Os. 1st to 3rd read above, orders were issued enunciating guidelines for consideration of employees who are facing disciplinary enquiries it regard to their appointment by promotion or transfer to higher categories.

**2. In the reference fourth read above, the Ministry of Personnel, Public Grievances and Pensions, Government of India have issued guidelines in regard to consideration of Government Servants against whom disciplinary or Court proceedings are pending or whose conduct is under investigation, for promotion to next higher categories. Keeping in view the said guidelines, orders have been issued in the G.O. fifth read above, for consideration of employees for ad-hoc promotion where the disciplinary case/criminal prosecution against the Government employees is not concluded even after the expiry of two years from the date of the meeting of the first Departmental Promotion Committee, in which the employee was considered, in case the employee is not under suspension.**

**3. It has come to the notice of Government, that the guidelines issued in the said orders are not being strictly adhered to in several Departments and ad-hoc promotion is being considered on the simple ground, that two years period has elapsed after institution of disciplinary proceedings against the employee without going into the desirability of making ad-hoc promotion in such cases. The Government have carefully reviewed the issue and accordingly it has been decided to cancel the orders issued in the G.O. fifth read above and issue suitable guidelines on the subject.**

**4. Accordingly, orders issued in the G.O.Ms.No.74, General Administrator Ser.C) Department, dated the 24th February, 1994 are hereby cancelled with immediate effect.**

**5. Government also order that with immediate effect the following procedure and guidelines, be followed to consider the employees against whom disciplinary cases or criminal prosecution are pending or whose conduct is under investigation, for appointment by promotion or transfer, to next higher categories.**

(A)The details of employees in the zone of consideration for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committees or Screening Committees:(i)Officers under suspension;(ii)Officers in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending;(iii)Officers in respect of whom prosecution for a criminal charge is pending.(B)Officers who are facing enquiry, trial or investigation can be categorised into the following groups based on the nature of the allegations or charges pending against them or about to be instituted namely :(i)an Officer with a clean record, the nature of charges or allegations against who related to minor lapses having no bearing on his integrity or efficiency, which even if held proved, would not stand in the way of his being promoted;(ii)an Officer whose record is such that he would not be promoted, irrespective of the allegations or charges under enquiry, trial or investigation; and(iii)an Officer whose record is such that he would have been promoted had he not been facing enquiry, trial or investigation, in respect of charges which, if held proved, would be sufficient to supersede him.(C)The suitability of the Officers for inclusion in the panel should be considered on an overall assessment based on the record which should include namely:(i)Adverse remarks recorded in the Annual Confidential Reports, the penalties awarded and the bad reputation of the Officer as vouchsafed by the Head of the Department and the Secretary to Government of the Department concerned;The above cases should be considered as falling under category (ii) of item (B) above.(ii)The Officers who do not have any adverse entry in the Annual Confidential Report and who have no penalties awarded against them in the entire duration of the post and not merely in the past five years and whose reputation is vouchsafed by the Head of the Department and the Secretary to Government of the Department concerned should be considered as falling under category (iii) of item (B) above.The

Officers categorised as under item (iii) of G.O. Ms. No. 424, G.A.(Ser.C) Department , dated 25-5-1976 as mentioned above only should be considered for ad-hoc promotion after completion of two years from the date of the Departmental Promotion Committee or Screening Committee Meeting in which their cases were considered for the first time.(6)The Appointing Authority should consider and decide that it would not be against public interest to allow ad-hoc promotion to the Officer concerned and this shall be decided with reference to the charge under enquiry. If the charge is one of moral turpitude, misappropriation, embezzlement and grave dereliction of duty then the appointing authority should consider as not in the public interest to consider ad-hoc promotion to such Charged Officer. But, however, if the charge is not a grave one but is a minor one, not involving moral turpitude, embezzlement and grave dereliction of duty then only in such cases the Appointing Authority should consider that it would not be against public interest to allow ad-hoc promotion because till then his record is clean with reference to ACRs, past punishment and reputation in the Department as vouchsafed by the Head of the Department and Secretary to Government. The Appointing Authorities should strive to finalise the disciplinary cases pursuing them vigorously so that within two years the proceedings are concluded and final orders issued.(7)If the Officer concerned is acquitted, in the criminal prosecution on the merits of the case or is fully exonerated in the Departmental Proceedings, the ad-hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad-hoc promotion with all attendant benefits. In case the Officer could have normally got his regular promotion from a date prior to the date of his ad-hoc promotion with reference to his placement in the Departmental Promotion Committee proceedings and the actual date of promotion of the person ranked immediately junior to him by the Departmental Promotion Committee, he would also be allowed his due seniority and benefit of national promotion.(8)If the Officer is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher Court or to proceed against him departmentally or if the Officer is not exonerated in the departmental proceedings, the ad-hoc promotion granted to him should be brought to an end.

## **16. Acquittal by the Courts of ACB and SPE, based on the judgement of the Supreme Court in Raj Deo Sharma vs State of Bihar - Instructions regarding revocation of suspension, regularisation of suspension period, etc. - Issued.**

(U.O. Note No. 2715/SC.E3/98-9, General Administrator (Ser.E) Department , dated 28-6-99)Order: - It has been brought to the notice of the Government that following the decision of the Supreme Court in Raj Deo Sharma Vs. State of Bihar, certain Special Courts for ACB & SPE Cases are dismissing pending ACB cases in a routine manner on technical grounds without deciding the case on merits, solely on the ground that two years period has elapsed within which prosecution evidence has not been completed. Consequent on such acquittals by the trial Courts, on technical grounds, the Accused Officers are representing, and that the Departments are referring files to Vigilance Commission for (i) revocation of suspension orders, if they are under suspension and reinstatement in service; (ii) regularisation of the suspension period if they have already been reinstated into service, etc.

**2. All the Departments of Secretariat are informed that the Government have decided that, in cases of judicial acquittal based on the Supreme Court decision in the Bihar case, appeals should be filed in the High Court and Special Leave Petitions/ Review Petitions should be filed in Supreme Court. All Departments of Secretariat are requested that, pending outcome of the Appeals/Special Leave Petition/ Review Petition, no action to revoke suspension or regularise the period of suspension to close the case or to confer consequential reliefs etc., should be taken up.**

**3. All the Departments of Secretariat are requested to comply with the above instructions in the matter.**

**17. Subsistence Allowance Pending Consideration of Appeal - Regarding.**

(Cir. Memo. No. 39071/471/A2/FR.II/99, Fin. & Plg., (FW-F.R.II) dated 28-02-2000)Ref : - 1. Cir. Memo.No.13431/1160-A/FR.II/93, dated 01-04-1993.

**2. Cir. Memo.No.29730-A/458/A2/FR.II/94, dated 15-09-1994.**

Order: - In the Circular Memos 1st and 2nd cited, detailed instructions were issued for prompt payment of subsistence allowance to the employees who were under suspension.

**2. The Supreme Court of India in a case of the State of Maharashtra Vs. Chandrabhan, 1983 (2) SLR 493, while allowing the Writ Petition, dismissed the Civil Appeal has clarified that on payment of subsistence allowance during the period of suspension when the Government Servant is lodged in prison on conviction by Trial Court. The observations of the Supreme Court is as follows:**

"If the Civil Servant under suspension pending Departmental Enquiry on a criminal trial started against him, is entitled to subsistence allowance at the normal rate which is a bare minimum required for the maintenance of the Civil Servant and his family, he should undoubtedly get it even pending his appeal filed against his conviction by the Trial Court, and his right to get the normal subsistence allowance pending consideration of his appeal against his conviction should not depend upon the chance of his being released on bail and not being lodged in prison on conviction by the Trial Court. Whether he is lodged in prison or released on bail on his conviction pending consideration of his appeal, his family requires the bare minimum by way of subsistence allowance".



**3. Keeping in view the above judgment of the Apex Court, Government hereby order that a Government Servant under suspension whether he is lodged in prison or released on bail on his conviction pending consideration of his appeal, be paid subsistence allowance.**

**4. All the Departments of Secretariat and the Heads of Departments are requested to bring the aforesaid rulings of the Supreme Court to the notice of all the Officers under their administrative control for strict compliance.**

**18. Payment of Compensatory Allowance to the Government Servants under suspension - Further Clarificatory Instructions - Issued**

(Cir. Memo. No. 40986/489/A2/FR.II/99-2, F & P (FW), dated 1-4-2000) Order: - It has been brought to the notice of the Government that the Government Servants under suspension in some cases, are allowed Compensatory Allowances proportionate to the Subsistence Allowance sanctioned to them.

**2. It is hereby clarified that as per the provisions under FR-53(1)(ii)(b), a Government Servant under suspension is entitled for Compensatory Allowance, such as House Rent Allowance and other allowances admissible from time to time on the basis of Pay of which the Government Servant was in receipt on the date of Suspension, subject to fulfilment of other conditions laid down for drawal of such allowances.**

**3. The above Rule position shall be followed scrupulously, while sanctioning Compensatory Allowances to the Government Servants under suspension.**

**19. Suspension - Guidelines for placing Accused Officers under suspension in Trap Cases - Classification of trap cases - Instructions - Issued.**

(U.O. Note No. 1818/SPL.B/2000-2, G.A.D. (Spl. B), dated 21-11-2001) Ref: 1. U.O. Note No.240/SC.D/93-3, GA(SC.D) Department, dated 5-10-1993

**2. U.O. Note No.1595/SC.D/93-6, GA(SC.D) Department, dated 16-11-1994**

**3. Memo No. 554/Ser. C/93-6, GA(Ser.C)Department, dated 26-12-1994.**

Order: - Instructions were issued in the references first and second cited for suspension of government servants involved in traps laid by the Anti Corruption Bureau (ACB) as follows: Trap Cases(i)Where the accused officer is caught red-handed in the act of accepting bribe and where the

phenolphthalein test has yielded positive result (and) such cases can be classified as successful traps and the charged officer has to be placed under suspension based on the preliminary report received from the Anti Corruption Bureau.(ii)In other cases, where the accused officer is not caught red handed and where the phenolphthalein test has not yielded positive result and the case depends mostly on circumstantial evidence leaving room for benefit of doubt, decision for suspension or otherwise of the accused officer may be taken taking into account the advice tendered by the Vigilance Commissioner.(iii)The departments of Secretariat are further instructed to suspend the Accused Officer even without waiting for recommendations of the Vigilance Commissioner in cases where the Accused officer is caught red handed and the phenolphthalein test yielding positive result.Government have reviewed these instructions in the light of advice of the Andhra Pradesh Vigilance Commission (APVC) and issue the following instructions in supersession of the references cited.It is well known that trap is the most effective and successful way of catching corrupt officers in the act of receiving bribe where the rate of conviction also is high. Corrupt officers habituated to receiving bribes have become cautious and alert and have devised methods of avoiding trap while continuing to receive bribes. Such methods include engaging private persons to receive bribe on one's behalf, engaging personal servants to do so while at home requiring subordinates to accept the bribe, requiring complainant to place the bribe amount in or around the scene of offence unobtrusively without the officer having to accept the bribe directly thereby avoiding physical contact with the notes and the phenolphthalein powder.It would not be in the public interest not to suspend or to delay the suspension of such corrupt officers who receive bribes indirectly in the manner indicated above. It should be open to the disciplinary authority to suspend such an officer pending investigation without waiting for the advice of the Vigilance Commission in the matter. Government therefore, direct that immediately upon receipt of preliminary report against an officer who is caught directly or indirectly in the act of accepting bribe, irrespective of whether the phenolphthalein test yielded positive results or not, the accused officer may be immediately placed under suspension pending investigation based on the preliminary report received from the ACB.

## **20. Combating corruption in public services. Suspension of corrupt officers on whom criminal misconduct cases - Instructions - Issued.**

(Memo. No. I9179/Ser.C/2003, G.A. (Ser.C) Department , Dated 18-12-2003)Ref : - 1. U.O. Note No. 240/SC.D/93-3, G.A. (Ser.D) Department , dated 05-10-1993.

**2. U.O. Note No.1595/SC.D/93-6, G.A.(SC.D) Department , dated 16-11-1994.**

**3. Memo. No. 554/Ser.C/93-6, G.A. (Ser.C) Department , dated 26-12-1994.**

**4. Government U.O. Note No. 1818/Spl.B/2000-2, dated 21-11-2001.**

**5. Government Memo. No. 596/Spl.B/2000-6, dated 10-06-2002.**

Order: - To eliminate the long delays occurring in the matter of prompt suspension of corrupt officers both pending enquiry / trail and dismissal as contemplated in APCS (CC&A) Rules, 1991,

Government have issued instructions from time to time in the references cited. To bring clarity, the Government instructions are summarized as below : Suspension of officers involved in Trap cases of the ACB: Officers involved in trap cases shall be suspended immediately upon receipt of preliminary report from the ACB - irrespective of the fact whether the officer is involved directly or indirectly in the act of accepting bribe and irrespective of the fact whether the phenolphthalein test yielded positive result or not. Suspension of officers involved in Disproportionate Assets cases: Based on the preliminary report and recommendation of the DG, ACB, Hyd., for suspension of officers involved in disproportionate assets cases, orders of suspension shall be issued promptly. Further based on the recommendation of the DG., ACB., Hyd., properties of officers against whom disproportionate cases are initiated, should be permitted to be attached under relevant sections of Criminal Law Amendment Ordinance, 1944. The Departments of Secretariat, Heads of Departments and District Collectors are requested to follow the above instructions strictly without any deviation in placing the employees under suspension in the above referred cases. They are further requested to bring the same to the notice of all concerned for strict compliance.

## **21. Review of orders of suspension of Government Servants - Existing orders reiterated - Further instructions - Issued.**

(G.O. Ms. No. 526, G. A. (Ser-C) Department , dated 19-08-2008) Ref : - 1. G.O. Ms. No. 86, G. A. (Ser-C) Department , dated 08-03-1994.

### **2. G.O. Ms. No. 578, G. A. (Ser-C) Department , dated 31-12-1999.**

Order: - In the G.O.s read above comprehensive instructions were issued on review of orders of suspension of Government employees at an interval of every six months and also to undertake specific review by the secretary to Government of the department at Government level when the employees are continued under suspension beyond two years, so as to consider such employees for reinstatement pending finalization of the disciplinary cases against them. It is brought to the notice of the government by the employees associations that the above orders in force are not properly implemented and in several cases the employees are under suspension beyond two years and also the disciplinary cases are not concluded for several years.

**2. After careful consideration, Government direct that, all concerned authorities to strictly implement the policy decision enunciated in the G.O.s read above. It is the responsibility of the competent authority to review each and every case of suspension as per the orders in-force and consider the reinstatement of the employees. The objective is to complete the disciplinary cases against the employees as expeditiously as possible and to punish the guilty. This is the specific policy of the Government for efficient and smooth functioning of the administration.**

**3. Accordingly, Government, hereby, direct that the employees who are under suspension for a period exceeding two years shall be reinstated pending finalization of the disciplinary cases/criminal cases against them. However, in exceptional cases, for example, where the charged Officers are not co-operating for completion of investigation / inquiry or when the inquiry / investigation could not be completed due to pendency of litigation, a Committee headed by the Secretary of the administrative Department, Head of the Department concerned and an Official from the Anti Corruption Bureau (where the cases are emanated from Anti Corruption Bureau investigation), shall review the orders of suspension against the employees who are continued under suspension well before completion of two years of suspension and take a decision to continue such employees under suspension beyond two years, duly recording the reasons for such a decision.**

**4. All the Departments of Secretariat, Heads of Departments and District Collectors should follow the above instructions scrupulously and bring it to the notice of all the concerned for strict implementation of the above orders.**

Part - IV Penalties And Disciplinary Authorities

## **9. Penalties:**

- The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely-Minor Penalties :(i)censure;(ii)withholding of promotion;(iii)[ Omitted by G.O.Ms. No. 335, G.A.D., dated 4-8-2005] [Substituted by G.O.Ms. No. 205, G.A.D., 5-6-1998](iv)[ withholding of increments of pay without cumulative effect] [Substituted by G.O.Ms. No. 205, G.A.D., 5-6-1998] ;(v)(a)suspension, where a person has already been suspended under Rule 8 to the extent considered necessary;(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.] [Clause (v) renumbered as (v) (a) and clause (b) added by G.O.Ms. No. 373, G.A.D., dated 6-12-2003]Major Penalties :(vi)[ withholding of increments of pay with cumulative effect] [Inserted by G.O.Ms. No. 205, G.A.D., 5-6-1998 and earlier clauses (vi) to (ix) renumbered as (vii) to (x)].(vii)[ (a) save as provided for in clause (v)(a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay; [Substituted by G.O.Ms. No. 373, G.A.D., dated 6-12-2003](b)reduction to lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government servant to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions, regarding conditions of restoration to the grade or post or Service

from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or service.](viii)compulsory retirement;(ix)removal from service which shall not be a disqualification for future employment under the Government;[Provided that a Government Servant shall be deemed to have been removed from services, if he/she:(a)id absent from duty without authorization for a period exceeding one year; or(b)remains absent from duty for a continuous period exceeding 5 years with or without leave; or(c)continues on foreign service beyond the period approved by the State Government.Provided further that a show-cause notice to explain the reasons for such absence from duty or continuation on foreign service shall be given to Government Servant and his/her reply shall be considered before invoking the above said proviso] [Incorporated by Notification No. G.O.Ms. No. 127, dated 15.9.2017 (w.e.f. 14.9.1992).];(x)dismissal from service which shall ordinarily be a disqualification for future employment under the Government :[Provided that in all proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery and outraging the modesty of women, the penalty of dismissal from service shall be imposed] [Substituted by G.O.Ms. No. 458, G.A.D., dated 22-09-2009].Explanation : - The following shall not amount to a penalty within the meaning of this rule namely :(i)non-promotion whether in a substantive or officiating capacity, of a Government servant in a class, category or grade of the service, after consideration of his case on merit, to a higher class, category or grade in the same Service to which he is eligible;(ii)reversion of a Government servant from a department in which he is on deputation to his parent department or to a post not lower than the post on which he holds a lien or a suspended lien, for administrative reasons unconnected with his work or conduct;(iii)replacement of the services of a Government servant, whose services had been borrowed from the Government of another State or Central Government or an authority under the control of the Government of another State or the Central Government or the authority from which the services of such Government servant had been borrowed;(iv)stoppage or postponement of increment of a Government servant on account of extension of probation under Rule 26 in Part-II of the Andhra Pradesh State and Subordinate Services Rules;(v)reversion of a Government Servant, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;(vi)reversion of a Government Servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct;(vii)withholding of increments pay of a Government Servant for his failure to pass any departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment;(viii)termination of the services of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation;(ix)discharge of a Government Servant engaged under contract, in accordance with the terms of his contract;(x)discharge of a Government Servant appointed otherwise than under contract, to hold a temporary appointment, on the period of appointment;(xi)compulsory retirement of a Government Servant in accordance with the provisions relating to his superannuation or retirement under sub-rules (2) and (2A) of Rule 3 of the Andhra Pradesh Liberalised Pension Rules, 1961 or under Rules 292, 293 and 293-A of the Hyderabad Civil Services Rules or under the Andhra Pradesh Government Servants Premature Retirement Rules, 1975 or under Article 465(2) or under Note 1 to Article 465-A of the Civil Services Regulations or in the case

of members of the Civil Service of the erstwhile Hyderabad Government, compulsory retirement before completion of 30 years or 25 years of qualifying service according as the members of the service is governed by the Revised Pension Rules, 1951 or by the rules in force before that date, as the case may be, or the corresponding provisions thereof. Executive Instructions

## **1. Imposing of penalty of reduction to the Lower Rank or Post.**

(Memo. No. 928/63-3, dated 19-6-1963) Ref: - Office Memo. No. 9/13/62, Estt. (D), dated 10-10-1962 from the Government of India, Ministry of Home Affairs. Order: - Under Rule 8 of the Andhra Civil Services (Classification, Control and Appeal) Rules applicable to Andhra employees and under Rule 12 of Hyderabad Civil Services (Classification, Control and Appeal) Rules, applicable to Telangana Employees, it has been provided that for good and sufficient reasons, one of the penalties to be imposed upon a Government servant is "reduction to a Lower Rank in the seniority list, or to a lower post or time scale, whether in the same service or in another service, State or Subordinate or to a lower stage in time-scale". It has been decided that, in future, an order imposing the penalty of reduction to a lower service grade, or post or to a lower time-scale, should invariably specify : (1) The period of reduction, under this, its clear intention is that the reduction should be permanent or for an indefinite period; (2) Where the period of reduction is specified, whether on the expiry of the period, the Government servant is to be promoted automatically to the post from which he was reduced; and (3) Whether on such re-promotion the Government servant will regain his original seniority in the higher service, grade or post, or higher time-scale which had been assigned to him prior to the imposition of the penalty.

## **2. Imposition of more than one penalty for a single lapse - Opinion of Law Department - Communicated.**

(U.O. Note No. 1713/Ser. C/66-1, G.A.D., dated 1-7-1966) A copy of the Law Department's opinion on the above subject is forwarded to all Departments of Secretariat for information and guidance. To All Departments. "true copy" Civil Services - (Classification, Control & Appeal Rules) - Procedure To Be Followed In Cases Of Minor Penalties - Regarding (Copy of Extract of Law Department's opinion taken from the file bearing C.No. 3286/63-Ser. C of G.A. (Ser. C) Department, dated 25-2-64) The scope of the expression "any of the penalties" occurring in Rules 12 and 14 of the Andhra C.C.A. Rules and in Rules 14 and 15 of the Hyderabad C.C.A. Rules cannot be cut down by understanding the same to mean as any one of the penalties. When a particular expression issued in a statute or statutory rule, it has to be presumed that the Legislature or the rule making authority, as the case may be, has used that expression in the sense in which it has been understood or interpreted by courts of law, unless a contrary intention appears from that statute or statutory rule. The word 'any' may have one of several meanings; according to the circumstances, may mean 'all', 'each', 'every', 'some or one or more' out of several vide the Law Lexicon by Ramantha Iyer. If the rule makers had intended that for any single lapse of which a Government servant has been found guilty in any disciplinary proceeding only one, but not more than one, of the several penalties specified in the CCA Rules should be imposed upon that Government servant that intention should have been brought out clearly in the relevant C.C.A. Rules. There is nothing in the Andhra C.C.A. Rules or the Hyderabad C.C.A. Rules from which such an intention can be gathered by implication, either. It may,

however, be pointed out that imposition of several penalties indiscriminately for a single lapse on the part of a Government servant could not have been contemplated by the rule making authority. The imposition of multifarious penalties for one and the same dereliction must not be made if the cumulative effect of those penalties is far out of proportion to the gravity of the dereliction. The imposition of a single major penalty may be more severe in its effect than the imposition of two or more minor penalties. In a case where a severe penalty is called for, it is open to the punishing authority to impose two or more less severe penalties instead of severe penalty, taking a lenient view of the magnitude of the delinquency. In a case where the delinquency on the part of a Government servant consists in, say, misappropriation of Government funds, the penalty of recovery from the pay of that Government servant of the loss caused to the Government may merely compensate the Government for the loss sustained by it, but that by itself may not be a sufficient punishment for the delinquency. In such a case, the punishing authority while ordering recovery of the loss caused to the Government, from the pay of the delinquent officer, may impose upon him some other penalty. While the former may be intended to compensate the Government, the latter may be intended to make the delinquent suffer the consequences of his misdemeanour. As the rules stand at present, there does not seem to be any objection to the imposition of some penalty, in addition to the recovery from pay of the loss caused to the Government, upon a Government servant who is found in disciplinary proceedings to have caused loss to the Government as a result of his negligence or misconduct.

### **3. Censure - Further Classification.**

[G.O.Ms.No. 53, G.A.D. (Ser.C), dated 4-2-1997]Ref: - 1. G.O.Ms. No. 187, G.A. (Ser.B), Department , dated 25-4-1985.

### **2. Memo.No. 322/Ser. B./87-6, GAD, dated 8-2-88.**

Order: - According to sub-rule (i) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. "Censure" is declared as a minor penalty para 11 of the G.O. first read above provided that an individual, who is undergoing punishment, should not be recommended for promotion and where the period of punishment imposed is already over, each case has to be evaluated by Department Promotion Committee on merits. In the Government Memo. Second read above instructions were issued to the effect that solitary instance of minor punishment such as censure, fine, withholding of increments or recovery from pay of the pecuniary loss caused to the State Government or Central Government employee by itself does not automatically render a person unfit for promotion to a non selection post.

**2. The Government of India, Ministry of Home Affairs, in its instructions issued O.M.No. 39/21/56 Ests. (A) dated 13-12-1956 has clarified that an order of "Censure" is formal and public act intended to convey that the person concerned has been guilty of some blameworthy act or omission for which it has been found necessary to award him a formal punishment and nothing can amount to a censure unless it is intended to be such a formal**

**punishment and imposed for good and sufficient reason after following the prescribed procedure and that a record of the punishment so imposed is kept on the officers confidential roll and the fact that he has been censured will have its bearing on the assessment of his merit or suitability for promotion to higher posts.**

**3. As the penalty of censure has a bearing on the Assessment of the Government Servant about his merit or suitability for promotion to higher posts and as the currency of punishment based on previous record stands as an impediment for promotion, it is considered necessary to specify the time limit during which the said penalty of "Censure" is effective besides defining the penalty.**

**4. Hitherto there are no specific orders in regard to definition of Censure and its implications. After careful consideration, the Government decided to issue the following orders in regard to definition of Censure and its implications in assessing the "merit" and suitability of the Government Servant for his promotion/ appointment by transfer.**

Definition: - "Censure" is a formal and public act intended to convey that the person concerned has been guilty of some blameworthy act or omission for which it has been found necessary to award him a formal Punishment, and nothing can amount to a "Censure" unless it is intended to be such a formal punishment and imposed for "good" and sufficient reason after following the prescribed procedure. Effect: - Every censure awarded shall debar a Government Servant for promotion/ appointment by transfer for one year to both Selection and Non-Selection Posts.

#### **4. Disciplinary action in cases of misappropriation - Instructions.**

(Memo. No. 3000/Services C/76-4. General Administrator (Services-C) Department, dated 28-6-1977) Order: - According to Rule 8(1) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963, the penalties specified in the said rule may be imposed on a member of a service for good and sufficient reason. The above rule also provides that the whole or any part of the pecuniary loss caused to the Government, etc., by negligence or breach of orders may be recovered from the pay of the person concerned.

**2. Instructions were issued in confidential Memo No. 1718/Ser. C/75-1, General Administration (Services-C) Department, dated 22-11-75 that officers convicted in criminal cases should normally be dismissed from service and it is not necessary either to await the outcome of an appeal or the expiry of the appeal time.**



**3. Several cases of misappropriation by Government employees of Government money have come to the notice of the Government. In one case, the employee concerned encashed a fixed deposit receipt and instead of depositing the amount realised by him to the Government account, he absconded from duty. Action has been taken for the recovery of the amount from the employee. A criminal case has also been filed against him. In another case, seven drafts of the Reserve Bank of India, for a huge amount were reportedly encashed in a sub-treasury.**

The certificates of payment disclosed that the drafts had been issued by the Reserve Bank of India, Madras, for payment at the sub-treasury to different parties. The matter was referred to the Reserve Bank of India, Madras. According to the particulars furnished by the Bank, except for the serial numbers of the drafts and the office of the issue, the particulars of the amounts, the dates of issue, the names of the parties and the place of the payment were different from the particulars of drafts stated to have been encashed in the sub-treasury. The investigating officer observed, inter-alia, that the sub-treasury officer in connivance with his subordinate staff made some fictitious entries in the sub-treasury records and managed to withdraw the amount in two instalments. The sub-treasury officer and the staff of the sub-treasury had been placed under suspension and the case is pending trial in the Court.

**4. It was observed by the Public Accounts Committee that there is a wide discrepancy in the scales of punishment meted out in misappropriation cases as stated in the above para. The question of prescribing uniform scale of punishment in such cases has been considered by the Government. It has been decided that ordinarily cases of proved misappropriation would justify dismissal from service and action should accordingly be taken. There may, however, be rare cases where attendant circumstances, such as trivial amount, short duration, immediate payment on detection, all of which may raise a presumption that it was an error in accounting, which may justify a different punishment. A clear distinction should be drawn between the cases of "delayed remittance" and "misappropriation" having regard to the fact that in proved cases of misappropriation no punishment short of dismissal is normally justified and accordingly the case of 'delayed remittance' need not always be classified for the purpose of audit as a case of misappropriation.**

## **5. Minor Penalties - Effect of Penalty - Orders - Issued**

[G.O.Ms.No. 342, General Administrator (Ser.-C) Department , dated 4-8-1997]Ref: - 1. G.O.Ms.No. 187, General Administrator (Ser.B) Department , dated 25-4-1985.

## **2. G.O.Ms.No. 58, General Administrator (Ser.C) Department , dated 4-2-1997.**

Order: - Under Rule 9 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the following are the minor penalties : (i) Censure (ii) Withholding of Promotion (iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the State Government or the Central government or to a Local Authority or to a Corporation owned or controlled by the State or the Central Government by negligence or breach of orders, while working in any department of the State or the Central Government, Local Authority or Corporation concerned. (iv) Withholding of increments of pay. (v) Suspension, where a person has already been suspended under Rule 8 to the extent considered necessary.

**2. As per para 11 of G.O.Ms.No. 187, General Administration (Services B) Department, dated 25-4-1985 the individual who is undergoing punishment should not be recommended for promotion. In case, where the period of punishment imposed is already over, each case has to be evaluated by Departmental Promotion Committee on merits.**

**3. The need for issue of comprehensive instructions on the currency and effect of minor penalties on Government employees who were involved in disciplinary cases and who come up for consideration for promotion to higher categories has been examined and further instructions are issued as follows :**

Penalty	Effect
(i) Censure	In terms of orders issued in G.O.Ms. No. 53, General Administrator (Ser.C) dated 4-2-1997 "every Censure awarded shall debar a Government employee for promotion / appointment by transfer for one year to both selection and non-selection posts."
(ii) Withholding of Promotion.	This penalty awarded to Government employees shall debar the individual for promotion/appointment by transfer to a higher post during the period of subsistence of penalty which shall be indicated in the order imposing the period of one year, both for selection and non-selection posts.
(iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the State Government or the Central Government or to a Local Authority or to a Corporation owned or controlled by the state or Central Government by negligence or breach	Whenever a Government Employee is awarded the penalty of recovery from pay, it shall debar the individual for promotion/appointment by transfer to a higher post during the period of penalty which shall be indicated in the order imposing the penalty subject to a minimum period of one year both for selection and non-selection posts. Even if an employee remits the amount in one lumpsum, he/she [Shall

- or orders while working in any department of the State or the Central Government, Local Authority or Corporation concerned. not be recommended for promotion] [Substituted by G.O. Ms. No. 431, G.A.D., Dated 14-10-1997.]/appointment by transfer for a minimum period of one year.
- (iv) Withholding of increments of pay : (i) In G.O. Ms. No. 335, General Administrator (Ser.-C) Department, Dated 14-6-93 orders were issued to the effect that the penalty of stoppage of increments with cumulative effect amounts to a major penalty under the Andhra Pradesh Civil Services (CCA) Rules, 1991 and the elaborate procedure prescribed under Rule 20 of the said rules is to be followed.
- (a) With Cumulative effect. (ii) In terms of G.O. Ms. No. 968, General Administrator (Ser.-C), Department, Dt. 26-10-95, whenever any Government employee is awarded the penalty of stoppage of increment with cumulative effect, the cases of such employees [Shall not be recommended for promotion] [Substituted by G.O. Ms. No. 431, G.A.D., Dated 14-10-1997.]/appointment by transfer for twice the period for which the increment (s) is/are stopped with cumulative effect, both for selection and non-selection posts.
- (b) Without Cumulative effect. (iii) Whenever any Government employee is awarded the penalty of stoppage of increment with cumulative effect, the individual [Shall not be recommended for promotion] [Substituted by G.O. Ms. No. 431, G.A.D., Dated 14-10-1997.]/appointment by transfer for twice the period with a minimum of one year both for selection and non-selection posts.
- (v) Suspension, where a person has already been suspended under Rule 8 to the extent considered necessary. This penalty awarded to Government employees shall debar him/her for promotion/appointment by transfer to a higher post during the period subsistence of penalty which shall be indicated in the order subject to a minimum period of one year, both for selection and non-selection posts.
- Where suspension is revoked exonerating a person fully his/her case may be considered for promotion with retrospective effect. Where the disciplinary proceedings finally resulted in a penalty he/she will be debarred during the period of one year from the date of reinstatement. In case the suspension period itself is treated as substantive penalty, he/she shall be debarred for promotion/appointment by transfer for a period of minimum one year both for selection/non-selection posts.

**4. All Departments of Secretariat/Heads of Departments/all District Collectors shall follow the above orders scrupulously and bring it to the notice of all concerned.**

**6. Stoppage of Increments with cumulative Effect - Consultation with Public Service Commission for Concurrence - Orders - Issued.**

(G.O. Ms. No. 536, G.A.(Ser.C) Department, dated 8-12-1997)Ref : - 1. G.O. Ms. No. 335, General Administrator (Ser.C) Department, dated 14-6-1993.

**2. From the Vigilance Commissioner, A.P. Vigilance Commissioner, Lr. No. 124/ VC/E.II/95-7, dated 20-11-1996.**

Order: - In the order first read above, it is ordered that for imposing the penalty of stoppage of increment with cumulative effect the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 shall be followed. It was also ordered therein that the penalty of stoppage of increment with cumulative effect shall be treated as a major penalty.

**2. In Rule 17 of the Andhra Pradesh Public Service Commission Regulations, 1963, it is mentioned that consultation with the Andhra Pradesh Public Service Commission shall be necessary where the State Government propose to pass an original order imposing any of the following penalties:**

(i)reduction to a lower rank in the seniority list or to a lower post or time-scale whether in the same service or in another service, State or Subordinate or to a lower stage in a time scale;(ii)recovery from pay of the whole or part of any pecuniary loss caused to the Government or to a local body by negligence or breach of orders;(iii)compulsory retirement otherwise than under Article 165(2) or under Note 1 to Article 465-A of the Civil Service Regulations;(iv)removal from service; or(v)dismissal.

**3. Since the stoppage of increments with cumulative effect is treated as a major penalty, it is necessary to consult the Andhra Pradesh Public Service Commission before imposing the said penalty.**

**4. Accordingly, it is ordered that where it is proposed to impose the penalty of stoppage of increments with cumulative effect, it is necessary to consult the Andhra Pradesh Public Service Commission as per Rule 17 of the Andhra Pradesh Public Service Commission Regulations, 1963.**

**5. The General Administration (Services.A) Department will issue suitable amendments to the Regulation 17 of the Andhra Pradesh Public Service Commission Regulations, 1963.**

**7. Government employees convicted in a Criminal Charge/convicted in corruption cases - Action to be taken - Instructions - Reiterated.**

(Cir. Memo. No. 3824/Ser.C/98-2, G.A.(Ser-C) Department , dated 9-2-1998)Ref : - 1. Memo. No. 3037/Ser.C/64-3, General Administrator (Ser.C) Department , dated 26-11-1964.

**2. Memo. No.1017/Ser.C/66-1, General Administrator (Ser.C) Department , dated 18-6-1966.**

**3. Memo. No.1718/Ser.C/75-1, General Administrator (Ser.C) Department , dated 22-11-1975.**

**4. Memo No.3000/Ser.C/76-4, General Administrator (Ser.C) Department , dated 28-6-1977.**

**5. U. O. Note No.32/Ser.C/81-2, General Administrator (Ser.C) Department , dated 9-2-1981.**

**6. Memo. 169/Ser.C/77-8, General Administrator (Ser.C) Department , dated 10-02-1978.**

**7. Memo. No. 637/Ser.C/83-1, General Administrator (Ser.C) Department , dated 28-06-1983.**

**8. Memo. No. 1317/Ser.C/88-1, General Administrator (Ser.C) Department , dated 31-12-1988.**

**9. Cir. Memo. No. 100/Ser.C/93-22, G.A.D (Ser.C), dated 23-12-1995.**

**10. From Vigilance Commissioner, A.P. Vig. Comm., Lr.No.2024/VC-C2/97-2, dated 06-01-1998.**

Order: - In the reference 1st cited (copy enclosed) instructions were issued, among others that, in proved cases of bribery and corruption, no punishment other than that of dismissal should be considered adequate and if any lesser punishment is to be awarded in such cases, adequate reasons should be given for it in writing.It is also mentioned therein that a close watch on corrupt officials

shall be maintained and there should be no reservation in making entries in the personal files of the employees about their integrity and for expeditious disposal of the disciplinary cases, it is suggested to pursue the cases on day to day basis. In the reference 2nd cited, in order to ensure that the instructions on disciplinary action against Government employees involved in corruption, bribery or moral turpitude are followed scrupulously, the Inspecting Officers were requested to review at the time of their inspecting the offices all cases of corruption and bribery where the maximum penalty has not been awarded by the competent authority. The Heads of Departments and District Collectors were informed in the reference 3rd cited, that officers convicted in criminal cases should normally be dismissed from service and it is not necessary either to await the outcome of an appeal or the expiry of the appeal time, where an appeal may have been preferred. In the reference 4th cited it has been directed that a clear distinction should be drawn between the cases of delayed remittance and mis-appropriation having regard to the fact that in proved cases of misappropriation no punishment short of dismissal is normally justified and accordingly the case of delayed remittance need not always be classified for the purpose of audit as a case of mis-appropriation.

**2. To minimise the delay in investigation of cases of corruption and misappropriation, the Secretaries to Government of the Departments of Secretariat have been directed in reference 5th cited to review every month the cases pending for more than a year with the Police/Anti-Corruption Bureau in a meeting and write to the Director General of Police/Director of Anti-Corruption Bureau for speeding up the investigation. It was a fact that however complicated a case may be, the investigation should not take more than one year after it is entrusted to the Police or Anti-Corruption Bureau.**

**3. In the Memo. 6th cited (copy enclosed) instructions were issued regarding action to be taken in cases where Government Servants are convicted on a criminal charge or where an appeal/revision in a High Court succeeds. Similarly, instructions were issued in the reference 7th and 8th cited regarding action to be taken in cases where Government servants are not convicted in a criminal case.**

**4. Pursuant to the recommendations of the Public Accounts Committee the following instructions have been issued in the Circular Memo. 9th cited :**

"In all cases of misappropriation, after investigation is completed by the Police and charge sheets filed, such cases should be pursued effectively to ensure that there is no let-up in prosecuting the cases effectively and that there is no failure on the part of Asst. Public Prosecutor, etc., in conducting the prosecution properly. In cases, where the trial ultimately ends in acquittal, immediate action may be taken to file appeals, after obtaining legal opinion. In cases, where it is felt that the prosecution was conducted improperly and the Prosecuting Officers have not taken adequate interest, responsibility must be fixed for their failure to conduct the prosecution successfully. To

ensure a proper watch, the Departments should review all such cases periodically for the half years ending 30/6 and 31/12 of every year and furnish their reviews to the General Administration (Ser.C) Department. Even when there are no such cases, a 'Nil' report has to be furnished."

**5. In the reference 10th cited, the Vigilance Commissioner, A.P. Vigilance Commission has stated that while interpreting Rule 19 of the Central Civil Services (CCA) Rules, 1965 the Apex Court in Union of India vs Sri Ramesh Kumar (1997 (5) SCALE 660) has held that-**

"a bare reading of Rule 19 shows that the Disciplinary Authority is empowered to take action against a Government Servant on the ground of misconduct which has led to his conviction on a criminal charge." The rules, however do not provide that on suspension of execution of sentence by the Appellate Court, the order of dismissal based on the conviction stands obliterated and dismissed Government Servant has to be treated under suspension till disposal of appeal by the Appellate Court. The rules also do not provide for the Disciplinary Authority to await disposal of the appeal by the Appellate Court filed by the Government Servant for taking action against him on the ground of misconduct which has led to his conviction by a Competent Court of Law. Having regard to the provisions of the rules, the order dismissing the respondent from service on the ground of misconduct leading to his conviction by a Competent Court of Law has not lost its sting merely because a criminal appeal was filed by the Respondent against his conviction and the Appellate Court has suspended the execution of sentence and enlarged the Respondent on bail. The matter may also be examined from another angle. Under Section 389 of the Code of Criminal Procedure, the Appellate Court has power to suspend the execution of sentence and to release an accused on bail. When the Appellate Court suspends the execution of sentence and grants bail to an accused, the effect of the order is that, sentence based on conviction is for the time being postponed or kept in abeyance, during the pendency of the appeal. In other words, by suspension of execution of sentence under Section 389 of Cr.P.O an accused avoids under going sentence pending Criminal Appeal. However, the conviction continues and it is not obliterated and if the conviction is not obliterated, any action taken against a Government Servant for misconduct which led to his conviction by the Court of Law does not lose its efficacy merely because Appellate Court has suspended the execution of sentence.

**6. The Vigilance Commissioner has further stated that the Law Department has observed that in the light of the Judgment of the Supreme Court of India a delinquent Government Servant who has been dismissed/removed from service on the ground of misconduct which has led to his conviction on a criminal charge, is not entitled to reinstatement into service merely because a Criminal Appeal was filed by the delinquent Government Servant against his conviction, and the Appellate Court has suspended the execution of sentence and the accused has been released on bail pending the appeal. The Vigilance Commissioner also desired to reiterate the existing instructions for**

**the strict compliance.**

**7. Accordingly, the instructions issued in the reference 1st to 9th cited are reiterated for strict compliance. A book containing the copies of the above instructions has already been made available to all Departments of Secretariat, Heads of Departments and District Collectors for their guidance in dealing with disciplinary cases. The A.P. Civil Services (CCA) Rules, 1963 have been reissued and the new A.P. Civil Services (CCA) Rules, 1991 have come into force with effect from 01-10-1992. Wherever it is proposed to initiate disciplinary action, the same shall be taken up strictly as per the provision contained in the New Rules, 1991.**

**8. It is the earnest endeavour of the Government to root out corruption and deal sternly with the corrupt officials. The employees convicted in criminal cases/corruption cases should be punished in the least possible time.**

**9. Government, therefore, direct that the above instructions shall be followed scrupulously and any lapse on the part of the concerned authority in implementing the order shall be viewed seriously and disciplinary action initiated against such erring officials.**

**8. Disciplinary cases - Awarding the Penalty to Delinquent Officers Further Orders - Issued.**

(G.O.Ms.No. 2, General Administrator (Ser.C) Department , dated 04-01-99)Ref : - 1. Cir. Memo. No. 3037/Ser.C/64-3, General Administrator (Ser.C) Department , dated 26-11-1964.

**2. Government Memo. No. 1718/Ser.C/75-1, General Administrator (Ser.C) Department , dated 22-11-1975.**

**3. Cir. Memo. No. 3824/Ser. C/98-2, General Administrator (Ser.C) Department , dated 09-02-1998.**

Order: - In the Memo. first read above, instructions were issued, among others, that in proved cases of bribery and corruption, no punishment other than that of dismissal be considered adequate and if any lesser punishment is to be awarded in such cases adequate reasons should be given for it in writing. In the Memo. second read above, instructions were issued to the effect that the officers convicted in Criminal Cases should normally be dismissed from service. The above instructions have been reiterated for strict compliance vide the reference third read above.



**2. It is the earnest endeavour of the Government to ensure a clean and transparent administration. To have this policy transcended to the grass root level, it is keenly felt that the officers with doubtful integrity involved in criminal offences shall be weeded out in order to ensure efficient functioning. To ensure clean and efficient administration, the Government direct that in all proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery and outraging the modesty of women, the penalty of dismissal from service shall be imposed.**

**9. Disciplinary cases against members of service - Consultation with Andhra Pradesh Public Service Commission under Regulation 17 for awarding major penalties - Clarification - Issued.**

(Memo. No. 32667/Ser. C/98-8, G.A. (Ser. C) D, dated 13-05-99)Ref : - From the Secretary, A.P. P. S. C. Letter No.1359/RT/1/1/98, dated 7-5-99.Order: - Under sub-regulation (1) of Regulation 17 of the Andhra Pradesh Public Service Commission Regulations, 1963, it shall be necessary to consult the Commission, where the State Government propose to pass an original order imposing any of the following penalties, as per Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 : (i)reduction to lower rank in the seniority list or to a lower post or time scale whether in the same service or in another service, State or Subordinate or to a lower stage in a time scale;(ii)recovery from pay of the whole or part of any pecuniary loss caused to the Government or to a local body by negligence or breach of orders;(iii)compulsory retirement otherwise than under Note 1 to Article 465-A of the Civil Service Regulations;(iv)removal from service ;(v)dismissal;(vi)stoppage of increment(s) with cumulative effect.

**2. It has been brought to the notice of the Government that the Disciplinary Authorities/Appointing Authorities, at district level and at the level of Heads of Departments are other addressing the Andhra Pradesh Public Service Commission for concurrence to award the above mentioned penalties on the Delinquent Officers or approaching the concerned Administrative Department to obtain the concurrence of Andhra Pradesh Public Service Commission and pass it on to them for passing final orders.**

**3. It is clarified that consultation with the Andhra Pradesh Public Service Commission under Regulation 17 of the Andhra Pradesh Public Service Commission Regulations, 1963 shall be necessary only where the Departments of Secretariat, at Government level propose to pass an original order of penalty against a delinquent employee as mentioned in para 1 above. Therefore, to pass an order imposing penalty as in Rule 9 of the**

**Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 by any authority other than the Departments of Secretariat at Government level, it shall not be necessary to consult the Andhra Pradesh Public Service Commission, under Regulation 17 of Andhra Pradesh Public Service Commission Regulations, 1963.**

**4. All the Departments of Secretariat, Heads of Departments and District Collectors are requested to follow the above clarification scrupulously.**

**10. Pensions - Disciplinary proceedings under Rule 9 of Revised Pension Rules 1980 can continue after retirement even in case where there is no pecuniary loss to Government - Clarification - Issued.**

(Circular Memo. No. 3026/18/A2/Pen.1/99, Fin. & Plg., Department, dated 1-6-1999) Order: - According to sub-rule (1) of Rule 9 of the Andhra Pradesh Revised Pension Rules 1980, inter-alia, empowers the Government reserves to themselves the right of withholding a pension or gratuity or both, either in full or in part, or withdrawing a pension in full or part whether permanently or for a specified period and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government if in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon re-employment after retirement.

**2. The Government have been receiving representations seeking clarifications whether disciplinary proceeding pertaining to a serious or grave misconduct or negligence committed by a Government Servant can be continued or instituted in terms of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 even if no pecuniary loss was caused to the Government.**

**3. According to ruling 8 under Rule 9 of the Central Civil Services (Pension) Rules, 1972, action can be taken under Rule 9 of the Central Civil Services (Pension) Rules, 1972 (Similar to Rule 9 of Revised Pension Rules, 1980) and as per the clarification issued by the Government of India, Department of Pension and Training in O.M.No. 28027/3/87-Estt(A), dated: 29th June, 1990 even in the absence of any pecuniary loss to Government, the pension of the pensioner can be withheld or withdrawn after following due procedure for an act of misconduct or negligence committed while in service.**

**4. The Supreme Court of India, in the case of Union of India and others Vs. B. Dev, A.I.R. 1998, S.C. 2709, while explaining the scope of Rule 9 of the Central Civil Services (Pension) Rules, 1972 observed as follows :**

"Rule 9 gives to the President the right of-(1)withholding or withdrawing a pension or part thereof,(2)either permanently or for a specified period, and(3)ordering recovery from a pension of the whole or part of any pecuniary loss caused to the Government. This power can be exercised, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service. One of the powers of the President is to recover from pension, in a case where any pecuniary loss is caused to the Government that Loss. This is an independent power in addition to the power of withdrawing or withholding pension. The contention of the respondent, therefore, that Rule 9 cannot be invoked even in cases of grave misconduct unless pecuniary loss is caused to the Government, is unsustainable."

**5. In view of the clarification given by the Government of India, Department of Pension and Training and the rulings of the Supreme Court the Government hereby clarifies that disciplinary proceedings pertaining to a serious or grave act of misconduct/negligence committed by a Government Servant can be continued or instituted in terms of Rule 9 of R.P.Rules, 1980 or other corresponding rules, even if no pecuniary loss was caused to the Government.**

**11. Disciplinary cases against the Government employees - Detection of the delinquency, initiation of the disciplinary proceedings, early completion of the enquiries and imposing adequate penalty - Instructions - Reiterated.**

(Memo. No. 4439I/Ser.C/99, General Administrator (Ser.C) Department , dated 21-9-1999)Ref : - 1. Government Memo No. 2261/Ser.C/79-2, G.A. (Ser.C), Department , dated 23-10-1979.

**2. U.O. Note No. 463/Ser.C/85-4, G.A. (Ser.C), Department , dated 20-12-1985.**

**3. Cir. Memo No. 100/Ser.C/93-22 G.A. (Ser.C), Department , dated 23-12-1995.**

**4. Cir. Memo No. 3824/Ser.C/98-2, G.A. (Ser.C), Department , dated 09-02-1998.**

**5. G.O. Ms. No. 188, G.A. (Ser.C), Department , dated 26-05-98.**

**6. Cir. Memo. No. 35676/Ser.C/98, G.A. (Ser.C), Department , dated 01-07-1998.**

**7. G.O. Ms. No. 2, G.A. (Ser.C) Department , dated 4-1-1999.**

**8. Government Memo. No. 23537/Ser.C/99-5, G.A. (Ser.C), Department , dated 28-7-1999.**

Order: - Instructions have been issued from time to time for detection of the delinquencies, initiation of the disciplinary proceedings, for early completion of the enquiries and for imposing penalties on the delinquent Government employees. Despite clear instructions, it is noticed that in several cases, there was undue delay in detecting the delinquency as well as in completing the enquiries, thereby the accused officer went scot free on retirement from service. The Public Accounts Committee of the State Legislature observed several times on the need for early completion of enquiries and for imposing penalties on erring Government Servants.

**2. In the reference third cited, it has been requested that the departments should review all cases of misappropriation on half yearly basis and to ensure that the enquiries are completed at the earliest. The delinquencies generally noticed against the Government employees may be broadly classified as cases of misappropriation, corruption, misconduct, and dereliction of duty. As regards the corruption, the investigation is taken up by the Anti-Corruption Bureau and report submitted to the Vigilance Commission or to the Directorate of Vigilance and Enforcement. In case of misappropriation, the reports of the Public Accounts Committee of the State Legislature generally form the basis to detect the delinquency. Other agencies namely the Anti-Corruption Bureau and reports in the media are also the source of information about the misappropriation. For the misconduct the police investigation, the Anti-Corruption Bureau or departmental authorities are the sources for detection of the delinquency. The dereliction to duty is noticed by the Departmental Officers.**

**3. As and when, it comes to the notice of the disciplinary authority or any higher authority, it shall be necessary to take immediate steps to detect the delinquency and to initiate disciplinary action. Disciplinary action initiated shall be completed as per the time schedule prescribed in the references sixth and eighth cited. Adequate penalty should be imposed on the employees who were found guilty. In this context, the orders issued in the reference seventh cited shall be kept in view. To quote an instance, an officer**

**"X" was involved in an irregularity and the case was brought to the notice in November, 1995. The authority concerned to initiate the disciplinary action, took two long years of time and by that time said officer retired from service. Against the retired officer no action could be taken in view of the time limit stipulated in the Pension Rules. This resulted in allowing the officer to go scot free even though he was guilty. It is absolutely necessary to remedy the situation and the existing instructions in force should be strictly followed for initiation and early completion of the enquiries and disciplinary proceedings.**

**4. It is reiterated that the Inquiring Authorities appointed to enquire into charges shall strive to complete the enquiries as per the time schedule indicated and however in cases where the enquiry could not be completed for various reasons in time, the enquiry can be continued. The Secretary to Government of the department concerned shall review the cases and submit a note to Chief Secretary and Chief Minister as per the instruction sixth cited.**

**5. The penalties awarded to the Delinquent Officers should not be reduced in a routine way. The gravity of charge and the delinquency established should be kept in view. The orders issued in the reference fifth cited should be followed.**

**6. All the Departments of Secretariat, Heads of Departments and District Collectors are requested to follow the existing instructions on detecting the delinquencies, initiation of disciplinary action and for completion of the disciplinary proceedings as per time schedule prescribed.**

**12. Penalties as per Rule 9 - Stoppage of increments with or without cumulative effect - Currency of the penalty - Clarification - Issued.**

(Cir. Memo. No. 34633/Ser.C/99, GA (Ser.C) Department , dated 04-11-1999)Ref : - G.O.Ms.No. 342, GA (Ser.C) Department , dated 4-8-97.Order: - Rule 9 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 deals with "Penalties" and its classification as minor penalties and major penalties. Item (iv) specifies withholding of increment without cumulative effect which is a minor penalty and item (vi) specifies withholding of increment of pay with cumulative effect which is a major penalty. The currency of these penalties and their effect on promotion was ordered in the G.O. cited. The currency of the penalty is for a minimum period of one year during which the delinquent employee shall not be recommended for promotion.

**2. According to F.R. 24 an increment shall ordinarily be drawn as a matter of course unless it is withheld as a measure of punishment. An increment may be withheld from a Government Servant by the State Government, or by any authority to whom the State Government may delegate this power if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.**

**3. It is clarified that where the penalty of stoppage of increments with or without cumulative effect is imposed, under Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the increment or increments falling due immediately after the date of issue of the order should be withheld. It is also clarified that the employee whose increments were withheld shall not be recommended for promotion during the period for which the increments were ordered to be withheld with effect from the date of issue of the order imposing the penalty.**

**4. The District Collectors, Heads of Departments and Departments of Secretariat are requested to follow the above clarification in dealing with disciplinary cases.**

### **13. Imposition of warning - Permissibility - Reg.**

(Cir. Memo. No. 60897/Ser.C/99, G. A. (Ser.C) D, dated 12-11-1999) Order: - It is observed in a good number of cases that final orders are being issued by the concerned Disciplinary Authorities with either "Warning" or "let off" or "to be more careful in future" etc. None of these is a punishment listed in the A.P. Civil Services (C.C.A) Rules as a penalty under Rule 9 of the rules. The disciplinary proceedings cannot be deemed to have been concluded unless they end with one of the penalties mentioned under the C.C.A. Rules if any penalty is imposed or the Delinquent Officer is exonerated and specifically it is stated that charges are dropped. When words like warning, let off etc., are used, it is to be construed that the charges and the guilt of the Officer have been proved but a lenient view is taken and no punishment is awarded. Such action will not be in accordance with the C.C.A. Rules.

**2. In view of the above, all the Departments of Secretariat are requested to keep the above in view while issuing final orders and suitably instruct the Officers under their control to clearly mention the penalty imposed if any under the C.C.A Rules or state the fact of exoneration in case the Charged Officer is proved not guilty, duly dropping the charges.**

## **14. Disciplinary cases pending at the time of retirement - Finalisation of the proceedings and payment of interest - Orders - Issued.**

(G.O. Rt. No.1034, Fin. & Plg. (FW-PEN.I) Department , dated 9-6-2000)Order: - Generally the following two types of cases are being referred to this department for advice:(I)Where court directed to dispose off the disciplinary case within a specified time period.(II)Where charges are dropped and interest on pensionary benefits is claimed.

**2. In respect of item (I) where in the disciplinary cases which are pending at the time of retirement and not concluded for a longer period or many years, the courts are directing to conclude such cases within a specified period i.e., say within 2 or 3 months etc., but the departments are not concluding within the specified period. As a result, the final orders issued in such cases imposing either recovery or cut in pension are being dismissed by the courts since it was not concluded within the stipulated period as directed by the courts. As such, ultimately, the accused is being escaped from the punishment due to administrative delay.**

**3. In the above circumstances, Government hereby order that the disciplinary cases against the retired Government servant shall be concluded as quickly as possible. If court directs to conclude the same within a specified period, it should be concluded within the said period only. If not, time may be obtained from the court to conclude the same. In such a cases, final orders issued after the period specified by the courts and the court dismisses such final order due to non-conclusion of the same within time specified by them, action against the concerned persons shall be taken for not taking prompt action within the time and loss caused if any, thereto to the Government in such cases shall be recovered from the concerned.**

**4. In respect of item (II) wherein the disciplinary cases which are pending at the time of retirement of the Government servant and subsequently further action was dropped, the individual is eligible for interest on retirement Gratuity from the date of issue of final orders thereon. In many cases, where charges and further action was dropped after retirement, the charged officers are requesting for interest from the date of retirement, but not from the date of final orders since charges are dropped.**

**5. In the above circumstances, Government hereby order that if the department decides to drop the charges, they shall take a decision as quickly as possible and they should draft the order carefully duly indicting that the individual shall be eligible for interest subject to the conditions specified under sub-rule (1A) of Rule 46 of the Andhra Pradesh Revised Pension Rules, 1980, from the date of final orders only. For this purpose the following lines are prescribed for guidance in respect of the orders proposed to be issued in this regard.**

"In the circumstances stated above, the Government have taken a lenient view and further action is hereby dropped. The individual is eligible for terminal benefits due to him from the date of issue of these orders".

**15. Pensionary benefits to the Government Servants retired from service pending disciplinary action - Action against the retired persons for their lapses - Consolidated - Orders - Issued.**

(G.O. Rt. No. 1097, Fin. & Plg., dated 22-6-2000)Ref : - 1. Memo. No. 37254/36I/A2/Pen.1/98, Fin. & Plg. (FW-Pen 1), dated 4-7-1998.

**2. Memo No. 3026/18/A2/Pen.1/99, Fin. & Plg. (FW-Pen-I) Department , dated 1-6-1999.**

**3. Cir. Memo No. 37989-A/494/A2/Pen.I/98, Fin. & Plg., Department , dated 21-4-1999.**

**4. G.O. Ms. No. 11, F&P (FW-FR I) Department , dated 15-1-1997.**

**5. D.O. Lr. No. 368NC.A2/99, dated 17-2-2000 of Vigilance Commissioner, AP.**

Order: - The Vigilance Commissioner in the reference 5th read above, has stated that references are being made to that Commission by the departments of secretariat wanting to know the terminal benefits that can be sanctioned and those that are necessarily to be withheld on retirement of an Officer facing charges in departmental proceedings or criminal prosecution. Hence he has requested to issue consolidated instructions indicating the terminal benefits that can be released and those that are to be withheld in the above referred cases, so that a lot of unnecessary file work, litigation in Courts and harassment of retired Officers can be prevented. Accordingly, the following orders are hereby issued.



**2. According to the existing rules, the following are the terminal benefits to be sanctioned to a retired Government employee.**

(1)Family Benefit Fund(2)Andhra Pradesh Group Insurance amount(3)General Provident Fund amount(4)Andhra Pradesh Government Life Insurance amount(5)Encashment of Earned Leave(6)Retirement Gratuity(7)Pension/Provisional Pension(8)Commuted Value of Pension

**3. In case of Government Employees against whom the departmental proceedings or criminal proceedings are pending at the time of retirement, all the above terminal benefits need not be released. Proceedings pending means, there must be proceedings already initiated and pending within the meaning of Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980. A Government Servant who attains the age of superannuation while under suspension should be allowed to retire on the due date of superannuation. But pensionary benefits can not be settled until the conclusion of the enquiry or disposal of charges. In such cases, the payment of terminal benefits shall be regulated as follows:**

A. The following amounts shall be paid to the retired employee since no recoveries can be made from these amounts:

**1. Family Benefit Fund.**

**2. Andhra Pradesh Group Insurance Scheme**

**3. General Provident Fund**

**4. Andhra Pradesh Government Life Insurance.**

B. Encashment of Earned Leave: - As per the orders issued in G.O fourth read above, the authority competent to grant leave, in the above mentioned cases may with hold whole or part of cash equivalent of earned leave, if in the view of the competent authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion, the retired employee will become eligible to the amount so withheld after adjustment of the Government dues, if any. As such, Encashment of Earned Leave can be regulated accordingly.C. Retirement Gratuity: - According to clause (c) of sub-rule (1) of Rule 52 of the Andhra Pradesh Revised Pension Rules, 1980, no Gratuity shall be paid until the conclusion of the departmental or judicial proceedings and issue of final orders. According to the proviso to the above said rule, where departmental proceedings have been instituted under Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, for imposing any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9 of the said rules, except the cases falling under sub-rule (2) of Rule

22 of the said rules, the payment of gratuity shall be authorised to be paid to the Government servant. It is also further provided in the said rule that where a conclusion has been reached that a portion of pension only should be withheld or withdrawn and the retirement gratuity remains unaffected in the contemplated final orders, the retirement gratuity can be released upto 80% of the eligible retirement gratuity. D. Provisional Pension: - 1. As per sub-rule (4) of Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980, the retired employees mentioned in the above cases shall be sanctioned provisional pension as provided in Rule 52 of the said rules. According to Rule 52 of the said rules, the Audit Officer/Head of Office shall pay the provisional Pension not exceeding the eligible pension. The provisional pension shall be paid from the date of retirement to the date on which, final orders are passed by the competent authority on conclusion of the departmental or judicial proceedings pending against the retired employee. The Provisional Pension shall not be less than 75% of the normal pension entitlement.

**2. Pension sanctioning authorities are competent to sanction provisional pension to the Non Gazetted Officers. It shall be sanctioned by the Government in the case of Gazetted Officers.**

**3. In the above mentioned cases, the department shall send pension papers to the Accountant General and it should be mentioned in the forwarding letter that departmental/judicial proceedings are pending and with a request to indicate only the quantum of pension that would be admissible which should not be released till further orders as only provisional pension has to be released. The Accountant General may then verify the pensionary benefits admissible and indicate the quantum of Pension, where upon, the Head of the department may intimate the quantum of provisional pension for payment in case of Gazetted Officers, so that Government will sanction the same. The Accountant General, AP, Hyderabad will straight way authorise the minimum provisional pension i. e., 75% of the quantum of pension verified by his office, pending sanction by the pension sanctioning authority and that if the appropriate authority sanctions more than 75% of the eligible pension as provisional pension, the Accountant General will issue an amendment accordingly.**

E. Commuted value of Pension: - No commutation of pension shall be allowed in the above mentioned cases since sub-rule (3) of Rule 3 of the Andhra Pradesh Commutation Rules, do not permit a Government servant against whom judicial or departmental proceedings has been instituted or pending, to commute any part of his pension during the pendency of such proceedings. Further, in the case of those to whom only provisional pension is granted, if after conclusion, entire pension is withheld, the question of commutation does not arise. In the case of others to whom pension was allowed either in full or in part, the period of one year for commutation without medical examination has to be reckoned from the date of issue of orders on conclusion of the

proceedings.

**4. Action against a retired officer who commits irregularities can be taken on three counts: (1) Criminal Prosecution; (2) Disciplinary action; and (3) Recovery of the amount ;**

In case of the death of the retired officer, action on first two counts will abate but as per the orders issued in the G.O. Ms. No. 85, Finance and Planning (FW-Pen I) Department, dated 12-7-1999, the loss or mis-appropriated amounts can be recovered from the terminal benefits of the retired officer.

**5. If any irregularity of a retired employee is noticed after his retirement and no departmental proceedings can be instituted under sub-rule (2)(b) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, the department can initiate criminal action against the retired officer or action under the Andhra Pradesh Revenue Recovery Act, 1864 to recover the loss if any caused to the Government by him.**

**16. Dismissal of accused officers from service immediately on conviction even if the appeal filed by him is pending before the Appellate court - Government Servants convicted are not eligible to be in service till they are honourably acquitted by the Appellate Court.**

[Memo. No. 1621/SPL.B/2001-1, G.A.(SPLB) Department , dated 26-11-2001]Order: - The Supreme Court in its latest judgement in K.C.Sareen Vs. CBI Chandigarh, 2001(5) Supreme 437 decided on 2-8-2001 as follows:"Corruption by public servants has now reached a monstrous dimension in India. Its tentacles have started grappling even the institutions created for the protection of the Republic. Unless those tentacles are intercepted and impeded from gripping the normal and orderly functioning of the public offices, through strong legislative, executive as well as judicial exercises the corrupt public servants could even paralyse the functioning of such institutions and thereby hinder the democratic polity. Proliferation of corrupt public servants could gather momentum to cripple the social order if such men are allowed to continue to manage and operate public institutions. When a public servant was found guilty of corruption after a judicial adjudicatory process conducted by a court of law, judiciousness demands that he should be treated as corrupt until he is exonerated by a superior court. The mere fact that an appellate or revisional forum has decided to entertain his challenge and to go into the issues and findings made against such public servants once again should not even temporarily absolve him from such findings. If such a public servant becomes entitled to hold public office and to continue to do official acts until he is judicially absolved from such findings by reason of suspension of the order of conviction it is public interest which suffers and sometimes even irreparably. When a public servant who is convicted of corruption is allowed to continue to hold public office it would impair the morale of the other persons manning such office, and consequently that would erode the already shrunk confidence of the people in such public institutions besides demoralizing the other honest public servants who would either be the

colleagues or subordinates of the convicted person. If honest public servants are compelled to take orders from proclaimed corrupt officers on account of the suspension of the conviction the fall out would be one of shaking the system itself. Hence, it is necessary that the court should not aid the public servant who stands convicted for corruption charges to hold only public office until he is exonerated after conducting a judicial adjudication at the appellate or revisional level. The above policy can be acknowledged as necessary for the efficacy and proper functioning of public offices. If so, the legal position can be laid down that when conviction is on a corruption charge against a public servant the appellate court or the revisional court should not suspend the order of conviction during the pendency of the appeal even if the sentence or imprisonment is suspended. It would be a sublime public policy that the convicted public servant is kept under disability of the conviction inspite of keeping the sentence of imprisonment in abeyance till the disposal of the appeal or revision". In the light of the above categorical direction of the Supreme Court, Government hereby instructs that to take action forthwith for dismissal of public servants convicted of corruption and criminal misconduct immediately upon such conviction without waiting for any appeal and that the appointing/disciplinary authorities will be personally held responsible for non-implementation of these instructions and that they will be liable for disciplinary action if inspite of these instructions it is found convicted officers continuing in service without being dismissed immediately or continue to receive provisional pension if they have already retired in the meantime without action to withhold pension and other pensionary benefits or withdraw pension entirely as the case may be disregarding these instructions. It is also directed that salary/ pension/ provisional pension paid after the judgement convicting the accused public servant shall be liable to be recovered from the appointing authority. Consultation with Andhra Pradesh Public Service Commission in such cases has also been dispensed with. All Departments of Secretariat and Heads of Departments are requested to oppose any application for the suspension of conviction in such cases quoting the above judgement of the Supreme Court. All Departments of Secretariat and Heads of Departments are requested to follow the above instructions scrupulously and also to communicate the above instructions to the public enterprises, autonomous bodies and other institutions receiving grant-in-aid, etc., under their administrative control.

## **17. Misappropriation of funds - Procedural instructions to deal with misappropriation cases - Further orders - Issued.**

(Cir. Memo. No. 51375/Ser.C/2002.-2, G.A.(Ser. C) Department , dated 28-11-2002)Ref. : - 1.  
Memo. No. 3000/Ser.G/76-4, G.A. (Ser.C) Department , dated 28-06-1977.

**2. Memo. No. 2106/Ser.C/77-1, G.A.(Ser.C) Department , dated 27-10-1977.**

**3. Memo. No. 2261/Ser.C/79-2, G.A. (Ser.C) Department , dated 23-10-1979.**

**4. U.O. Note No. 646/Ser.C/80-1, G.A. (Ser.C) Department , dated 21-07-1980.**

- 5. U.O. Note No. 32/Ser.C/81-2, G.A. (Ser.C), Department , dated 09-02-1981.**
- 6. U.O. Note No. 4637Ser.C/85-4, G.A. (Ser.C) Department , dated 20-12-1985.**
- 7. Circular Memo. No. 100/Ser.C/93-22, G.A.(Ser.C) Department , dated 23-12-1995.**
- 8. G.O.Ms. Mo. 2, G.A.(Ser.C) Department , dated 04-01-1999.**
- 9. Memo. No. 44391/Ser.C/99, G.A.(Ser.C) Department , dated 21-09-1999.**

Order: - Instructions were issued, time and again, for prompt action in dealing with the cases of misappropriation of Government money.

**2. A study of few major misappropriation cases in different Departments has revealed serious short comings in the matter in which such cases are being dealt with. It is keenly felt necessary to plug the loopholes in the management of Government money and to take stern action against the employees / persons responsible for the misuse /misappropriation, by initiating disciplinary action, criminal action and to recover the amount. The existing instructions have been reviewed and the following further instructions are issued:**

(1)Internal inspections /audit of the Accounts should be carried out as per a specific schedule in each Department. The drawing officer of the Department should be -held responsible for the maintenance, inspection and audit of the Accounts. The unit head of the Department shall review the procedure being followed in incurring the expenditure. Such review should be submitted to the Heads of Departments concerned.The Heads of Departments shall review the expenditure incurred with an objective whether the expenditure is strictly as per norms prescribed, for every 4 months and shall submit the same to the Secretary to Government concerned.As per the instructions issued in Circular Memo. No. 100/Ser.C/93-22, General Administrative (Ser.C) Department, dated 23-12-1995, the Secretary of the Department concerned shall review all the misappropriation cases at an interval of 6 months and shall submit such review to the General Administrative (Ser.C) Department.(2)As and when a misappropriation embezzlement case is noticed a Complaint shall be registered with Locals Police or the case may be entrusted to the criminal investigation Department for investigation. The instructions issued in the U.O. Note No. 32/Ser.C/81-2: General Administrative (Ser.C) Department, dated 09-02-1981 should be scrupulously followed.(3)Simultaneously disciplinary action shall be taken against those who are responsible for misappropriation and those who failed to supervise the accounts and conducting audit as per schedule which led to the offence.The instructions issued in the following references shall be followed:

- 1. Memo. No. 2261/Ser.C/79-2, GA(Ser.C) Department , dated 23-10-79.**
- 2. U.O. Note No. 646/Ser.C/80-1, G.A.(Ser.C) Department , dated 21-07-1980.**
- 3. U.O. Note. No. 463/Ser.C/85-4, G.A. (Ser.C) Department , dated 20-12-1985.**
- 4. The policy of the Government is to impose the penalty of dismissal from service on the officers who are convicted in a criminal case by Court of Law. In G.O. Ms. No. 2, G.A. (Ser.C) Department dated 04.01.1999, orders have been issued that in all proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery and outraging the modesty of women, the penalty of dismissal from services shall be imposed.**

(4)The amount misappropriated shall be recovered from the Government employees who are responsible for misappropriation. The recovery shall be from the Pay, Pension and other retirement benefits. The attachment of the property shall be as per law by invoking the provisions of the Revenue Recovery Act.

**3. All the Departments of Secretariat, the Heads of Departments and District Collectors are requested to follow the instructions. They are also requested to bring these instructions to the notice of their subordinates for their guidance and compliance.**

### **18. Maintenance of Lists of Officers of Doubtful integrity and Suspect Officers - Instructions - Issued.**

(G.O. Ms. No. 232, G.A.(Spl-C) Department , dated 06-08-2003)Order: - Government places highest importance on providing clean and corruption free administration in the State. The Government have examined practices of the Government of India in maintaining an annual list of officers of Doubtful Integrity and obtaining Vigilance Clearance for promotions of Senior Officers from the Central Vigilance Commission, and decided to implement the practice of the Government of India. Accordingly, the matter has been placed before the High Level Committee on Anti-Corruption and the Committee in its meeting held on 26-10-2002 agreed that within a time span of three months the exercise for preparation of the following documents should be completed by all Departments in consultation with the Director General, Anti Corruption Bureau, Hyderabad.(a)List of Officers of Doubtful Integrity(b)Agreed list of Suspect Officers(c)List of Points or places of corruption(d)List of unscrupulous contractors, suppliers and firms(e)List of Unscrupulous contact-men

**2. After examining the recommendation of the High Level Committee on Anti Corruption, the Government hereby order that the above lists should be maintained by the Secretaries of the Departments of Secretariat. The procedure for maintaining lists is as follows:**

List Of Public Servants Of Gazetted Status Of Doubtful Integrity: It will include names of those Gazetted officers only who, after enquiry or during the course of enquiry, have been found to be lacking in integrity. It will thus include the names of the officers falling under one of the following categories: (i) Convicted in a court of law on a charge of lack of integrity or for an offence involving moral turpitude but on whom, in view of exceptional circumstances, a penalty other than dismissal, removal or compulsory retirement is imposed. (ii) Awarded departmentally a major penalty (a) On Charges of lack of integrity (b) On charges of gross dereliction of duty in protecting the interests of Government although the corrupt motive may not be capable of proof. (iii) Against whom proceedings for a major penalty or a court trial are in progress for alleged acts involving lack of integrity or moral turpitude. (iv) Who were prosecuted but acquitted on technical grounds and in whose case on the basis of evidence during the trial there remained a reasonable suspicion against their integrity. The names of the officers of the following categories should not be included in these lists: (a) Officers who have been cleared or honourably acquitted as a result of disciplinary proceedings or court trial. (b) Officers against whom an enquiry or investigation has not brought forth sufficient evidence for recommending even a disciplinary case. (c) Officers who have been convicted of offences not involving lack of integrity or moral turpitude. (d) Officers against whom disciplinary proceedings have been completed or are in progress in respect of administrative lapses, minor violation of Conduct Rules and the like.

**3. These lists are intended to keep the Departments/Public Undertakings concerned informed about such officers of doubtful integrity to ensure that they are not posted to sensitive assignments and that this fact is given due consideration when deciding administrative matters affecting the services of these officers. These lists would also help the departments to know about the officers, whose work and conduct need both special attention and close supervision and scrutiny.**

**4. The Vigilance Organization of Departments will prepare a list of public servants of Gazetted status against whom any disciplinary proceedings for a major penalty are in progress or who have been punished in disciplinary proceedings on a charge involving lack of integrity. A copy of these lists will be sent by the department in respect of all departments under them to the ACB every year in the last week of February. As soon as adverse report against the officer of the nature mentioned above is received, the Vigilance Officer should bring it to the notice of the Secretary/ Head of the Department**

**concerned immediately. A decision in regard to the inclusion of the name of such officer in the list should be taken as soon as possible. The ACB will suggest addition or deletion of names on the basis of information available with them and return the lists to Secretaries concerned, who would in turn furnish the list to the Heads of Department/Chief Executives of Public Enterprises. The purpose of maintenance of these lists is also to enable the Departments to take such administrative action as is necessary and feasible. The following courses of administrative action are open:**

(i)Withholding certificate of integrity.(ii)Transfer from "sensitive" post.(iii)Non-promotion after consideration of his case, to a service grade or post to which he is eligible for promotion.(iv)Compulsory retirement in the public interest (otherwise than as penalty) in accordance with the order issued by the Government. This is now permissible on completion of the age of 50 with certain exceptions.(v)Refusal of extension of service or re-employment either under Government or in public sector undertakings.(vi)Non-sponsoring of names for foreign assignment/deputation.(vii)Refusal of permission for commercial re-employment after retirement.When the name of the officer has been entered in the list, it will not be removed until a period of three years has elapsed. The period of 3 years for which the name will be current on the list will count from the date of punishment in the disciplinary proceedings or from the date of conviction in a court trial. On the conclusion of the period, the cases of such officers may be reviewed by the Department in consultation with ACB and if during the intervening period there has been no further complaint against the officer touching on his integrity the name may be removed from the list. If at the time of review, it is proposed to continue the name of the officer on the list, cogent reasons for doing so should exist. In the event of the officer being transferred to another Department/Public Undertaking, the fact of the officer's name being on the list, undertaking should be furnished to the Department under copy to the ACB. List of such officers once every year i.e., in June through the Secretaries to Government. It will be the duty of the Chief Vigilance Officer Nigilance Officer of the department/Public undertaking to maintain these lists up-to-date. The list will be treated as "SECRET" and the Secretary/Head of the Department/Chief Executive of Public undertaking will be responsible for its safe custody.Agreed Lists of Suspect Officer:These lists should include officers of Gazetted status against whose integrity and honesty there are complaints, doubt or suspicion. Lists to be finalized by mutual discussion between the department and the ACB. The following action will be taken in respect of officers on these agreed lists by the departments or the public undertakings and by the ACB.(i)Closer and more frequent scrutiny and inspection of their work and performance by the departments concerned, particularly in spheres where there is scope for discretion or for showing favours.(ii)Quiet check about their reputation both by the Department tent and the ACB.(iii)Unobtrusive watch of their contacts, style of living etc. by the ACB(iv)Secret enquiry by the ACB about their assets and financial resources.The departments will make available their property returns and other relevant records to the ACB.(v)Collection of information by the ACB of specific instances of bribery and corrupt practices.



**5. If these secret checks and enquiries reveal positive material, open enquires will be initiated by the ACB and further action taken in the light of the results of that enquiry and no adverse or punitive action is contemplated against any officer on these lists unless these checks, verifications or enquiries bring forth adequate material to reasonably conclude that he is lacking in integrity. These agreed lists will remain in force for one year from the date of preparation. At the end of this period, the list will be reviewed and the names of those officers against whom there is not sufficient evidence to proceed against will be deleted from the list.**

List of points or places of corruption: (a) "Points" are those of items of work and those stages at which decisions are taken or orders are passed which provide scope for corruption namely, processing of tenders, appraising, grant of quota certificate, etc. (b) "Places" would be sections, sectors, units of an office/department/Public undertakings. It may be emphasized that these are not lists of all those points and places where there is scope or likely hood of corruption but only of those where corruption is believed to exist in substantial measure. The preparation of these agreed lists of points and places of corruption must necessarily be done by those in the field. The D.S.Ps of local branches of ACB with the assistance of Bureau headquarters will settle and prepare these lists after discussion with the Heads of Departments or Public Undertakings concerned. The Departments and Public Undertakings can contribute substantially in the preparation of these lists. After these lists are prepared, the following action should be taken by the departments or public undertakings and by the ACB. (i) Closer and more frequent scrutiny and inspection by the department or public undertaking of the work done at these points and places. (ii) Surprise checks by the department or public undertaking. (iii) Quiet and unobtrusive watch by the ACB followed by raids as and when appropriate. (iv) Collection of information about specific instances of bribery and corrupt practices so as to initiate open enquiries. List of unscrupulous contractors, suppliers and firms : These lists are to be prepared by the departments and undertakings concerned as they are in best position to do so. They need not be "agreed" lists. Copies of these lists should be sent to the ACB for its information. The ACB on its part will pass on to the departments undertakings concerned any information regarding corrupt practices of contractors, suppliers, firms, etc., for their information and for considering as to whether the name of such contractor should be brought on their lists. Particular care should be exercised in the preparation of these lists. Departments concerned should lay down the criteria on the basis of which names are to be included in these lists. In respect of Building Contractors, the Departments concerned should appoint a committee to lay down such criteria and the Committee's recommendations will be circulated to all departments concerned. The Director General, Anti Corruption Bureau and the Departments should take the following action in respect of the Contractors etc., on these lists. (i) The lists should be circulated by the departments/undertakings to their officer/ officers enjoining them to be careful and cautious in all dealings with such parties. (ii) Closer check and scrutiny by the departments/undertakings if the requests on applications, made by such parties and of the contracts for works or supplies awarded to, or executed by them and of any business or transaction, undertaken by them. (iii) Quiet and unobtrusive watch should be kept by ACB over the contracts or such parties in official circles. (iv) Collection of

information by the ACB of specific instances of malpractices on the part of such parties with a view to initiating open enquiries. List of Unscrupulous Contact men: The ACB should prepare lists of unscrupulous contactmen who are suspected of resorting to corrupt or irregular practices in their dealings with official agencies. The names of persons on these lists will be communicated by the ACB to the departments and public undertakings concerned. These lists may be compiled with the following objectives. (a) The information contained in these lists will be utilized when considering cases for accrediting or representatives of firms, etc. Normally such unscrupulous persons should not be accepted as accredited representatives. (b) The departments and undertakings concerned will issue directions to their officers to be careful and cautious in dealing with unscrupulous contactmen whose names are on these lists. They should avoid associating with them socially and accepting entertainment and gifts from them. (c) The ACB will exercise an unobtrusive check on the activities of such contactmen and try to collect information about specific instances of malpractices in which they are involved.

**6. All the Departments of Secretariat and Heads of Departments and the DG ACB are requested to follow above instructions scrupulously. These instructions will come into force with immediate effect.**

**19. Punishments imposed by the Disciplinary authorities should not be modified by the High Court or Tribunal - Supreme Court Judgement - Issue of Instructions - Regarding.**

(Memo. No. 107309/Ser.C/2003, G.A. (Ser-C) Department , Dated: 03-09-2003) Order: - It has been brought to the notice of the Government that in a large number of cases in which the Andhra Pradesh Administrative Tribunal has been setting aside or substantially reducing the penalties imposed in disciplinary cases even though it is the settled law that the Tribunal or the High Court should not interfere with the disciplinary authorities decisions unless in a specific case the punishment awarded shocks judicial conscience. Such cases will obviously be few and far between. The Supreme Court again in Director General, RPF vs. Ch. Sai Babu case in Supreme Today Journal 2003 (4) Supreme 313 pronounced judgement on 29-1-2002 setting aside the Division Bench decision of the Andhra Pradesh High Court in the case and held that "Normally, the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of and discipline required to be maintained, and the department/ establishment in which the concerned delinquent person works. Normally in cases where it is found that the punishment imposed is shockingly disproportionate, high courts or Tribunals may remit the cases to the disciplinary authority for reconsideration on the quantum of punishment".

**2. A copy of the judgement is forwarded to all the Departments of Secretariat, Heads of Departments and the Government Pleaders dealing with service matters in the A.P.A.T. and the High Court with a request to see that the**

**Tribunal and the High Court decisions are strictly in conformity with the above ruling and take immediate steps to appeal against any such decisions and to strictly follow the above instructions. They shall also bring these instructions to the notice of their subordinates for their guidance and compliance.**

**2003.**

(4)Supreme 313SUPREME COURT OF INDIA(From A.P. High Court)Shivaraj V.Patil & Arijit Pasayat, JJ.

Director General R.P.F. & Ors. Appellants

Versus

Ch. Sai Babu

Respondent

Civil Appeal No.4622/2000Decided on 29-01-2003Railway Protection Force Rules, 1987 - Rule 153 - Charge sheet under framing five charges of misconduct. After enquiry charges found proved - Punishment of removal from service awarded - High Court finding punishment disproportionate to charges proved - Modified it to stoppage of four increments with cumulative effect - Appeal against to Supreme Court - Whether High Court was right in modifying the punishment in the facts of the case? (No, case remanded to D.B. for reconsideration on the quantum of punishment imposed) - Appeal allowed accordingly.Held : Normally, the punishment imposed by disciplinary authority should not be disturbed by high court or tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of and discipline required to be maintained, and the department/establishment in which the concerned delinquent person works. In the present case we do not find that there has been a consideration of all the relevant facts and the learned Single Judge has not recorded reasons in order to modify the punishment imposed. The division Bench of the High Court also did not examine the matter in proper perspective but simply concurred with the order passed by the learned Single Judge. Normally in cases where it is found that the punishment imposed is shockingly disproportionate, high courts or tribunals may remit the cases to the disciplinary authority for reconsideration on the quantum of punishment. In this case the disciplinary proceedings were initiated in the year 1989 and to shorten the litigation we think appropriate to set aside the impugned order and remit the writ appeal No. 952 of 1998 to the Division Bench of the High Court to reconsider the case only on the quantum of punishment imposed on the respondent having regard to all relevant factors including the facts that the respondent was a member of Railway Protection Force and in the light of the observations made above. Since the proceedings are pending for quite some time, we request the High Court to dispose of the writ appeal expeditiously. The impugned order is set aside and the appeal is ordered in the above terms.(Paras 6 and 7)No costs.Counsel for the Parties:For the Appellants : Mukul Rohatgi, Addl. Solicitor General, S. Wasim, A. Quadri, Mrs. Anil Katyar, Ms. Sushma Suri, Advocates.For the Respondent : R.S. Hedge, Allam

Nagabushanam, Ms.N. Annapooorni, Advocates.**IMPORTANT POINT**Normally, in cases where it is found that the punishment imposed by disciplinary authority is shockingly disproportionate, High Court and Tribunals may remit the cases to the disciplinary authority for reconsideration the quantum of punishment.**ORDER :**

**1. Heard learned counsel for the parties**

**2. This appeal is directed against the Order dated 15th June, 1999 passed by the Division Bench of the High Court of Andhra Pradesh. The respondent was given charge sheet under Rule 153 of the Railway Protection Force Rules, 1987 framing five charges relating to misconduct on his part. After enquiry report was submitted holding that all the charges levelled against him were proved. The disciplinary authority agreeing with the findings as recorded by the enquiry officer passed an order of removal of the respondent from service. He unsuccessfully challenged the said order of his removal from service before the appellant and revisional authority. Thereafter he filed writ petition before the High Court challenging the order of removal from service on various grounds. The learned Single Judge after hearing the learned counsel for the parties did not found any good ground to disturb the finding of fact as to the charges which stood proved against the respondent. However, in relation to the quantum of Punishment, the learned Single Judge held thus:**

"It appears that the petitioner is a habitual offender, and due to dereliction of duties, punishment of stoppage of increment for three years was already ordered in the year 1984. But there is no improvement in the conduct of the petitioner. However, the present charges, though repetitive are not so serious in nature as to warrant extreme punishment of removal from service. I want to give one more chance to him to improve his conduct. Therefore, I direct stoppage of four increments which cumulative effect by modifying the impugned order to this effect and he is directed to be reinstated into service with continuity of service, but he will not be eligible for any back wages except for subsistence allowance".

**3. The appellants called in question the validity and correctness of this order of the learned Single Judge before the Division Bench of the High Court. The Division Bench of the High Court agreeing with the order passed by the learned Single Judge dismissed the appeal. Hence, the present appeal.**

**4. Shri Mukul Rohtagi, learned Additional Solicitor General appearing for the appellants urged that the learned Single Judge was not right and justified in modifying the order of punishment, having observed that the respondent was a habitual offender and due to dereliction of duties, the punishment of stoppage of increments for three years was already ordered in 1984 and that there was no improvement in the conduct of the respondent. He alternatively submitted even if the learned Single Judge was of the view that the punishment imposed was grossly or shockingly disproportionate, punishment could not have been modified but the matter could be remitted to the disciplinary authority to re-examine the issue in regard to the imposition of penalty on the respondent. He further submitted that the Division Bench of the High Court did not go into the merits of the contentions and simply endorsed the view taken by the learned Single Judge.**

**5. Per contra, Shri.R.S.Hedge, learned counsel for the respondent made submissions supporting the impugned order. He contended that even the finding of fact also was not recorded after a proper enquiry. He also contended that the respondent was promoted even after the punishment was imposed on 13th November, 1988 before the framing of the present charges.**

**6. As is evident from the order of the learned Single Judge there has been no consideration of the facts and circumstances of the case including as to the nature of charges held proved against the respondent to say that penalty of removal from service imposed on the respondent was extreme. Merely because it was felt that the punishment imposed was extreme was not enough to disturb or modify the punishment imposed on the respondent was shockingly or grossly disproportionate to the gravity of charges held proved against the respondent. It is not that in every case of imposing a punishment of removal or dismissal from service a High Court can modify such punishment merely saying that it is shockingly disproportionate. Normally, the punishment imposed by disciplinary authority should not be disturbed by High Court or tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate after examining all the relevant factors including nature of charges proved against the past conduct, penalty imposed earlier; the nature of duties assigned having due regard to their sensitiveness, exactness expected of and discipline required to be maintained and the**

**department/establishment in which the concerned delinquent person works.**

**7. In the present case we do not find that there has been a consideration of all the relevant facts and the learned Single Judge has not recorded reasons in order to modify the punishment imposed. The Division Bench of the High Court also did not examine the matter in proper perspective but simply concurred with the order passed by the learned Single Judge. Normally, in cases where it is found that the courts or tribunals may remit the cases to the disciplinary authority for reconsideration on the quantum of punishment. In this case the disciplinary proceedings were initiated in the year 1989 and to shorten the litigation we think it appropriate to set aside the impugned order and remit the writ appeal No. 952 of 1998 to the Division Bench of the High Court to reconsider the case only on the quantum of punishment imposed on the respondent having regard to all relevant facts that the respondent was a member of Railway Protection Force and in the light of the observations made above. Since the proceedings are pending for quite some time. We request the High Court to dispose of writ appeal expeditiously. The impugned order is set aside and the appeal is ordered in the above terms. No costs.**

Appeal is allowed accordingly.

## **20. Misappropriation cases - Consolidated Guidelines Issued.**

(G.O. Ms. No. 25, General Administration (Ser.C) Department, dated 3-2-2004)Ref. : - 1. Memo No.3000/Ser.C/76-4, GA (Ser.C) Department , dated 28-6-1977

**2. Memo No.2106/Ser.C/77-1, G.A. (Ser.C) Department dated 27-10-1977.**

**3. Memo No.2261/Ser.C/79-2, G.A. (Ser.C) Department dated 23-10-1979**

**4. U.O Note No.646/Ser.0 80/, G.A. (Ser.C) Department dated 21-7-1980.**

**5. U.O.Note No.32/Ser/C/81-2, G.A (Ser.C) Department dated 9-2-1981.**

**6. G.O.Ms.No. General Administrator (Ser.C) Department dated 24-4-1984.**

**7. U.O.Note, No.463/Ser.C/85-4, G.A. (Ser.C) Department dated 20-12-1985.**

**8. Circular Memo.No.100/Ser./93-22, G.A.(Ser.C) Department dated 23-12-1995.**

**9. G.O.Ms.No.2, G.A.(Ser.C) Department Dated 21-9-1999.**

**10. Memo No.44391/Ser.C.99/G.A.(Ser.C) Department Dated 21-9-1999.**

**11. U.O.Note No.1067/L&O-1/A12000-4, G.A. (L&O) Department Dated 30-12-2000.**

**12. Memo No.51375/Ser.C/2002-2, G.A. (Ser.C) Department Dated 28-11-2002.**

Order: - Apart from the instructions issued 'on the subject matter, a critical study of cases of misappropriation of Government funds undertaken by the Andhra Pradesh Vigilance commission revealed that may of these cases are handled ineptly and with prolonged delay without (1) being reported to the head of the Department and to the Accountant General, (2) finalization of the total amount misappropriated through a thorough verification or audit of the accounts, (3) earnest efforts to realize the misappropriated amount (4) immediate suspension and effective prosecution initiation of timely disciplinary action against the accused officers, and the officers whose supervisory negligence lead to the misappropriation. Where action has been taken attempt is often made to show the embezzlement as temporary diversion of funds particularly where the amount has been remitted back upon detection or where the amount involved is small thereby reducing the gravity of the offence and facilitating the culprits being let off with minor penalty. Some departments / Head of offices have been found to address the Superintendent of Police wrongly without a formal criminal complaint being filed before the Station House Officer having jurisdiction, as soon as the case of misappropriation come to notice without internal audit to finalize the amount misappropriated and without identifying the persons responsible. Such complaints lie there for want of basic information and record necessary to finalize the quantum of misappropriation and to identify the accused officers. There are cases where those responsible for misappropriation were not even suspended and allowed to continue in the same post giving them an opportunity to destroy the records and evidence and to obstruct smooth conduct of investigation.

**2. The Report of the Comptroller and Auditor General of India for the year ended 31-3-2002 refers to 605 misappropriation cases reported to it as pending at the end of the year involving a sum of Rs. 1062.69 lakhs as pending in different departments. According to the Vigilance commission this does not reflect the correct position of pendency of such cases due to serious omissions in reporting of misappropriation cases to the Accountant General as provided in the A.P. Financial Code. According to the**

**Commission the number appear to be several times more. As a case in point, the Commission has brought to the notice of the Government that the number of misappropriation cases shown as pending in the Treasuries and Accounts Department in the above list of misappropriation cases was 12, whereas Commission came across 10 more cases of misappropriation in that Department which had not been reported. Information elicited from the Commissioner and Registrar of Cooperative Societies shows that there were 2314 misappropriation cases in the various cooperative institutions in the State involving a sum of Rs. 49.86 crores of which criminal action was initiated in 945 cases. The Commissioner, Panchayat Raj has reported that there were 940 cases of misappropriation involving a sum of Rs.15 crores in which criminal action was initiated in 517 cases where recovery effected was Rs. 1.59 crores. The above figures indicate the magnitude of the problem of misappropriation in Government institutions.**

**3. The Commission therefore, emphasized the need to lay down streamlined procedure to facilitate effective handling of misappropriation cases with particular attention to (1) prompt reporting (2) quick finalization of amounts misappropriated (3) immediate identification of the persons responsible for the crime (4) fool proof handling of records (5) speedy recovery of funds misappropriated (6) prompt criminal prosecution of the accused (7) pinpointing responsibility for failure of supervision (8) timely disciplinary action against the accused officers and those whose supervisory negligence lead to the misappropriation (9) streamlining procedures to prevent recurrence of similar cases in future and (10) finally laying down strict guidelines for statutory penalties to the officers found guilty of misappropriation in Government Department, Local bodies, Cooperatives, Autonomous Grant Receiving Institutions and Public Undertakings etc.**

**4. Articles 5,273,294,300 301 and 302 of the Andhra Pradesh, Financial Code lays down the responsibilities of Government Servants in dealing with Government money, the procedure to fix responsibility for any loss sustained by the Government, the procedure to be followed and the action to be initiated for recovery. In addition to the instructions laid down in the Andhra Pradesh Financial Code, the Government have from time to time, issued executive instructions regarding misappropriation cases. It is now felt necessary to plug the loopholes in the management of Government money**



**and to give clear and comprehensive instructions on all aspects of misappropriation cases. Accordingly the following consolidated instructions are issued.**

**5. Standards of Financial responsibility: - Article 5 of the A.P. Financial Code casts an obligation on every Government servant to see that proper accounts are maintained for all Government, Financial transaction with which his concerned and to render accurately and promptly all such accounts and returns relating to them as may have been prescribed by Government, the Accountant General or the competent departmental authorities. He is required to check the accounts, as frequently as possible, to see that his subordinates do not commit fraud, misappropriation or any other irregularity. The Government holds him personally responsible for any loss that may be found to be due to any neglect of the duties laid upon by him by the relevant provisions made by the Government. The fact that a Government servant has been misled or deceived by a subordinate will in no way mitigate his personal responsibility.**

**6. Assessment of responsibility for loss of public funds: - Article 273 of A.P. Financial Code makes every Government servant personally responsible for any loss sustained by the Government through fraud or negligence on his part and also for any loss through fraud or negligence on the part of any other Government Servant to the extent to which it may be shown that he contributed to the loss by his own action or negligence. The cardinal principle governing assessment of responsibility for such losses is that every Government Servant should exercise the same diligence and care in respect of the expenditure of his own money.**

**7. Reporting of loss of public money & sending factual report to Government: - When any facts indicating that defalcation or loss of public money, stamps, stores or other movable or immovable property has occurred or that a serious account irregularly has been committed come to the notice of any Government servant, he should in terms of Article 294 of the Financial Code inform the head of the office immediately. If it appears to the head of the office, prima facie that there has been any such occurrence which concerns his office or in which a Government Servant subordinate to him is involved, he should send a preliminary report immediately to the Accountant General**

**and though the proper channel, to the head of the department. On receipt of the information, the head of the Department should report the matter to the Government without delay. These reports should be sent even when the loss has been made good irrespective of the amount involved.**

**8. Finalization of Quantum of loss and audit of accounts: - Article 300 of the Financial Code lays down the following general principles in enforcing personal responsibility of the Government servant for a loss sustained by the Government through fraud or negligence on his part and also for loss through fraud or negligence on the part of any other Government servant to the extent to which it may be shown that he contributed to the loss by his own action or negligence. The head of the office or other appropriate authority should investigate the matter fully without delay. When necessary, the administrative authority may ask the Accountant General to furnish all vouchers and other document in his possession that may be relevant to the investigation. If the investigation is so complex as to require the assistance of an expert audit officer, the administrative authority should report the facts to the Government and the audit officer, will each be personally responsible within their respective spheres, for completing the investigation expeditiously.**

**9. Recovery: - Whenever an administrative authority holds that a Government servant is responsible for a loss sustained by the Government , it should consider both whether the whole or any part of the loss should be recovered from him in money and whether any other form of disciplinary action should be taken. Whenever a loss is held to be due to fraud on the part of a Government Servant or servants, every endeavor should be made to recover the whole amount lost from the guilty persons. If the failure of a superior officer to exercise proper supervision and control has facilitated the fraud, he should be called strictly to account and suitably dealt with after carefully assessing his personal liability in the matter. The pension of a retiring Government Servant who is involved in any loss or irregularity which is under investigation should on no account be sanctioned until his responsibility in the matter has been finally determined. Whenever a competent authority orders that any amount should be recovered from the Government Servant, otherwise than by forfeiture of his security deposit, if any, on account of a loss sustained by the Government through fraud or**

**negligence on his part and he is about to retire from service the amount should be recovered, as far as possible, by deduction from the last pay or leave salary due to him. If any amount still remains to be recovered, the Government Servant should be asked to give his written consent to the recovery of the remaining amount from his pension. When a retired Government servant whose pension has already been sanctioned is held to have caused a loss to the Government by his fraud or negligence while in service and it appears that the amount could be recovered by bringing a suit against him, the matter should be reported to the Government for orders. Any fraud or negligence found to have been committed by him while in service, should not be made an excuse for absolving any other Government servants who are also responsible for the loss and are still in service.**

**10. A clear distinction should be drawn between cases of "delayed remittance" and misappropriation. The cardinal test to prove a case as a case of misappropriation rather than temporary misappropriation would be whether the amount has been put to use for the benefit of the person who has misappropriated it. It is the intention and purpose that should be the criteria and not whether the amount has been put to use for the benefit of the person who has misappropriated it. It is the intention and purpose that should be the criterion and not whether the amount has been ultimately made good voluntarily.**

**11. If there is a reasonable suspicion that a loss sustained by the Government is due to the commission of a criminal offence, the procedure prescribed in Article 301 and 302 should be followed.**

**12. An officer accused of misappropriation shall be suspended forthwith under Rule 8(1)(c) of the Andhra Pradesh Civil Services (CC&A) Rules, 1991 pending investigation or trial of the offence till he is dismissed or removed from service upon conviction or conclusion of disciplinary proceedings as the case may be.**

**13. Initiation of Departmental inquiries and Criminal proceedings: - Article 301 lays down that department proceedings should be instituted at the earliest possible moment against all the Government servants involved in any loss sustained by the Government on account of fraud, embezzlement or**

any similar offence and conduct with strict adherence to the rules, up to the point at which prosecution or any one of them begins. The Departments should ensure that charges are framed by the disciplinary authority in accordance with the procedure prescribed under the rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 and action is completed expeditiously observing the prescribed procedure to ensure that there are no procedural infirmities. The criminal proceedings and departmental action should be processed without loss of time with a view to avoiding manipulations and loss of evidence. Departmental officers should obtain Photostat copies of documents and handover the original to Police so that simultaneous action in regard to criminal proceedings and disciplinary action can be taken. Departmental action should be completed within 3 to 4 months. At this stage it may be specifically considered whether it is practicable to carry the departmental proceedings without waiting for the result of the prosecution, if it is so, they should be carried out as far as possible but not as a rule, to the stage of finding and sentence. If the accused is convicted, the departmental proceedings against him should be resumed and formally completed. If the accused is not convicted, the authority competent to take disciplinary action should examine whether the facts of the case disclose adequate ground for continuing departmental action against him. Simultaneous disciplinary and criminal proceedings can be initiated by the Department against the persons responsible for misappropriation and supervisory officers whose failure lead to the offences. Following the decision of the Himachal Pradesh High Court in *Khushiram Vs. Union of India* (1973) (2) SLR.PP564-565) it is not obligatory that the departmental proceedings should be stayed when the case is pending in a court of law, except when it is expedient to do so in the interest of fair play.

#### **14. Procedure for filing of complaints with local police or the Crime Investigation Department.**

Prosecution for embezzlement of public money or property is laid down in Article 302. Whenever the head of an office finds that there is a reasonable suspicion that a criminal offence has been committed in respect of public money or property, he should as a general rule report the matter at once to the Police and the head of his Department that he has laid an information before the police. When the case is heard by the Court, the head of the office concerned should see that all the witnesses serving in his department and all documentary evidence in the control of his department are punctually produced. He should also appoint a Government servant of the Department to attend

the proceedings in the court and assist the prosecuting staff. If prosecution for an offence of this kind results in the discharge or acquittal of any person, or in the imposition of any sentence which appears to be inadequate, the head of the office concerned should at once send a full statement of the facts of the case. If it is considered that further proceedings should be taken in revision or appeal, he should proceed accordingly.

**15. In order to reduce the number of cases of misappropriation sent for investigation by the Police and prosecution thereafter, a monetary limit of Rs.1000/- is fixed below which the cases will be handled departmentally only. The Department should ensure that all material needed for investigation is made available to the Station House Officer of the Police Station having jurisdiction. In the event Crime Investigation Department investigation is considered essential in view of the quantum of money involved or the complexity of the misappropriation case action should be taken by the Secretariat Department concerned to refer the case to the criminal investigation department at Hyderabad in consultation with Home Department in accordance with the procedure laid down by the Director General, Crime Investigation Department. If in the course of any investigation into corruption, misappropriation is noticed by the Anti Corruption Bureau in such a case the Anti Corruption Bureau itself will initiate action for prosecution of that case.**

**16. The Departments of Secretariat should consult the Home Department before entrusting any case to the Crime Investigation Department for investigation. To establish the offence of misappropriation, cheating / forgery and use of forged documents utilization of fake certificate etc., it is essential that:**

(i) The complaint lodged by competent authority should contain specific information regarding details of crime and persons responsible, amount involved and the matter or mode of commission of offence. (ii) The details of crime should contain essential ingredients of cognizable crime. (iii) Whenever complaint involving misappropriation of public funds is preferred, it should be mandatory to initiate departmental audit to establish the instances and amounts of misappropriation. Steps will be taken by the concerned officers to ensure preservation of original documents i.e., bills, vouchers etc., Requirements should be sent to the Pay and Accounts Officer, Treasury authorities / Accountant General Office with a specific request to preserve the documents which would prove the culpability of persons responsible for such frauds / misappropriation. Specimen signatures and admitted handwritings of persons responsible for misappropriation, fraud etc. should be made available to the investigating agency. (iv) For expeditious and proper investigation it is also imperative that relevant records of the case, like forged documents duplicate

copies of vouchers, audit report, preliminary enquiry report conducted by the respective department, note files, registers etc., a re-handed over (in original) to the Crime Investigation Department with Xerox copies being retained by the Department concerned for the purpose of disciplinary action and for record.

**17. It should be ensured therefore that a comprehensive complaint should be lodged with Crime Investigation Department containing details of the crime / persons responsible for the Commission of such offences that complaints should be lodged with original signature of the officers who are fully acquainted with the facts of the case and have been associated with the preliminary enquiry or departmental enquiry. Copies of relevant documents should also be enclosed along with the complaint. The departments preferring complaints should also ensure collection and safe custody of original document relating to the offence.**

**18. Handing over of records / sending necessary assistance to Investigating Agencies:**

All Heads of Offices should hand over the records requisitioned by the local Police officers of the Bureau or the crime Investigation Department as the case may be and render all necessary assistance to Investigating Officers in either case. Senior Civil Servants who are defector complainants in Criminal cases or who are intimately acquainted with the facts and circumstances of the cases and whose evidence is relevant and material to prove the case in a court of law should tender their evidence when examined by the Investigating Officers of the Crime Investigation Department in a Court of Law. The investigation should not normally take more than one year after it is entrusted to the Crime Investigation Department / Anti Corruption Bureau however complicated the case may be.

**19. The Government have decided that special cells will be created in the investigating agencies for departments where the number of misappropriation cases are large and persons form these cells, and Investigating Agency would maintain close liaison with the departments so that they can tender necessary guidance to expedite cases.**

**20. In all cases of misappropriation, after investigation is completed by the Police and charge sheets filed, such cases should be pursued effectively to ensure that there is no letup in prosecuting the cases effectively and that there is no failure on the part of the Assistant Public Prosecutor, etc., in conducting the prosecution properly. In case, where the trail ultimately ends in acquittal, immediate action may be taken to file appeals, after obtaining**

**legal opinion. In cases, where it is felt that the prosecution was conducted improperly and the prosecuting officers have not taken adequate interest, responsibility must be fixed for their failure to conduct the prosecution successfully. To ensure a proper watch, the Departments should review all such cases periodically for the half years ending 30/6 and 31/12 of every year furnish their review to the General Administration (Services) Department. Even when there are no such cases, a NIL' report has to be furnished.**

**21. Attachment and confiscation of the properties of the accused: - Whenever it is believed that a scheduled offence is committed, the concerned Departmental Officers should collect the necessary data regarding movable / immovable property standing in the name of the person family members, relatives and friends and orders shall be issued for attachment of the properties under Sections 3 and 4 of the Criminal Law Amendment Ordinance, 1994 contemplates that if any person commits any offence punishable under Section 406, 408, 409, 411, 417 and 420 of the IPC 1860 or under clause (c) of sub-section (1) of Section 13 of the P.O Act, 1988, the Government may whether or not any court has taken cognizance of offence, authorize the making of an application to the District Judge concerned for attachment of the money or other property which the State Government believes the said person to have procured by means of the said offence or if such money or property cannot for any reason be attached of other property of the said person of value as nearly as may be equivalent to that of the aforesaid money or other property.**

(i)The attachment can be of the money or other property which the State Government believes the said person to have procured by means of the offence or it such money or the property cannot for any reason be attached, of other property of the said person of value as nearly as may be equivalent to that aforesaid money or other property.(ii)The District Judge has jurisdiction to issue an interim order of attachment of moneys procured by commission of a scheduled offence and deposited in Bank. Such money in the hands of the Bank does not cease to be attachable although its identity is lost by getting mixed up with the other money of the Bank, long as it is not converted into anything else and remains liable to be paid back in cash to the depositor or to his order (K Satwant Singh Vs. Provincial Government of Punjab, AIR 1946 Lah 406)(iii)Where the assets available for attachment are not sufficient and where he is satisfied that the transfer of the property to the transferee was not in good faith and for consideration, the District Judge has power to order the attachment of so much of the transferee's property equivalent to the value of the property, transferred, as per section 6 of the Ordinance.(iv)The court having jurisdiction to entertain the application for attachment of property under the said Ordinance is the court of the District Judge within the local limits of whose jurisdiction the suspect ordinarily resides or carries on his business. A Special Judge while trying an

offence punishable under the said Act an exercise all the powers and functions exercisable by a District Judge under the Criminal Law Amendment Ordinance, as per sub-section (6) of section 5 of the Prevention of Corruption Act 1988.(v)The District Judge is empowered under Section 4 (1) of the Ordinance, as also the Special Judge trying an offence punishable under the Prevention of Corruption Act, 1988 to pass an interim order of attachment of the money or other property and to make the an interim order of attachment absolute, under Section 5 of Ordinance.(vi)The order of attachment remains in force for 3 months as per clause (a) of Section 10, but the period has been raised to one year by the Prevention of Corruption. Act, 1988 as per Clause (b) of Section 2 thereof. Where a court has taken cognizance of the Scheduled offence, the order of attachment continues in force until order are passes by the judge, as per Clause (b) of Section 10 of the Ordinance.(vii)The District Judge or a Special Judge trying an offence punishable under the P.O Act. 1988 has power to order forfeiture of the attached property on the termination of the criminal proceedings where the final judgement or order of the criminal court is one of conviction as per sub-sec(3) of Section 13 of Section 13 of the Ordinance.(viii)The above provision should be used for attaching the properties of the Government Servant(s) who are found to have misappropriated Government money pending the criminal proceedings and eventual confiscation of the property.

**22. Invoking provision of Andhra Pradesh Revenue Recovery Act: - The provisions of Revenue Recovery Act can be invoked for recovery of the misappropriated amounts or loss caused to the Government Recovery of misappropriated amount or loss caused to Government can be recovered as if it were an arrear of land Revenue in accordance with the procedure laid down in the A.P. Revenue Recovery Act. Where the officer responsible fails to remit the amount to the Government account. It is open to Government to file a civil suit for a recovery of such sum as a last resort.**

**23. Punishments to be awarded in proved cases of misappropriation: -There is a wide disparity in the scales of punishment meted out in misappropriation cases. The question of prescribing uniform scale of punishment in such cases has been considered by Government It has been decided that ordinarily cases of proved misappropriation would justify nothing less than dismissal from service and action should accordingly be taken. The minimum penalty to be imposed in all proven cases of misappropriation (in addition to the recovery of amount misappropriated) is dismissal form service. In case of a retired employees the penalty should be withholding of entire pension and gratuity permanently or withdrawal of pension as the case may be besides recovery of the misappropriation / loss amount. There may, however, be rare cases where in the circumstances, such as trivial amount, short duration, immediate payment on detection, all of which may raise a presumption that it was an error in accounting, which may justify a different**



**punishment. A clear distinction should be drawn between the cases of "delayed remittance" and "misappropriation" having regard to the fact that in proved cases of misappropriation no punishment short of dismissal is normally justified and accordingly the case of 'delayed remittance' need not always be classified for the purpose of audit as a case of misappropriation.**

**24. An officer who is convicted by a Criminal Court for the offence of misappropriation or fraud should be dismissed from service without waiting for failing of an appeal or its outcome. Such action would be taken notwithstanding suspension of sentence by an Appellate Court. It shall not be necessary to consult the Andhra Pradesh Public Service commission for taking action to dismiss the officer on the grounds of conviction in a Court of Law. In the case of an officer who in the meantime has retired, his pension and gratuity shall be withheld or where it has already been sanctioned, his pension should be withdrawn. The officer, who fails to enforce these instructions promptly, will be held responsible for any loss to the Government on account of avoidable payment of subsistence allowance or provisional pension as the case may be.**

**25. Consultation with Vigilance Commission: - In all cases of misappropriation, the Vigilance Commissioner has to be consulted in accordance with the procedural instructions of the Commission.**

**26. Review of Cases: - There should be periodical office inspections by the Heads of Department and such inspections should invariably cover financial aspects, accounts and cases of misappropriation of funds, if any. In the office of heads of Department, one officer may be nominated as Vigilance Officer to keep track of cases involving misappropriation of Government funds. The Chief Vigilance Officers of the Secretariat Departments under the Vigilance Officers of heads of Department, Public Enterprises, Autonomous Bodies and Cooperative Institutions etc., to keep track of the cases of misappropriation of funds by Government employees.**

**27. The Finance Department will nominate an officer specially to monitor the pendency and watch progress with reference to statistics that will be furnished to him by the other Departments. This officer would place the statistical data regarding outstanding misappropriation cases for a review by**

**Chief Secretary to Government with Secretaries Departments periodically.**

**28. The secretary of each Department should review each month all cases of misappropriation in his Department and send a copy of the review containing full details to the officer nominated for the purpose in the Finance Department. The Chief Secretary will review these cases with all Secretaries to Government once in 6 month to find out whether there are any bottle necks in expediting cases of misappropriation.**

**29. All the Departments of Secretariat, all the head of Department and District collectors are directed to bring these instructions to the notice of their subordinates for their guidance and compliance and enforce strict compliance of these instructions and any deviation in the matter will be viewed seriously.**

**21. Disciplinary cases referred to Commission for concurrence - Decision taken by Government without waiting for Commission's advice/in-deviation of Commission's advice - Certain instructions - Reg.**

(Cir. Memo No. 93035/Ser-C/A1/20084, G.A. (Ser.C) Department , dated 25-6-2009)Ref :- From the Secretary, A.P.P.S.C. Letter No. 672/RT-I/3/2006, dated 6-11-2008.Order: - The Secretary, Andhra Pradesh Public Service Commission has stated that in some disciplinary cases punishment orders are being issued without regard to the Commission's opinion/advice. He has appended details in certain cases in which orders are issued without waiting for Commission's advice and are in-deviation of Commission's advice.

**2. It is mandatory to consult the Andhra Pradesh Public Service Commission as per Regulation 17 of the Andhra Pradesh Public Service Commission Regulations, 1963. Where the Government proposed to impose a major penalty against a Government employee in any disciplinary case, the suggestion of the Commission shall be kept in view in taking decision to conclude the disciplinary proceedings against the employee. If it is proposed to deviate the suggestion of the Commission, procedure prescribed in the Business Rules shall be followed. The very objective of consulting the Commission is, before arriving a decision in any disciplinary case either to punish the employee or otherwise, to ensure a careful examination of the issue that the innocent should not be punished. In this context, the Commission are of the view to keep in view the suggestions of the Commission in the disciplinary cases and not to deviate from the**

**suggestions.**

**3. All the Departments of Secretariat are therefore requested to take into consideration the suggestion of the Commission while taking a final decision to conclude the disciplinary proceedings.**

### **10. Other penalties:**

- In addition to the penalties specified in Rule 9 and notwithstanding anything therein, the following penalties may for good and sufficient reasons and as hereinafter provided, be imposed, namely :  
-(i) fine, on a member of the Andhra Pradesh Last Grade Service and on a person holding any of the posts specified in Appendix-I to these rules; (ii) suspension for a period not exceeding fifteen days-(a) on Forest Guards; (b) on directly recruited members of the Andhra Pradesh Police Subordinate Service and the Andhra Pradesh Special Armed Police Service; (c) on Station Officers, Engineers, Sub-Officers, Leading Firemen, Driver-Mechanics, Driver-Operators, Firemen-Mechanics, Firemen and equivalent ranks of the Andhra Pradesh Fire Subordinate Service : Provided that the penalty may be imposed on Government Servants mentioned in sub-clauses (b) and (c) only if the penalty of reduction to a lower grade, post or time-scale or to a lower stage in the same time-scale cannot be imposed.

### **11. Disciplinary Authorities in respect of State Services:**

(1) The High Court of Andhra Pradesh may impose on members of the Andhra Pradesh State Judicial Service, any of the penalties specified in [clauses (i) to (vii)] [Substituted by G.O.Ms. 205, G.A.D., 5-6-1998] of Rule 9 : Provided that the High Court of Andhra Pradesh may impose on Judicial First Class Magistrates any of the penalties specified in Rule 9. (2) (i) The Commissioners concerned may impose on Tahsildars, Assistant Superintendents of Excise (including Chemical Examiner in the cadre of Assistant Superintendent of Excise), Deputy Commercial Tax Officers and Assistant Directors of Survey and Land Records, any of the penalties specified in clauses (i) to (v) of Rule 9; (ii) The District Collector may impose on Tahsildars the penalties of (a) censure, (b) withholding of increment for a period of three months without cumulative effect; (iii) (a) The Commissioner, Commercial Taxes may impose on Commercial Tax Officers the penalties of (a) censure, (b) withholding of increment for a period of three months without cumulative effect; (b) The Deputy Commissioner, Commercial Taxes may impose on Deputy Commercial Tax Officers the penalties of (a) censure, (b) withholding of increment for a period of three months without cumulative effect. (iv) [ (a) The Commissioner, Panchayat Raj and Rural Employment may impose the minor penalties as specified in clauses (i) to (v) of Rule 9, on Chief Executive Officers, Zilla Parishad, Deputy Chief Executive Officers, Zilla Parishad, District Panchayat Officers and Accounts Officers of Zilla Parishad. [Added by G.O.Ms. No. 382, G.A.D., dated 15-09-2001] (c) The Collector and District Magistrate may impose the minor penalties as specified in clauses (i) to (v) of Rule 9, on Mandal Parishad Development Officers, Divisional Panchayat Officers/Extension Officers (Panchayats), Extension Officers (Rural Development), Executive Officers (Gram Panchayat). ] (3) The Principal Secretary to Government, the Second Secretary to Government, the Special Secretary to

Government, the Secretary to Government and the Secretary to Governor may impose on Section officers working in their respective departments, any of the penalties specified in clauses (i) to (v) of Rule 9.(3A)[ The Principal Secretary to Government, the Second Secretary to Government, Special Secretary to Government, the Secretary to Government and the Secretary to Governor may impose on the Private Secretaries to the said Secretaries to Government working in their respective departments, any of the penalties specified in clauses (1) to (v) of Rule 9] [Inserted by G.O. Ms. No. 199, G.A.D., 16-5-1997].(4)[ (i) The District Treasury Officer may impose on Sub-Treasury Officer the penalties specified in clauses (i) to (iv) of Rule 9.(ii)The Joint Directors/Regional Joint Directors, Treasuries and Accounts Department may impose on Assistant Treasury Officer/Assistant Accounts Officer and District Treasury Officer /Accounts Officer/ Pension Payment Officer /Assistant Director and other Officers of equivalent cadre in Treasuries and Accounts Department the penalties specified in clause (i) of Rule 9.(iii)The Director of Treasuries and Accounts Department may impose on Deputy Director/ Chief Accounts Officer and other Officers of equivalent cadre in Treasuries and Accounts Department the penalties specified in clauses (i) to (iv) of Rule 9].(5)The Director of Local Fund Audit may impose on the Audit Officers of the Andhra Pradesh Local Fund Audit Service, the penalties specified in clauses (i) and (iv) Rule 9.(6)The Commissioner, Endowments Department may impose on the Deputy Commissioners and Assistant Commissioners, Endowments Department, the penalties specified in clauses (i) and (iv) of Rule 9.(7)[ [Omitted by G.O.Ms. No. 246, G.A.D., dated 13-6-1997]](8)The Director of Municipal Administration may impose on Municipal Commissioners of the Andhra Pradesh Municipal Commissioners Subordinate Service any of the penalties specified in clauses (i) to (iv) of Rule 9.(9)The Director of Agriculture may impose on the Deputy Directors of Agriculture, the penalty specified in clause (i) of Rule 9.(10)(i)The Director, Bureau of Economics and Statistics or the District Collector may impose on District Statistical Officer, the penalty specified in clause (i) of Rule 9.(ii)The Director, Bureau of Economics and Statistics may impose on Assistant Directors, any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9;(11)The Director, Commerce and Export Promotion may impose on Assistant Directors and Section Officers in categories H and III of the Andhra Pradesh Central Stores Purchase Service, any of the penalties specified in clauses (i) to (iv) of Rule 9.(12)The Commissioner of Labour may impose on Assistant Commission of Labour, any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9.(13)The Inspector-General of Registration and Stamps may impose on District Registrars (including Assistant Inspector-General), any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9.(14)The Commissioner/Director of Fisheries may impose on Deputy Directors of Fisheries, any of the penalties specified in clauses (i) to (iv) of Rule 9.(15)The State Port Officer, Andhra Pradesh may impose on Assistant Engineer for Marine Works at minor ports, the penalty specified in clause (i) of Rule 9.(16)(i)The Director of School Education may impose on Officer in Class II of the Andhra Pradesh Educational Service, any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9,(ii)The Director of Higher Education may impose on Deputy Directors of Higher Education, Chief Academic Guidance Officer in the State Council for Educational Research and Training, Hyderabad and Principals of Government Degree Colleges, any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9;(iii)The Director of Adult Education may impose on Deputy Directors of Adult Education and District Adult Education Officers, the penalty specified in clause (i) of Rule 9.(17)(i)The Director of Medical Education may impose on Civil Assistant Surgeons, any of the penalties specified in clauses (i) to (iv) of Rule 9;(ii)The Principals of Medical Colleges may impose on Civil Assistant Surgeons of Clinical and

Non-Clinical Specialities, any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9;(iii)The Superintendents of General Hospitals attached to Medical Colleges may impose on Civil Assistant Surgeons of Clinical Specialities and Civil Assistant Surgeons belonging to the Specialities of Bio-Chemistry, Pathology and Micro-Biology, any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9;(iv)The Superintendent of the District Headquarters Hospitals may impose on Civil Assistant Surgeons working in the District Headquarters Hospitals, any of the penalties specified in clauses (i), (ii) & (iv) of Rule 9;(v)The District Medical and Health Officers may impose on Civil Assistant Surgeons working in the Hospitals in the Districts other than those working in the District Headquarters Hospitals, any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9.(18)(i)The Director of Public Health may impose on Statistician and Medical Officer (Maternity and Child Health) Grade II, any of the penalties specified in [clauses (i) to (vii)] [Substituted by G.O.Ms. 205, G.A.D., 5-6-1998] of Rule 9;(ii)The Director of Health and Family Welfare may impose on Civil Assistant Surgeons in the Public Health Department, any of the penalties specified in clauses (i) to (iv) of Rule 9.(19)(i)The Director of Animal Husbandry may impose on members in Classes III and IV of the Andhra Pradesh Animal Husbandry Service, any of the penalties specified in clauses (i) to (iv) of Rule 9;(ii)The Regional Director or Deputy Director may impose on Veterinary Officers, any of the penalties specified in clauses (i) to (iv) of Rule 9.(20)[(i) The Superintendent Engineer (Irrigation) may impose all minor penalties and major penalty of stoppage of annual grade increments with cumulative effect on Assistant Executive Engineer and Deputy Executive Engineer (Irrigation)(ii)The Engineer-in-Chief (Irrigation) may impose all other major penalties as specified in Rule 9 of these Rules on Assistant Executive Engineer and Deputy Executive Engineer (Irrigation).](21)The Chief Engineer (Electricity) may impose on-(a)Assistant Engineers, Store Superintendents, Chief Accountants and Deputy Chief Accountants under his control, the penalties specified in clause (i) of Rule 9; and(b)the Non-Technical Personal Assistant in his office, any of the penalties specified in [clauses (i) to (vii)] [Substituted by G.O.Ms. 205, G.A.D., 5-6-1998] of Rule 9;(22)The Engineer-in-Chief (R&B) may impose on Deputy Executive Engineers (R&B), the penalties specified in clause (i) of Rule 9.(23)[(i) The Superintendent Engineer (Public Health) may impose all minor penalties and major penalty of stoppage of annual grade increments with cumulative effect on Assistant Executive Engineer and Deputy Executive Engineer (Public Health).(ii)The Engineer-in-Chief (Public Health) may impose all other major penalties specified in Rule 9 of these rules on Assistant Executive Engineer and Deputy Executive Engineer (Public Health).](24)(i)The Chief Engineer (General and Panchayati Raj) may impose on Deputy Executive Engineers of the Panchayati Raj Engineering Service, any of the penalties specified in clauses (i) to (iv) of Rule 9;(ii)The Superintending Engineer (Panchayati Raj) may impose on Assistant Executive Engineers of the Panchayati Raj Engineering Service, any of the penalties specified in clauses (i) and (iv) of Rule 9;(25)(i)The Deputy Inspector-General of Police or an officer of corresponding rank may impose on-(a)Deputy Superintendents of Police, Assistant Commissioner of Police, Assistant Commandant, Andhra Pradesh Special Police, Deputy Superintendents, Police Communications and Technical Assistant to Police Transport Officer, any of the penalties specified in clauses (i) to (iv) of Rule 9; and(b)Inspector of Police, Reserve Inspector, Armed Reserve, Reserve Inspector, Andhra Pradesh Special Police, Inspector of Police, Shorthand Bureau, Inspector of Police, Communications, Inspector of Police, Transport Organisation, Inspector of Women Police, any of the penalties specified in Rule 9;(ii)The Superintendent of Police, or an officer of corresponding rank may also impose on Inspector of Police, Reserve Inspector of Armed Reserve, Reserve

Inspector of Police, Andhra Pradesh Special Police, Inspector of Police, Shorthand Bureau, Inspector of Police, Communications, Inspector of Police Transport Organisation, Inspector of Women Police, any of the penalties specified in clauses (i) to (iv) of Rule 9.(26)The General Manager, District Industries Centre or an officer not lower in rank than a Joint Director of Industries, who is the Head of the District Industries Centre may impose on a member of service holding a post included in category III of the Andhra Pradesh Industries Service, the penalties specified in clauses (i) and (iv) of Rule 9.(26)[(a) The Principal Chief Conservator of Forests may impose on Assistant Conservator of Forest any of the penalties specified in clause (i), (ii) and (iv) of Rule 9.] [Added by G.O. Ms. No. 496, G.A.D., dated 29-11-1996](b)[ The Commissioner of Industries may impose on Officers of the Industries Department upto and including the Officers of the rank of Joint Directors of Industries, any of the penalties specified in clause (i) to (v) of Rule 9] [Added by G.O.Ms. No. 247, G.A.D., dated 16-6-1997].(c)[ The Controller, Legal Metrology may impose on the Assistant Controllers, Legal Metrology any of the penalties specified in clauses (i) to (v) of Rule 9.] [Added by G.O.Ms.No. 179, G.A. (Ser.C), dated 19-5-1998](d)[ The Commissioner and Director, Handlooms & Textiles may impose on the Deputy Director (Handlooms & Textiles) the penalties specified in clauses (i) and (iv) of Rule 9.] [G.O.Ms.No. 359, G.A. (Ser.C), dated 7-9-1998](27)Without prejudice to the foregoing provisions -(i)every Head of Department may impose on a member of the State Services under his control, the penalty specified in clause (iii) of Rule 9, except in the case of such member holding a post immediately below his rank; and(ii)[ every Head of Department declared to be the appointing authority may impose on a member of the State Service holding a post at first level or at second level under his control, any of the penalties specified in clauses (i) to (viii) of Rule 9.] [Substituted by G.O. Ms. No. 428, G.A.D., Di 13-10-1999](iii)[ the Special Chief Secretary and Chief Commissioner of Land Administration may impose any of the penalties specified in clause (ix) and (x) of Rule 9 on Mandal Revenue Officers.] [Added by G.O. Ms. No. 231, G.A.D., dated 7-06-2005]Executive Instruction

## **1. Empowering the District Collectors for initiating disciplinary proceedings against the District Officials**

[G.O.Ms.No. 77, General Administrator (Ser.-C) Department , dated 27-2-1996]Order: - The need for effective coordination of administration of District level and for smooth implementation of various Programmes/Schemes is keenly felt. The District Collectors were stating that in many cases, the District Officers were not keeping the Collectors informed when going on leave. The Collectors were also mentioning that some minimum powers of taking disciplinary action should be given to the Collectors so that the Collectors would be able to exercise effective control over the District Officers. Their submission was that even if they initiate action and if it is followed up by the Head of the Department, it would still serve the desired objective.

**2. The District Collector is empowered to impose on Tahsildars now called the Mandal Revenue Officers the penalties of censure, withholding of increment for a period of three months without cumulative effect. According to the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, the District Collector is not empowered with any disciplinary powers on any**

**other Departmental Official. The District Collector is the modal authority at the District level to coordinate, monitor and supervise the activities of the different departments to ensure smooth and effective implementation of the Government policies. To achieve the desired objective, it is considered necessary to empower the District Collector with disciplinary powers on the Government Officials irrespective of the Department to which they belong whenever there is serious lapse on their part.**

**3. Under the A.P. Civil Services (Classification Control and Appeal) Rules, 1991, "disciplinary authority" means the authority competent under the rules to impose on a Government Servant any of the penalties specified in Rule 9 or Rule 10. While usually the appointing authority is the disciplinary authority, Rule 11 of the A.P. Civil Services (CCA) Rules, 1991, specified the various disciplinary authorities to inflict specified penalties in respect of the State Services. According to sub-rule (27) thereunder :**

(i) every Head of Department may impose on a member of the State Service under his control, the penalty specified in clause (iii) of rule 9, except in the case of such member holding a post immediately below his rank; and (ii) every Head of Department declared to be the appointing authority may impose on a member of the State Service holding an initial Gazetted post under his control any of the penalties specified in clause (i) to (vii) of Rule 9.

**4. According to Rule 12, notwithstanding anything in Rule 11, the Government may impose any of the penalties specified on the members of the State Services. By virtue of this provision, the State Government may inflict any penalty on a member of either a State or Sub-ordinate Service, irrespective of the fact whether it is the appointing authority or not.**

**5. According to Rule 19(1) of the A.P. Civil Services (CCA) Rules, 1991, the Government or any other authority empowered by it by general or special order may institute disciplinary proceedings against any Government servant.**

**6. Government, therefore, hereby authorise the District Collectors to initiate disciplinary action against erring District Officials by issuing Show Cause Notice and obtain their explanations. Thereafter, basing on the merits of the Explanation, the District Collectors should send the material to the concerned Head of the Department or Government for taking further**

**necessary action. The District Collectors are advised to resort to the aforesaid process sparingly and in exceptional circumstances only.**

## **2. Delegation of Disciplinary powers to Regional Officers and Heads of Departments - Reg.**

(Memo. No. 32665/Ser.C/99-2, G.A. (Ser.C) Department , dated 27-10-1999)Ref :- G.O. Ms. No. 428, G.A. (Ser.C) Department , dated 13-10-1999.Order: - In the order cited, amendments have been issued to Rule 11 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, empowering the Heads of Departments to impose penalties specified in clauses (i) to (viii) of Rule 9 on first and second level officers in the State Service. Rule 13 was also amended to confer disciplinary powers on Regional authority, whenever it exists, to place under suspension the officer holding the post of first level category in State service and where no such authority exists, the Head of the Department is empowered to place under suspension the first and second level officers in the State Service.

**2. The Departments of Secretariat, Heads of Departments and District Collectors are requested to take expeditious action to identify and designate the authorities in the respective service and departments the disciplinary authorities in accordance with the order cited and issue executive orders immediately. In processing the issue, they are requested to keep in view the authorities designated as per the Andhra Pradesh Public Employment (Organisation of Local Cadres and Regulation of Direct Recruitment) Order 1975 (Presidential Order) issued by the General Administrator (SPF.A) Department. The orders issued by the Departments of Secretariat shall be furnished to the General Administrator (Ser.C) Department to take action for issue of amendments to the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.**

## **12. Government's power to impose penalties on members of State Services:**

- Notwithstanding anything in Rule 11, the Government may impose any of the penalties specified in Rule 9 on members of the State Services.

## **13. Authorities competent to suspend members of State Services:**

- The authority which may place under suspension under Rule 8 on members of the State Services mentioned in column (1) of the table below shall be the authority mentioned in column (2) thereof:  
:TABLE



## Class of members of the State Service

### 1. Members of the State Judicial Service.

2. Mandal Revenue Officer (Tahsildars) (including Mandal Revenue Officers, Civil Supplies), Assistant Civil Supply Officers (Civil Supplies), Assistant Excise Superintendents (including Chemical Examiner) and Deputy Commercial Tax Officers.

2A. [Mandal Parishad Development Officers, Divisional Panchayat Officers, Extension Officers (Panchayats), Extension Officers (Rural Development), Executive Officers (Gram Panchayats)] [Added by G.O. Ms. No. 382, G.A.D., dated 15-09-2001]

### 3. Section Officer in the Departments of Secretariat and Governor's Secretariat.

[3(A) Private Secretaries to Secretaries to Government in the Departments of Secretariat and Governor's Secretariat.] [Inserted by G.O. Ms. No. 199, G.A.D., 16-5-1997]

4. [(i) Assistant Executive Engineers (Irrigation) (ii) Deputy Executive Engineer (Irrigation)] [Substituted by G.O. Ms. No. 353 G.A. (Ser.C) Department, dated 18-11-2003]

### 5. Asst. Research Officers in the Engineering Research Department.

6. (i) Deputy Executive Engineers, Roads and Buildings Department. (ii) Non Technical Personal Asst. to the Chief Engineer (Roads & Buildings)

7. [(i) Assistant Executive Engineers (Public Health) (ii) Deputy Executive Engineer (Public Health)] [Substituted by G.O. Ms.

Authority which may place under suspension under Rule 8

High Court of Judicature of Andhra Pradesh at Hyderabad.

Commissioners concerned. [The District Collectors are empowered to place to Mandal Revenue Officers (Tahsildar Cadre) under suspension for a period of three months and to obtain the approval of the Commissioner of Land Revenue, if the suspension period has to be extended beyond the period of three months] [Added by G.O. Ms. No. 533, G.A.D., dated 6-12-1997, w.e.f. 1-11-1997].

Collector and District Magistrate

Chief Secretary to Government Principal Secretary to Government, Second Secretary to Government, Special Secretary to Government or the Secretary to Governor, as the case may be.

Chief Secretary to Government, Principal Secretary to Government, Second Secretary to Government, Secy. to Gov., Special Secy to Government. or the Secretary to Governor, as the case may be.

Executive Engineer (Irrigation) Superintendent Engineer, (Irrigation)]

Chief Engineer in charge Engineering Research Department.

(i) Engineer in Chief (R&B). (ii) Chief Engineer concerned to whom the Non-Technical Personal Assistant is attached.

Executive Engineer (Public Health) Superintendent Engineer (Public Health)

No. 353 G.A. (Ser.C) Department , dated 18-11-2003]

8. Deputy Executive Engineer of Panchayat Raj Engineering Department-Non-Technical Personal Assts. to the Chief Engineer(Gent. & P.R.)

9. Civil Assistant Surgeons and Health Officers.

10. Statistical Officers and Medical Officers (Maternity and Child Health), Grade-II.

11. Lay Secretary and Treasurers in Government Medical Institutions.

12. Members in Class IV of the Andhra Pradesh Animal Husbandry Service.

13. [] [Omitted by G.O.Ms. No. 246, G.A.D., Dated 13-6-1997]

14. Inspector or Inspectress of Factories, Inspector of Boilers, District Inspector of Labour, Inspector of Evaluation and Implementation and Administrative Officers (Subsidised Housing Scheme).

15. Inspectors of Police, Reserve Inspectors, Armed Reserve, Reserve Inspectors of Andhra Pradesh Special Police, Inspectors of Police, Shorthand Bureau, Inspectors of Police, Communications, Inspectors of Police, Transport Organisation, Inspectors of Women Police.

16. Deputy Director working in the Department of Printing and in its various wings.

[16(a) Assistant Conservator of Forest working in the Forest Department.] [Substituted by G.O. Ms. No. 428, G.A.D., dated 13-10-1999]

17. [ (a) Other members of State Services holding initial Gazetted post.(b) Other members of State Services holding second level Gazetted post.] [Substituted by G.O. Ms. No. 428, G.A.D., dated 13-10-1999]

Chief Engineer ( General & P.R.)

Director of Medical Education or Inspector-General of Prisons if the misconduct relates to professional duties of Jail discipline.

Director of Medical Education

Director of Medical Education or Director of Indian Medicine and Homeopathy as the case may be.

Director of Animal Husbandry.

Commissioner of Labour.

Deputy Inspector-General of Police, Commissioner of Police or Officer of corresponding rank concerned.

Director of Printing, Stationery and Stores Purchase, Hyd.

[Principal Chief Conservator of Forests.]

[Substituted by G.O. Ms. No. 428, G.A.D., dated 13-10-1999] (Added by G.O. Ms. No. 496, G.A.D., dated 29-11-1996)

Regional authority or where no regional authority exists, the Head of the Department. Heads of Departments concerned.

## **14. Disciplinary Authorities and Authorities competent to suspend, in respect of Subordinate Services:**

(1)(a)(i)The authority which may place a member of a Subordinate Service under suspension under Rule 8 or impose on such member the penalties specified in clause (i) of Rule 10 and clauses (i) and (iv) of Rule 9 shall be his immediate superior gazetted officer or where the appointing authority for such member is a non-gazetted officer, such officer, or any authority to which he is subordinate;(ii)[The Executive Engineer (Irrigation) may place the Assistant Engineer (Irrigation) under suspension. [Added by G.O. Ms. No. 353 G.A (Ser.C) Department , dated 18-11-2003](iii)The Executive Engineer (Public Health) may place the Assistant Engineer (Public Health) under suspension.](b)(i)The authority which may impose, on a member of a Subordinate Service, the penalty specified in clause (iii) of Rule 9 shall be the officer next above the immediate superior gazetted officer :Provided that the appointing authority or any authority to which it is subordinate may also impose the aforesaid penalty;Provided further that the Assistant Excise Superintendent, Tahsildar, Deputy Commercial Tax Officer, Personal Assistant to the Superintendent of Police and Deputy Superintendent of Police, except to the extent provided in the first proviso to sub-rule (2), shall not exercise the powers vested in a gazetted officer under this sub-rule; but such powers shall be exercised by Superintendent of Excise, Revenue Divisional Officer, Commercial Tax Officer, Superintendent of Police or Additional Superintendent of Police, as the case may be;Provided also that in the case of the members belonging to the categories of officers specified in Appendix II to these rules, the authority which may impose any of the penalties specified in clauses (i), (ii) and (iv) of Rule 9 or place under suspension under Rule 8 shall be as specified thereof against each such category.(ii)[The Executive Engineer (Irrigation) may impose minor penalties on Assistant Engineer (Irrigation), and [Added by G.O. Ms. No. 353 G.A (Ser.C) Department , dated 18-11-2003](iii)The Executive Engineer (Public Health) may impose minor penalties on Assistant Engineer (Public Health)].(2)(i)The authority which may impose on a member of a Subordinate Service, the penalties specified in [clauses (ii) and (v) to (x)] [Substituted by G.O.Ms. 205, G.A.D., 5-6-1998] of Rule 9 shall be the appointing authority or any authority to which it is subordinate :Provided that in case of the members of the Services specified in Appendix III to these rules, the authority which may impose any of the penalties specified in Rule 9 and clause (i) of Rule 10, shall be as specified thereof against each;Provided further that in case of a member of the Andhra Pradesh Subordinate Service or the Andhra Pradesh Special Armed Police Service, the authority which may impose any of the penalties specified in Rule 9, shall be as specified against each of the categories in Appendix IV;Provided also that the Superintendent, Forest School, Yellandu, Forest Utilisation Officer, State Sylviculturist, Working Plan Officer or District Forest Officer concerned, as the case may be, or any authority to which it is subordinate, may impose the penalty specified in clause (ii) of Rule 10 on Government servants mentioned in sub-clause (a) thereof;Provided also that the authority specified as competent to impose the penalty of suspension under clause (v) of Rule 9 in Appendix IV, as the case may be, or any authority to which it is subordinate may impose the penalty specified in clause (ii) of Rule 10 on Government servants mentioned in sub-clause (b) thereof;Provided also that the Additional Director of Fire Service or the Regional Fire Officer concerned, as the case may be, or any authority to which it is subordinate may impose the penalty specified in clause (ii) of Rule 10 on Government servants mentioned in sub-clause (c) thereof.[Provided also that the Mandal Development Officer may impose the minor penalties and keep under suspension the Superintendent, Extension Officer

(Panchayat Raj & Rural Development), Senior Assistant, Panchayat Secretaries, Junior Assistants, Typists, Class IV employees of Mandal Parishads as specified in clause (i) to (v) of Rule 9 of these rules.] [Added by G.O. Ms. No. 53 G.A (Ser.C) Department dated 28-02-2004 w.e.f.

20-09-2003](ii)[ The Superintendent Engineer (Irrigation) may impose major penalties on Assistant Engineer (Irrigation); [Added by G.O. Ms. No. 353 G.A (Ser.C) Department , dated 18-11-2003](iii)The Superintendent Engineer (Public Health) may impose major penalties on Assistant Engineer (Public Health).]

## **15. Power of appointing authority etc., to suspend members of State and Subordinate Services:**

- Notwithstanding anything in these rules, the appointing authority or any authority to which it is subordinate including Government may also place under suspension under Rule 8, any member of a Service to whom these rules apply.

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

(1)Where, on promotion or transfer, a member of a service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another Service, State or Subordinate, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by authority competent to impose the penalty upon a member of the Service in the latter class, category, grade or service, as the case may be. This provision shall apply also to cases of transfer or promotion of a person from a post under the jurisdiction of one authority to that of another authority within the same class, category or grade:Provided that the authority which may impose any of the penalties on a member of the Andhra Pradesh Police Subordinate Service or the Andhra Pradesh Special Armed Police Service or the Deputy Superintendent of Police or Assistant Commissioner of Police in Category 2 and the Inspector of Police in Category 4 of the Andhra Pradesh Police Service in cases not involving promotion or appointment by transfer, shall be the competent authority having jurisdiction over such member at the time of commission of such act or omission, as the case may be, or any authority to which it is subordinate;Provided further that in case of a member of the Andhra Pradesh Police Subordinate Service or the Andhra Pradesh Special Armed Police Service, an Officer superior to the competent authority may, for reasons to be recorded in writing, transfer a record of enquiry in a disciplinary case, from the competent authority to any other authority holding the same rank for disposal.(2)Where a person has been reverted or reduced from a State Service to a Subordinate Service, or from one Service to another or from one class, category or grade of a Service to another class, category or grade thereof, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service, class, category or grade, as the case may be, from which he was reverted or reduced, except by an authority competent to impose the penalty upon a member of such service, class, category or grade.

## **17. Special Provision in respect of Police Officials employed in Anti-Corruption Bureau, Vigilance and Enforcement Department and Lokayukta and Upa-Lokayukta:**

- No member of the Andhra Pradesh Police Subordinate Service or an Inspector of Police employed in the Anti-Corruption Bureau, the Department of Vigilance and Enforcement, General Administration Department or under the Lokayukta and Upa-Lokayukta shall be compulsorily retired, removed or dismissed from service during the period of his employment in the Anti-Corruption Bureau, the Department of Vigilance and Enforcement, General Administration Department or under the Lokayukta and Upa-Lokayukta for a period of three years from the date on which he ceased to be employed therein, without the previous sanction of the State Government; Provided that the previous sanction of the State Government shall not be necessary for compulsory retirement, removal or dismissal of a member of the Andhra Pradesh Police Subordinate Service or an Inspector of Police employed in the Anti-Corruption Bureau, the Department of Vigilance and Enforcement, General Administration Department or under the Lokayukta and Upa-Lokayukta, for any act done by him prior to his employment therein.

## **18. Lower authority not to reopen case : Higher authority can exercise power:**

(1) Where in any case a higher authority has imposed or declined to impose a penalty under Rule 11, 12 or 14, a lower authority shall have no jurisdiction to proceed under these rules in respect of the same case. (2) Where in any case a lower authority has imposed a penalty or exonerated a member of a service, it shall not debar a higher authority from exercising his powers under these rules in respect of the same case. The order of such higher authority shall supersede any order passed by a lower authority in respect of the same case.

## **19. Authority to institute proceedings:**

(1) The Government or any other authority empowered by it by general or special order may—(a) institute disciplinary proceedings against any Government servant; (b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in Rule 9 or Rule 10. (2) A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (v) of Rule 9 or in Rule 10 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in [clauses (vi) to (x)] [Substituted by G.O.Ms. 205, G.A.D., 5-6-1998] of Rule 9 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties. Executive Instruction District Collectors authorized to call for explanations of District Officials and intimate disciplinary action under Rule 19(1) - Validity - Reg. (Memo. No. 24313/Ser.C/2000, G.A. (Ser. C) Department, dated 26-07-2001) Ref: From Director General, Anti Corruption Bureau, Hyderabad, C.No.27/RPC(C)/2000, Dated 25-04-2000. Order: - The attention of Director General, Anti Corruption Bureau is invited to the letter cited wherein the following two points were raised. Point No. 1 : The empowering of the District Collectors to institute disciplinary proceedings against

district officials perse without going into the merits of the decision, would appear to be within the power vesting in the Government in that regard under Rule 19(1) (a) of the A.P.C.S. (CC&A) Rules, 1991. But the District Collectors so empowered to institute disciplinary proceedings under Rule 19(1) (a) of the APCS Rules, 1991 will have to initiate proceedings as per the procedure laid down under Rule 22 in the case minor penalty proceedings by issuing a charge memo or under Rule 20 in the case of major penalty proceedings by issuing a charge sheet. The Rule do not provide for initiation of disciplinary action by issuing a show cause notice, obtaining explanation and sending the material to the head of the Department or Government for taking further action. Point No. 2 : The A.P.C.S (CC&A) Rules, 1991 apply to members of the Civil Services of the State i.e., holders of Civil posts in connection with the affairs of the State etc., and not to the members of the All India Services, who are governed by the All India Services (D&A) Rules, 1969 and as such, the District Collectors empowered under Rule 19 (1) (a) of the APCS (CC&A) Rules, 1991 cannot exercise power in respect of members of an All India Service like a Superintendent of Police, heading the police force of the district or an IAS or Indian Forest Service Official. Institution of proceedings against members of the All India-Services is governed by the provisions of Rule 7 of the AIS (D&A) Rules, 1969 and State Government is the authority in respect of members of an All India Service Serving in connection with the affairs of the State, as per sub-clause (1) of Clause (b) of sub-rule (1) of Rule 7 thereof. The State Government have no power to empower District Collectors, or any other authority to institute disciplinary proceedings under the said Rules. The same is the position in respect of District Officials not governed by the A.P.C.S (CC&A) Rules, 1991. (1) The above two points have been examined and the Director General, Anti Corruption Bureau is informed that the orders were issued in G. o. Ms. No, 77, General Administration (Ser.C) Department, dated 27-02-1996 empowering the District Collector to invoke Rule 19 of A.P. Civil Services (CC&A) Rules, 1991, is limited to the issue of a show cause notice against the erring District Officials to submit their explanation for the lapses if any, mentioned in the show-cause notice. A show-cause notice is not a charge memo in terms of the Rule 20 or 22 of the said rules. (2) As regards the second point the D.G., A.C.B., is informed that the District Collectors are not competent to issue show-cause notice to the District Officials belonging to the All India Services in terms of G. o. Ms. No. 77, General Administration (Ser.C) Department, dated 27-07-1996, as the A.P. Civil Services (CCA) Rules are not applicable to All India Service Officers. The District Collectors, therefore, can initiate action against the Officers other than All India Service Officers only. Part - V Procedure For Imposing Penalties

**20. [ Procedure for imposing major penalties: - (1) No order imposing any of the penalties specified in clauses (vi) to (x) of Rule 9 shall be made except after an inquiry held, as far as may be, in the manner provided in this Rule and Rule 21 or in the manner provided by the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 or the Andhra Pradesh Lokayukta and Upa-lokayukta Act, 1983, where such inquiry is held under the said Acts] [Standard Forms prescribed under this rule are given at the end of these rules].**

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government Servant, it may

itself inquiry into, or appoint under this Rule, as the case may be, authority to enquire into the truth thereof. Explanation: - Where the Disciplinary Authority itself holds the inquiry, any reference to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority. (3) [Where it is proposed to hold an inquiry against a Government Servant under this Rule and Rule 21, the Disciplinary Authority or the [x x x] [Substituted by G.O.Ms. No. 337, G.A.D., dated 22-07-2006] Controlling Authority who is not designated as Disciplinary Authority and who is subordinate to the Appointing Authority can draw up or cause to be drawn up - (i) The substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge. (ii) A statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain (a) A statement of all relevant facts including any admission or confession made by the Government Servant. (b) A list of documents by which and a list of witness by whom, the articles of charge are proposed to be sustained. (4) The Disciplinary Authority shall deliver or cause to be delivered to the Government Servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and copies of the said documents and statements of the said witnesses and shall require the Government Servant to appear before the Disciplinary Authority on such day and at such time not exceeding ten working days and submit a written statement of his defence and to state whether he desires to be heard in person. (5) (a) On the date fixed for appearance, the Government Servant shall submit the written statement of his defence. The Disciplinary Authority shall ask the government servant whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charges, the Disciplinary Authority shall record the plea, sign the record and obtain the signature of the Government Servant thereon. The disciplinary authority shall record findings of guilty in respect of those articles of charge to which the Government servant pleads guilty. Where the Government servant admits all the articles of charge, the disciplinary authority shall record its findings on each article of charge after taking such evidence as it may think fit and shall act in the manner laid down in Rule 21. (b) Where the Government Servant appears before the Disciplinary Authority and pleads not guilty to the charges or refuses or omits to plead, the Disciplinary Authority shall record the plea and obtain signature of the Government Servant thereon and may decide to hold the inquiry itself or if it considers necessary to do so appoint an Inquiring Authority for holding the inquiry into the charges and also appoint a Government Servant or a retired Government Servant or a legal practioner as Presenting Officer to present the case in support of the articles of charge and adjourn the case to a date not exceeding five days. (c) On the day so fixed, the disciplinary authority shall serve copies of the orders appointing the inquiring authority and the Presenting Officer on the Government servant and inform him that he may take the assistance of any other Government servant to present the case on his behalf, but he may not engage a retired Government servant or a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is one such, or, the disciplinary authority, having regard to the circumstances of the case, so permits. Provided that no Government servant dealing in his official capacity with the case of inquiry relating to the person charged or any officer to whom an appeal may be preferred shall be permitted by the inquiring authority to appear, on behalf of the person charged before the inquiring authority. Provided further that the Government servant may take the assistance of any other Government servant posted at any other station, if the inquiring authority having regard to the circumstances of the case and for reasons to be recorded in writing, so permits. Note (1): - The Government Servant shall not take the

assistance of any other Government Servant who has pending two disciplinary cases on hand in which he has to give assistance. Note (2): - The Government servant may also take the assistance of a retired Government servant to present the case on his behalf, subject to such conditions as may be specified by the Government from time to time by general or special order in this behalf. (d) The Disciplinary Authority shall inform the Government Servant to submit within five days a list of documents, which he requires to be discovered or produced by Government for the purpose of his defence indicating the relevance of the documents so required. (e) The Disciplinary Authority may for reasons to be recorded in writing refuse to requisition such of the documents as are, in its opinion, not relevant to the case. (f) The Disciplinary Authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents by such date as may be specified in such requisition. (g) On receipt of the requisition referred to in sub-rule (5)(f), every authority having the custody or possession of the requisitioned documents shall produce the same before the Disciplinary Authority. Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any such documents would be against the public interest or security of the State, shall submit the fact to the Head of Department or to the Secretary of the Department concerned for a decision in the matter. Such decision shall be informed to the Disciplinary Authority and where the decision is to withhold production of all or any of such documents, the Disciplinary Authority shall on being so informed communicate the information to the Government Servant and withdraw the requisition made by it for the production or discovery of such documents and where the decision is against withholding the production of all or any of such documents, every Authority having the custody or the possession or the possession of such requisition documents shall produce the same before the disciplinary authority. (6) Where the Government Servant to whom a copy of the article of charge has been delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Disciplinary Authority or otherwise fails or refuses to comply with the provisions of this rule, the Disciplinary Authority may decide to hold the inquiry ex-parte or if it considers necessary so to do, appoint an Inquiry Authority for the purpose. (7)(a) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour; (ii) a copy of the written statement of defence, if any submitted by the Government Servant; (iii) copies of the Statements of Witnesses, referred to in sub-rule (3); (iv) copies of documents referred to in sub-rule (3); (v) evidence proving the delivery of copies of the documents referred to in sub-rule (3) to the Government Servant; and (vi) a copy of the order appointing the "Presenting Officer". (b) The Disciplinary Authority shall also forward to the Inquiring Authority documents received under clause (g) of sub-rule (5) as and when they are received. (8) After receiving the documents mentioned under sub-rule (7) (a), the Inquiring Authority shall issue a notice in writing to the Presenting Officer and also to the Government Servant to appear before him on such day and at such time and place specified by him which shall not exceed ten days. (9)(a) The Presenting Officer and Government and Government Servant shall appear before the Inquiring Authority on the date fixed under sub-rule (8). (b) If the Government Servant informs the Inquiring Authority that he wishes to inspect the documents mentioned in sub-rule (3) for the purpose of preparing his defence, the Inquiring Authority shall order that he may inspect the documents within five days and the Presenting Officer shall arrange for the



inspection accordingly.(c)The Inquiring Authority shall call upon the Government Servant whether he admits the genuineness of any of the documents copies of which have been furnished to him and if he admits the genuineness of any document it may be taken as evidence without any proof by the concerned witness.(d)The Inquiring Authority shall adjourn the case for inquiry to a date not exceeding ten days for production of evidence and require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charges.(10)[(a) On the dates fixed for recording the evidence, the oral and documentary evidence by which the articles of charges are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority.(b)The evidence shall be recorded as far as possible on day-to-day basis till the evidence on behalf of the Disciplinary Authority is completed.(c)The witnesses shall be examined by or on behalf of the Presenting Officer and they may be cross examined by or on behalf of the Government Servant.(d)The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross examined, but not on any new matter without the permission of the Inquiring Authority.(e)The Inquiring Authority may also put such questions to the witnesses as it thinks fit.](11)(a)If it appears necessary before the closure of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government Servant or may itself call for new evidence or recall and re-examine any witness.(b)In such case, the Government Servant shall be entitled to have a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned.(c)The Inquiring Authority shall give the Government Servant an opportunity of inspecting such documents before they are taken on the record.Note: - New evidence shall not be permitted or called for and witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.(12)[(a) When the case for the Disciplinary Authority is closed, the Government Servant shall be required to state his defence orally or in writing as he may prefer and to submit a list of witnesses to be examined on his behalf for which purpose the case may be adjourned to a date not exceeding five days.(b)If the defence is made orally, it shall be recorded and the Government Servant shall be required to sign the record. In either case, a copy of the statement of defence and the list of defence witness may be provided to the presenting officer, if any, appointed.(c)The case shall be adjourned to a date not exceeding ten days for production of defence evidence.](13)The evidence on behalf of the Government Servant shall then be produced. The Government Servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government Servant shall then be examined and shall be liable to cross examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.(14)The Inquiring Authority may after the Government Servant closes his case and shall, if the Government Servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for purpose of enabling the Government Servant to explain any circumstances appearing in the evidence against him.(15)The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any appointed, and the Government Servant, or permit them to file written briefs of their respective cases, if they so desire.(16)(a)Where a Disciplinary Authority competent to impose any of the penalties specified in clauses (i) to (v) of Rule 9 and in Rule 10, but not competent to impose any of the penalties specified in clauses (vi) to (x) of Rule 9,

has itself inquired into or caused to be inquired into the articles of any charge and that Authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it is of the opinion that the penalties specified in clauses (vi) to (x), of Rule 9 should be imposed on the Government Servant, that Authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.(b)The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justices, recall the witnesses and examine, cross examine and re-examine the witnesses and may impose on the Government Servant such penalty as it may deem fit in accordance with these Rules.(17)Whenever an Inquiring Authority after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor, and partly recorded by itself.Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall examine, cross examine and re-examine any such witnesses as herein before provided.(18)[ (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain:(a)the articles of charge and the statement of the imputation of misconduct or misbehaviour;(b)the defence of the Government Servant in respect of each article of charge;(c)an assessment of the evidence in respect of each article of charge;(d)the findings on each article of charge and the reasons therefor.Explanation: - If in the opinion of the Inquiring Authority, the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge :Provided that the findings on such article of charge shall not be recorded unless the Government Servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.(ii)The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which; shall include:(a)the report prepared by it under clause (i);(b)the written statement of defence, if any, submitted by the Government Servant;(c)the oral and documentary evidence produced in the course of the inquiry;(d)written briefs, if any, filed by the Presenting Officer or Government Servant or both during the course of the inquiry; and(e)the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.Explanation: - It is not necessary to have an inquiry in the manner provided for in this Rule or to hear in person in the case of reduction of rank in seniority list (A and B lists) of Constables fit for promotion as Head Constables / in the Andhra Pradesh Police Subordinate Service or Andhra Pradesh [x x x] [Substituted by G.O.Ms.No. 383, G.A.D., dated 19-12-2003] Special Police.] [Substituted by G.O.Ms. No. 337, G.A.D., dated 22-07-2006]Executive Instructions

## **1. Procedure for imposing major penalties - Examination of Charged Officer by the Presenting Officer - Clarification.**

[Memo. No. 650/Ser.-C/94-3, General Administrator (Ser.-C) Department , dated 6-1-1995]Ref: - From the Director of Treasuries & Accounts Lr.No. K1/29602/94-3, dated 15-11-94.Order: - With reference to the letter cited the Director of Treasuries and Accounts is informed that the

departmental enquiry is not a dispute between two parties to be decided by a third party. It is only a proceeding instituted by the Government as employer, to satisfy itself if the employee has committed misconduct. Technicalities of Criminal Law and the proof prescribed by Evidence Act are not applicable to departmental enquiries; but the Enquiry Officer has to follow the Rules governing departmental enquiries and also the principles of natural justice. Rule 20 of the Andhra Pradesh Civil Services (C.C.A.) Rules, 1991 lays down the procedure to be followed during departmental enquiry. Sub-rules (16) to (18) of Rule 20 of Andhra Pradesh Civil Services (C.C.A.) Rules, 1991 operate after the "Presenting Officer" adduces the evidence in support of the charges framed against the delinquent officer. Rule 20 (16) lays down that after the case of the disciplinary authority is closed, the Government servant (i.e., delinquent) shall be required to state his defence orally or in writing, as he may prefer. Thereafter, (as per Rule 20 (17)) evidence on behalf of the delinquent officer should be adduced. As per rule 20 (18), if the Government servant has not examined himself, the inquiring authority may generally question the delinquent on the circumstances appearing against him in evidence, for the purpose of enabling the Government Servant to explain any circumstances appearing in the evidence against him. The object of examining the delinquent is only to give him an opportunity to explain the circumstances appearing against him in the evidence adduced against him (i.e., the delinquent). In view of the above, the points raised in the letter cited are clarified as follows :

Point Raised	Clarification
(i) Whether the charged Officer can be examined / cross examined by the presenting officer, to elicit truth in support of the Articles of Charge; when the Charged Officer does not prefer to the examination of himself as a Defence Witness and when there are no other defence witnesses in this case.	"No."
(ii) Whether the enquiry officer can examine and cross examine, if necessary the charged officer in detail in the absence of any specific provision for examination of charged officer by the Presenting Officer.	The Charged Officer cannot be examined or cross examined by the Presenting Officer or the Inquiry Officer to elicit truth in support of the articles of Charge when the charged officer does not prefer to examine himself or examine any witnesses.
(iii) Whether the Defence Assistant for one Charged Officer can examine / cross examine the other charged officers in the same case, when he prefers to do so.	Defence Assistant for one Charged Officer can examine the other Charged Officer only if the other Charged Officer volunteers to give evidence. But a charged Officer cannot be compelled to give evidence at the instance of the other Charged Officer. When one Charged Officer chooses to examine himself as a witness, the defence assistant of (or) the other Charged Officer, can cross examine, him, especially when such Charged Officer (who chooses to examine himself) were to speak anything

incriminating against the other Charged Officer.

## **2. Taking the assistance of retired Government Employees - Further Instructions - Issued.**

[Memo.No. 657/Ser. C/94-4, G.A. (Ser.-C), dated 9-3-1995] Order: - Rule 20(8)(b) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 provides that the Government Servant may also take the assistance of a retired Government Servant to present the case on his behalf, subject to such conditions as may be specified by the Government from time to time by general or special order in his behalf.

**2. In O.M.No. 11012/2-Estt. (A), dated 22-5-1992, the Department of Personnel and Training, Ministry of Home Affairs, Government of India, have stipulated certain conditions for engaging retired Government Employees by the delinquent Government Servants, to present their case in departmental disciplinary proceedings. Keeping this in view, the following conditions are stipulated in regard to taking of assistance of retired Government employees by the delinquent Government Servants to present their case in departmental proceedings in terms of Rule 20(8)(b) of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991-**

(i) The retired Government Employee concerned should have retired from service under the Government of Andhra Pradesh. (ii) If the retired Government Employee is also a legal practitioner, the restrictions on engaging a legal practitioner by a delinquent Government Servant to present the case on his behalf, contained in Rule 20(8)(b) of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 would apply. (iii) The retired Government Employees concerned should not have, in any manner, been associated with the case at investigation stage or otherwise, in his/ her official capacity. (iv) The retired Government Employee concerned should not act as Defence Assistant in more than five cases at a time. The retired Government Employee should satisfy the Inquiry Officer that he/she does not have more than five cases at hand including the case in question.

**3. The Departments of Secretariat, Heads of Departments and District Collectors are requested to bring to the notice of all concerned disciplinary authorities the above instructions and to follow them scrupulously.**

## **3. Rule 20(5)(c) - Appointment of Legal Practitioners as the 'Presenting Officers'.**

[Memo.No. 22/Ser.-C/93-3, General Administrator (Ser.-C) Department, dated 1-5-1993] Ref: - 1. G.O.Ms.No. 487, G.A. (Ser.C) Department, dated 14-9-92.

**2. U.O. Note No. 27/Ch. C01/93-1, dated 18-1-93.**

Order: - According to sub-rule 5(c) of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

**2. The Chairman, Commissionerate of Inquiries in his U.O. Note 2nd cited, while quoting a case where the disciplinary authority has appointed a Government Servant as "Presenting Officer" who is lower in rank than the Charged Officer, has stated that such difference between the Charged Officer and Presenting Officer might result in putting the Presenting Officer under pressure, which would impair the effectiveness of the Presenting Officer. He has, therefore, suggested to issue instructions to all concerned, that, whenever a disciplinary authority, under Rule 20(5)(c) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 proposed to appoint a Government Servant as Presenting Officer, such Presenting Officer should be senior to the Charged Officer and occupying a higher rank than the Charged Officer in the hierarchy.**

**3. The suggestions of the Chairman, Commissionerate of Inquiries, has been examined in consultation with Law Department and it is decided to accept the suggestion of the Chairman, Commissionerate of Inquiries. The Departments of Secretariat and Heads of Departments are therefore, informed that whenever a disciplinary authority, under Rule 20(5)(c) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, proposes to appoint a Government servant as "Presenting Officer", it should be ensured that such Presenting Officer should be senior to the Charged Officer and occupying a higher rank than the Charged Officer in the hierarchy. In the Departments where there are no higher level position/ functionaries, disciplinary authority may consider to appoint a legal practitioner as Presenting Officer, under the existing provision in Rule 20(5)(c) of the CCA Rules, 1991.**

**4. All the Departments of Secretariat and all the Heads of Departments are requested to adhere to the above instructions scrupulously and bring these instructions to the notice of their subordinates.**

#### **4. Appointment of Enquiry Officer under Sub-rule (2) of Rule 20 without following the procedure set out under Sub-rule (3) & (4) of Rule 20.**

[Cir. Memo. No. 290/Ser.C/94-2, General Administrator (Ser.-C) Department , dated 1-6-1994]Order: - The Departments of Secretariat, Heads of Departments and Collectors are aware that the A.P. Civil Services (CC & A) Rules, 1963 have been repealed by the A.P. Civil Services (CC & A) Rules, 1991 which came into effect from 1-10-1992.

**2. The new Rule 20 of the A.P. Civil Services (CC & A) Rules, 1991 corresponds to old Rule 19(2) which deals with the procedure for imposing a major penalty. The new Rule 20 of the A.P. Civil Services (CC & A) Rules, 1991, prescribes entirely a new procedure for conducting an enquiry by the disciplinary authority where it is proposed to impose a major penalty prescribed under the said Rules. Some of the salient features of the new rule are given below for immediate guidance of the disciplinary authority/enquiry authority :**

(i)For imposition of a major penalty an enquiry should be conducted either under the CCA Rules, or the Public Servant (Enquiry Act).(ii)The disciplinary authority may itself conduct the enquiry or appoint an inquiry authority to conduct the enquiry.(iii)The disciplinary authority itself can prepare or cause the preparation of the articles of charges, statement of imputations of misconduct or misbehaviour.(iv)The articles of charges, statement of imputations of misconduct and list of witnesses and documents should be served on the Government servant by the disciplinary authority or at its instance and the Government servant should be required to submit the statement of defence and to state whether he desires to be heard in person.(v)The disciplinary authority on receipt of statement of defence or where no statement of defence is received within the stipulated time, conduct the enquiry itself or appoint an inquiry authority to do so.

**3. It may be noted from the above that as per the old rules, the inquiry officer used to be in the picture right from the start of the disciplinary proceedings, whereas under the new rules he comes into picture only when the disciplinary authority, after considering the statement of defence submitted by the Government servants, decides to appoint an Inquiry Authority from conducting an inquiry.**

**4. It is brought to the notice of Government that the disciplinary authorities appointing the Inquiry Officers straight away on receipt of a complaint against a Government servant without following the procedure prescribed in Rule 20(3),(4) the new A.P. Civil Services (CC & A) Rules, 1991 in the first instance. Such a course of action evidently which is not in accordance with**

**the procedure prescribed under the new rules is liable to be set aside when questioned in a Court of Law. It is, therefore, impressed on the disciplinary authorities that they should invariably follow the procedure prescribed under Rule 20(3),(4) of the CCA Rules, 1991 before they consider the appointment of an inquiry authority. Non-compliance with the prescribed procedure will be viewed seriously.**

**5. As per the provision of the new CCA Rules articles of charges, etc., will have to be prepared or got prepared by the disciplinary authority. Needless to say that the articles of charge form the basis of enquiry. Therefore utmost care and diligence is required to be taken while drawing up the articles of charges, as any defect or deficiency in the articles of charges will ultimately lead to vitiation of the entire proceedings. The disciplinary authority/inquiry authority should see that the charges are specific without any ambiguity and are fully supported by documentary evidence.**

**6. All the Departments of Secretariat, Heads of Departments and Collectors are requested to strictly follow the above procedure prescribed in the A.P. Civil Services (CC & A) Rules, 1991. Whenever an inquiring authority is to be appointed for conducting enquiry under the said rules, they are also requested to bring these instructions to the notice of their subordinates for their guidance and compliance.**

**5. Appointment of Enquiry Officer under sub-rule (2) of Rule 20 duly following the Procedure laid down in sub-rules (3) and (4) of Rule 20 - Instructions - Reiterated.**

(Cir. Memo. No. 95941/Ser.C/97-2, G. A..(Ser.C) Department , dated 8-1-1998)Ref. : - Circular Memo. No. 290/Ser.C94-2, G.A.(Ser.C) Department , dated 1-6-1994.Order: - In the reference cited (copy enclosed) instructions were issued to the effect that the procedure laid down in sub-rules (3) and (4) shall be followed before appointing the Enquiry Officer to conduct enquiry against any Government Servant.

**2. Instances have come to notice of the Government that the procedure detailed in sub-rules (3) and (4) of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 is not being followed before appointing Enquiry Officer. In most of the cases, the Enquiry Officers are appointed even without framing and serving articles of charge**

**on the delinquent officer which do not stand for legal scrutiny. Consequently, the entire process is vitiated resulting the delinquent officer scot-free due to their retirement.**

**3. Keeping the above in view, it is reiterated that the procedure detailed in sub-rules (3) and (4) of Rule 20 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 shall be followed scrupulously before taking a decision on the appointment of Enquiry Officer and the instructions issued in the reference cited shall be followed strictly.**

**4. The Departments of Secretariat, Heads of Departments and District Collectors are requested to follow the instructions issued in the reference cited and bring the same to the notice of all concerned for strict compliance. Any deviation/ lapse in following the instructions shall be seriously and responsibility fixed on the erring authorities and suitable disciplinary action initiated.**

**6. Departmental Enquiries/ Enquiries by Commr. of Inquiries - Fixing the time limit for early completion of inquiries.**

(Cir. Memo. No. 35676/Ser.C/98-1, G.A.(Ser.C) Department , dated 1-7-1998)Ref : 1. U.O. Note. No. 1755/Ser.C/87-1, G.A.(Ser.C) Department , dated 8-11-1978.

**2. U.O. Note. No.1005/SC.E/97-3, G.A.(SC.E) Department , dated 27-9-97**

**3. Memo No. 3037/SC.E/97-1, G.A.(SC.E) Department , dated 27-4-98.**

Order: - In the reference 1st cited, instructions were issued for expeditious completion of enquiries initiated against the Delinquent Officers. It was mentioned therein that the concerned Authorities should critically review the disciplinary cases to watch the progress in order to ensure that the Delinquent Officers are awarded the penalty at the right time. It was also mentioned that any undue delay on the part of the Enquiry Officers shall be viewed seriously and whenever the delay is attributed to the Enquiry Officers, suitable action shall be initiated against them.

**2. In Rule 20 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 which deals with the procedure for conducting the enquiry, time limit was to be prescribed to call for explanation from the Delinquent Officers on the charges made against them and also to make available the documents sought for by the Delinquent Officer, in order to minimise the time for**



**completion of enquiry. In spite of all clear instructions, it is noticed that there was "Undue Delay" in finalising enquiries, thereby the Delinquent Officers are not awarded the penalty at appropriate time. This led to inefficiency and also a sense of callousness is developed in administration. It was keenly felt that there is need to fix the time in normal cases and complicated cases, so as to ensure that the enquiries are completed in time.**

**3. In the references 2nd & 3rd cited, comprehensive guidelines were issued on the nature of cases to be referred to Commissionerate of Inquiries.**

**4. The delay in completion of inquiries is mainly attributed for non-presence of witnesses and also the relevant documents required to conduct enquiry. In this context, it is brought to the notice of all concerned that the A. P. Departmental Inquiries (Enforcement of Attendance, Witness and Production of Documents) Act, 1993, empowers the Enquiry Officers to summon any individual to depose before Enquiry Officer and also for production of documents. The Secretaries of Departments concerned and also the Chairman of Commissionerate of Inquiries were designated to authorise the Inquiring Authority to summon the witnesses and also production of documents as per Section 4 of the said Act.**

**5. It has been decided that in simple cases the enquiry initiated shall be completed within 3 months either by Departmental Officers or Commissioner of Inquiries. In complicated cases, it shall be ensured that the enquiry should be completed within 5 to 6 months.**

**6. The Secretaries to Government shall review the progress of the enquiries ordered in all disciplinary cases and submit a note on the cases pending beyond the stipulated time indicated in para 5 above, to Chief Secretary to Government and also the Chief Minister. The object is to ensure timely action in all disciplinary cases and also adhere to the time limit prescribed.**

**7. Promotion/Appointment to Higher Posts of Officers who are involved in Enquires - Further Orders.**

(G.O. Ms. No. 968, G.A.(Ser.C) Department , dated 26-10-1998)Ref : - 1. G.O. Ms. No. 187, G.A.(Ser.B) Department , dated 25-4-1985.

## **2. G.O. Ms. No. 335, G.A.(Ser.C) Department , dated 14-6-1993.**

Order: - In para II of the G.O. first read above, orders were issued that an individual who is undergoing punishment should not be recommended for promotion. In cases, where the period of punishment imposed is already over, each case has to be evaluated by the Departmental Promotion Committee on merits. In the G.O. second read above, orders were issued to the effect that the penalty of stoppage of increments with cumulative effect amounts to a major penalty under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and the elaborate procedure prescribed under Rule 20 of the said rules is to be followed.

**2. A question arose whether the punishment of stoppage of increment with cumulative effect constitutes a permanent bar for promotion and also whether it is with or without cumulative effect, the punishment should be deemed to be subsisting to the extent of the number of annual grade increments stopped. There is a suggestion that if it is a case of stoppage of increments with cumulative effect, the punishment should be deemed to run for twice the period for which the increment is stopped for. For example, if the punishment is the stoppage of two increments with cumulative effect, the Officer should be denied of his promotion/appointment by transfer for four years.**

**3. After careful consideration, it has been decided that since the fact that the stoppage of increment with cumulative effect is a major penalty under the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991, the Government direct that whenever any Government servant is punished with the stoppage of increment with cumulative effect, the cases of such Officers shall not be considered for promotion/appointment by transfer for twice the number of years for which the increment(s) is/are stopped with cumulative effect.**

## **8. Procedure to be followed on receipt of the Enquiry Report.**

(U.O. Note No. 1107/Ser. C/99, Gent. Administrator (Ser.C) Department , dated 01-03-1999)Order: - Rule 21 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 lays down the procedure, on further action to be taken on receipt of the report of the Enquiry Officer. The Disciplinary authorities shall take an independent view based on the findings in the Enquiry Report with reference to the record after due consultation with Andhra Pradesh Vigilance Commission/Andhra Pradesh Public Service Commission wherever such consultation is necessary.

**2. It has been brought to the notice of the Government that certain Departments of Secretariat are obtaining the remarks of the Heads of Departments on the report of the Enquiry Officer which is not contemplated in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. This practice is also delaying the issue of final order on the disciplinary case. As per rules, the Departments as a Disciplinary Authority have to examine the findings of the Enquiry Officer independently and come to its own conclusion.**

**3. It is also brought to the notice that some Departments are referring the report of Enquiry Officer to the Director General, Anti-Corruption Bureau for remarks which is also not provided for in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and therefore such action is not in order.**

**4. All the Departments of Secretariat are requested to ensure that in all disciplinary cases, final decision on the enquiry report shall be taken by the concerned Disciplinary Authority alone and in consultation with the Andhra Pradesh Vigilance Commission/Andhra Pradesh Public Service Commission, wherever it is necessary as per rules and they shall not seek the views/remarks of the Heads of Departments on the reports of Enquiry Officer. However, after issue of final orders on enquiry report, such order shall be communicated to the Delinquent Officers through the Heads of Departments under intimation to the Director General, Anti-Corruption Bureau, Hyderabad.**

**9. Departmental Inquiries pending consideration of his appeal - Time Schedule to expedite the Inquiries - Orders - Issued.**

(Memo. No. 23537/Ser.C/99-5, G. A. (Ser.C) D, dated 28-7-1999)Ref :- Cir. Memo. No. 35676/Ser.C/98, G. A. (Ser.C) D., dated 1-7-1998.Order: - In the reference cited, orders were issued, fixing a time limit for completion of departmental enquiries in all simple cases within a period of three months and in complicated cases within a period of five to six months.

**2. In all departmental enquiries ordered, it has been decided by the Government that under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the following time limit shall be followed:**

Fixing date of hearing, inspection of listed documents, submission of	Within four weeks
(a) list of defence documents and nomination of a Defence Assistant (if not already nominated).	from the date of appointment of the Enquiry Officer.
Inspection of documents or submission of list of	
defence witnesses/defence documents or examination of relevancy	
(b) of documents or witnesses, procuring the additional document	Three (3) months.
and submission of certificates, confirming inspection of	
additional documents by Accused Officer or Defence Assistant.	
(c) Issue of summons to witnesses, fixing the date of regular hearing and	Three (3) months.
arrangement for participation of witnesses in the regular hearing	
(d) Regular hearing on day to day basis	Three (3) months.
(e) Submission of written briefs by Presenting Officer	Fifteen (15) days
(f) Submission of written briefs by Accused Officer/Defence Assistant to	Fifteen (15) days
Inquiry Officer.	
(g) Submission of Inquiry Report by the Inquiry Officer.	Thirty (30) days.

**3. In all Departmental Enquiries the general norm of six months should be adhered to except in rare cases where number of witnesses go upto 30 or 40 in which case the time limit can be longer.**

**4. It is noticed that one of the causes for delay in departmental enquiries is due to non-production of documents cited by the Charged Officer as defence document during the course of enquiry. In order to ensure that the departmental enquiries are completed in time, the document asked for by the Charged Officer should be produced by its custodian through Presenting Officer within a time limit fixed by Inquiry Officer failing which adverse note would be taken against the concerned Officer (custodian of the documents).**

**5. The other cause for the delay in completing departmental enquiries within time limit is taking unreasonable time by the Disciplinary Authorities or Appellate Authority in disposing the representation of the Charged Officer alleging bias against the Inquiry Officer. The Disciplinary Authorities or Appellate authority should therefore, decide the representation of the Charged Officer within fifteen days after receipt of the representation of the Charged Officer failing which an adverse view will be taken against the concerned authority.**

**6. Government reiterated that the Secretaries or Principal Secretaries to Government shall review the progress of the enquiries ordered in all disciplinary cases and submit a note on the cases pending beyond the stipulated time to the Chief Secretary to Government and also to the Chief Minister.**

## **10. Disciplinary Cases against Government employees - Procedural aspects - Check list.**

(Circular Memo. No. 20922/Ser.C/99, G.A.(Ser-C) Department , dated 28-09-1999)Order: - Instructions have been issued from time to time on various procedural aspects in dealing with disciplinary cases against Government employees. For better understanding, clarifications/instructions are issued on step by step procedure to be followed from the stage of initiation of disciplinary proceedings till its conclusion. Instances have come to notice that there are procedural infirmities in dealing with the disciplinary cases, resulting in legal angles. It is keenly felt to remedy the situation.

**2. A check list of the action at each stage to be verified on different parts namely - (1) Institution of Disciplinary Proceedings, (2) Processing the Enquiry Report and (3) Awarding Penalties has been evolved and communicated herewith for guidance of the Disciplinary Authorities.**

**3. The Departments of Secretariat, the Heads of Departments and the District Collectors are requested to follow the check list in dealing with disciplinary cases and also bring this to the notice of all other concerned authorities.**

### Check List

#### I. Institution of Disciplinary Proceedings :

(i) If it is proposed to hold a detailed enquiry against any Government Servant to whom A.P. Civil Services (C.C.A.) Rules applies, the following points shall be kept in mind:

- |   |        |
|---|--------|
| (a) Whether specific charges are framed as required in Government Memo.No.290/Ser.C/94-2, G.A.D. Dated 01-06-94.      | Yes/No |
| (b) Whether the charges are framed in the format prescribed in G.O.Ms.No.92, G.A.(Ser.C) Department , Dated 01-03-96. | Yes/No |
| (c) Whether explanation is received from the Delinquent Officer within the time stipulated                            | Yes/No |
| (d) Whether the Delinquent Officer asked for any further information/additional documents                             | Yes/No |
| (e) Whether it is decided to impose a Minor penalty.  |        |

- (f) Whether it is decided to impose a major penalty and to conduct detailed enquiry by appointing Enquiry Officer or through Commissioner of Enquiries/entrust the Disciplinary case to the Tribunal for Disciplinary Proceedings for detailed inquiry.
- (ii) Whether the appointment of the Inquiring Authority is in accordance with format IV prescribed in G.O. Ms. No. 82, G.A. (Ser. C) Department, dated 01-03-96. Yes/No
- (iii) Whether Presenting Officer is appointed as per sub-rule 5(c) of Rule 20 keeping in view the instructions in Memo. No. 22/Ser. C/93, G.A. (Ser. C) Department dated 01-05-1993 and in the format of G.O. Ms. No. 82, G.A. (Ser. C) Department dated 01-03-96. Yes/No
- (iv) In any disciplinary case where more than two members of service are involved, whether common disciplinary proceedings are instituted as per Rule 24 of A.P. Civil Services (CCA) Rules and in Form VII of G.O. Ms. No. 82, General Administrator (Ser. C) Department, Dated 01-03-1996. Yes/No
- (v) Whether the A.P. Vigilance Commission is consulted to refer any disciplinary case for enquiry to Tribunal for Disciplinary Proceedings. Yes/No
- (vi) Whether ex parte enquiry was conducted, in terms of orders issued in G.O. Ms. No. 194, GA (Ser. C) Department, dated 15.03.1990. Yes/No
- (vii) Whether the time schedule prescribed in Circular Memo. No. 35676/Ser. C/98, GA (Ser. C) Department, dated 01-07-98 and in Memo. No. 23537/Ser. C/99-5, Dated 28.07.99 is followed to complete the enquiry. Yes/No
- (viii) Whether the Departmental Proceedings could be delivered in person or leave address Yes/No
- (ix) if not, whether the same is published in the A.P. Gazette, as the case may be. Yes/No
- (x) Is the report of the Enquiry Officer as per sub-rule (23) of Rule 20. Yes/No
2. Whether the report of the Inquiry Officer contains the following :
- (i) An introductory para, indicating appointment of Inquiry Officer and the dates of hearing.
- (ii) Charges that were framed.
- (iii) Brief statement of the case of disciplinary authority in respect of the charges enquired to
- (iv) Brief statement of facts and documents admitted
- (v) Brief statement of the explanation of the Government Servant.
- (vi) Assessment of evidence in respect of each point
- (vii) Finding on each charge whether the E.O. ensured that no recommendation was made about the quantum of punishment.
3. Whether the Inquiry Officer sent the following along with the enquiry report :—
- (a) List of documents produced by the Presenting Officer
- (b) List of documents produced by the Government Servant
- (c) List of prosecution witnesses
- (d) List of defence witnesses
- (e) Deposition of witnesses in the order in which they were examined
- (f) Written statement of defence.

(g) Applications if any, filed during the course of Inquiry, and orders passed thereon, as also orders passed on oral requests made during the inquiry.

## II. Processing the Enquiry Report

- (i) Whether the further action on the enquiry report is as per Rule 21 of the CCA Rules. Yes/No
- (ii) Whether the Disciplinary Authority after going through the inquiry report agree with the findings and if any error is noticed, whether the point at which it is erred is recorded and did the Disciplinary Authority ask the same Enquiry Officer to conduct further enquiry and report as there is no provision for de novo enquiry or to conduct fresh enquiry. Yes/No
- (iii) Whether the Disciplinary Authority exercise his mind in arriving at the findings on the charges and independently arrive at the nature and quantum of punishment. Yes/No
- (iv) Whether the Andhra Pradesh Vigilance Commission is consulted as per the scheme of Vigilance Commission. Yes/No
- (v) Whether the orders in circulation are obtained in case the A.P. Vigilance Commissioner's recommendations are not agreed to.
- (vi) Whether the APPSC needs to be consulted and if so, whether it was consulted.
- (vii) Whether the final orders issued agree with the recommendation of APPSC.
- (viii) If not whether orders in circulation obtained.

## III. Awarding Penalties

- (i) Whether the instructions issued in U.O. Note. No. 28552/Ser.C/97-1, G.A.(Ser.C) Department dated 07-05-97, are kept in view while issuing orders. Yes/No
- (ii) Whether the instructions issued in U.O. Note. No. 1713/Ser.C/66-1 G.A.(Ser.C) Department Dated 01-07-1966 have been followed or not regarding punishment awarded.
- (iii) Whether the instructions vide Memo. No. 1436/Ser.C/80-2 G.A.(Ser.C) Department dated 07-02-1981 having been followed while imposing penalty of stoppage of Annual Grade increment with cumulative effect. Yes/No
- (iv) Whether the order of penalty and other papers Communicated to the Delinquent Officer as per Rule 23 Yes/No

## **11. Procedure for imposing major penalties - Inquiry into the charges by disciplinary authority by itself or appointment of Inquiring Authority.**

(Memo. No. 46733/Ser.C/99, General Administrator (Ser.E) Department, dated 22-10-1999) Order: - Clauses (a), (b) and (c) of sub-rule (5) of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 provided for enquiry into the articles of charges framed either by the Disciplinary Authority itself or by any Enquiry Officer appointed by the Disciplinary Authority. Also on receipt of the explanation from the Delinquent Officer for the charges framed against him, wherever the Disciplinary Authority proposes to conduct a detailed enquiry in cases, where in the opinion of such Disciplinary Authority, the charges, if proved, warrant imposing any penalty other than the minor penalties, it shall be necessary to appoint an Enquiry Officer instead of the Disciplinary Authority itself enquiring into such articles of charges. The Supreme Court of India in its Judgement in Manaklae Vs. Dr. Premchand Singhvi reported in (AIR 1957) SC 425 observed that the Disciplinary Authority shall have clear application of mind and

unbiased view in dealing with the disciplinary cases against Government servants.

**2. In view of these observations of the Apex Court, the Disciplinary Authority shall necessarily appoint an Enquiry Officer under the CCA Rules when the Disciplinary Authority proposes to conduct detailed enquiry in cases where in the opinion of such Disciplinary Authority, the charge if proved warrants imposing any major penalty instead of the Disciplinary Authority itself taking up the enquiry, unless such appointment of the Enquiry Officer becomes impossible in view of the non-availability of the officers in the Department. Such cases shall be very rare and generally would obtain in very small Departments.**

**12. Reports of Anti-Corruption Bureau - Dealing of - Instructions - Reiterated.**

(U.O. Note No. 1211/Spl.B/99-2, G.A.(Ser.C) Department , dated 23-02-2000)Ref : - 1. U.O. Note No. 1298/S.C.D/91-1 G.A.D. Dated: 30-08-1991.

**2. U.O. Note No. 694/S.C.D/94-1 G.A.D. Dated: 31-05-1994.**

**3. U.O. Note No. 2782/S.C.E/96-1 G.A.D. Dated: 30-06-1997.**

**4. U.O. Note No. 2518/S.C.E/96-1 G.A.D. Dated: 04-07-1997.**

**5. U.O. Note No. 3120/61-1 G.A. (Ser.C) Department Dated: 11-11-1961.**

Order: - Instructions were issued in the references 1 to 4 cited, regarding the manner in which the reports of the Anti-Corruption Bureau should be dealt with. In the reference 5th cited, instructions were issued to claim privilege in Courts in respect of official records.

**2. In spite of the above instructions, it has come to the notice of the Government that, the reports of the Anti-Corruption Bureau are furnished to the Heads of Departments, to the Accused Officer(s) and other individuals/authorities who are not entitled for copy of the reports. In view of this Government have decided to reiterate earlier instructions in the matter.**

**3. While reiterating the earlier instructions issued in the references cited, the following further instructions are issued for strict compliance : -**

(i)Part-B of the A.C.B. report should be sent only to the charge framing authority;(ii)The Accused Officer is entitled only copies of statement of witnesses received by Anti-Corruption Bureau,



provided those witnesses are proposed to be examined in the regular enquiry;(iii)The Charge Framing Authority shall not call for the remarks of Heads of Departments or any other Authority on Part-B of the A.C.B. Report except on the procedure being followed as per the instructions issued in the U.O. Note third cited.

### **13. Departmental Inquiries - Further instructions - Issued.**

(Circular Memo. No. 24637/Ser.C/2000-2, G.A.(Ser.C) Department , dated 5-9-2000)Ref : - 1.  
Circular Memo. No. 290/Ser.C/94-2, G.A.(Ser.C) Department , dated 01-06-1994.

**2. Government Memo. No. 650/Ser.C/94-3, G.A. (Ser.C) Department , dated 06-01-1995.**

**3. Cir. Memo. No. 56183/Ser.C/99, G.A. (Ser.C) Department , dated 15-10-1999.**

**4. From the Vigilance Commr., A.P. Vigilance Commission, D.O.Lr.No.194NC.A2/ 2000-1, dated 16-5-2000.**

**5. From the Vigilance Commissioner, A.P. Vigilance Commission, Lr.No.194/ VC.A2/2000-2, dated 01-08-2000.**

Order: - Rule 20 of A.P. Civil Services (CCA) Rules, 1991 deals with procedure for conducting Departmental Inquiry. Instructions were issued vide the reference first cited, highlighting the rule position to follow the procedure for initiating Departmental Inquiry. In the reference second cited various points on the course of conducting Departmental Inquiry were clarified. A check list was also communicated vide the reference third cited, on Departmental Inquiries. In the reference 4th cited the Vigilance Commissioner, A.P. Vigilance Commission has made certain observations on the "Role and Responsibility of the Inquiry Officers" as follows: Inquiring officers regard themselves to be in the same position as judges or magistrates in criminal trials. They take the view that the Presiding Officer is in the position of the "Prosecutor" in criminal trials and as the prosecutor cannot also be the judge in its own case, inquiring officers have been appointed as neutral third party Judges or Magistrates. This view is far from correct, because it is well recognised that these departmental inquiries which are conducted under the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 applicable to the State Government Servants are "domestic enquiries" in which the disciplinary authority is in the position of a Master in relation to the charged Government Servant. The Departmental inquiries also have to be held according to the principles of natural justice which are fully incorporated in the CCA rules. It is the duty of the Inquiring Authority to the charged officers to ensure that these principles of natural justice are observed. The distinguishing feature, however, is that the inquiring authority, being a creature, or a delegate of the disciplinary authority, also retains, throughout the inquiry, clear responsibilities towards the disciplinary authority. In criminal trials, the entire responsibility for producing the evidence in support of the charge is on the prosecution, and if the prosecution fails to establish the guilt of the accused, the trial Magistrate or Judge will be entirely within his rights to

give the benefit of doubt to the accused. The functions of an inquiring authority in a departmental proceeding are, however, more active. His duty, on behalf of the disciplinary authority is to find out all the true facts about the charge. A presenting officer is appointed, to assist the inquiring authority in presenting the facts in support of the Charge. Inquiring authority may summon the listed or other unlisted witnesses, if he considers that the evidence of such witnesses will materially assist in establishing the true facts. The inquiring authority in a departmental proceeding, has no responsibility whatever in the matter of prescribing a penalty on the charged officer and should not in his report go into this question at all, though he may draw attention to certain proved facts which may extenuate the guilt of the charged officer. It is not expected, therefore, of an inquiring authority to launch forth on an analysis of legal technicalities and judicial precedents. The only legal principles with which inquiring authorities are primarily concerned are the principles of natural justice which basically are that (i) the charged officer should be given a reasonable opportunity to present his case; (ii) evidence against him should be taken in his presence; (iii) he should have an opportunity to cross examine the witnesses produced in support of the charges and (iv) he should be given an opportunity to produce his own witnesses and documents. All other laws of procedure have been relaxed for departmental enquiries. Even the provisions of the Indian Evidence Act and the Criminal Procedure Code, except in so far as they refer to the general principles of natural justice already referred to, are not applicable to a departmental enquiry. The principles of natural justice are already incorporated in the CCA Rules and as long as the Inquiring Authority follows these rules, particularly all the 23 sub-rules of Rule 20, which lay down step by step, stage by stage procedure, neither the disciplinary authority who has appointed him nor the law courts are likely to find fault with the Inquiry. The Supreme Court of India, in the case of Union of India Vs. Sardar Bahadur, 1972 SLR 355 SC, has clearly held that a disciplinary proceeding is not a criminal trial and that the standard of proof required is that of preponderance of probability and not proof beyond reasonable doubt. It has been held by the Supreme Court in the case of Union of India Vs. H. C. Goel, AIR 1964 SC 364 that a High Court under Article 226 of the Constitution should not go into the question of sufficiency or adequacy of evidence in support of a particular conclusion. The emphasis in departmental inquiries is heavily on facts as the word 'inquiry' itself signifies the main thrust of the Inquiry. The Inquiring Officer must be to inquire into all the facts either in favour of or against the charged officer and the quality and excellence of his work will be judged not by his ability to deal with legal technicalities but by his ability to bring out and assess all the facts relevant to the charge and come to findings that are based on formal logic as well as practical common sense. In doing so, while he must give every opportunity to the charged officer under the principles of natural justice and CCA Rules, he must also remember his basic responsibility to the disciplinary authority. When the case for the disciplinary authority is closed, the Government Servant shall be required to State his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In a Departmental Inquiry in which the charge is to be proved on the basis of preponderance of probability and the emphasis is on true facts, the charged officer must indicate a coherent line of defence giving his version of what the true facts are. Thus, there is no obligation on the Inquiry Officer to examine any and every witness that the charged officer may suggest. Inordinate delay in conducting the inquiry and in submitting the report is the bane of administration. Hardship is caused to a public servant by delay in dealing with a complaint against him. If an inquiry is started against a public servant on the allegation of lack of integrity, he immediately comes under a cloud, and even if subsequently he is cleared of the

suspicion against him, the suspense and anguish which he suffers virtually amounts to punishment. It is only fair that all possible delay is avoided in taking the final decision even in a case where the public servant is found guilty. This overriding necessity for conducting and completing departmental inquiries within a relatively short period of time is fully recognised and laid down in the CCA Rules. If inquiries are conducted strictly according to these Rules, an average inquiry not involving too many witnesses and documents, should take between three (3) and four (4) months only. It is deplorable that those provisions of the CCA Rules are honoured more in the breach than in observance, and departmental inquiries even on petty charges are found to linger on for years.

**14. Disciplinary Cases - Government Employees convicted by a Court of Law or Special Court for S.P.E. & A.C.B. Cases - Consultation with A.P. Public Service Commission before imposing penalty - Procedure dispensed with - Further instructions - Issued.**

(U.O. Note No. 43946/Ser. C/2000-3, G.A.D., dated 12-10-2000)Ref : - 1. G.O. Ms. No. 204, G.A. (Ser. A) Department , dated 13-06-2000.

**2. From the Vigilance Commissioner, A.P. Vigilance Commission, Lr. No. 325/VC. A2/99-6, dated 28-08-2000.**

Order: - In the reference 1st cited, an amendment was issued to Regulation 17(2) of the Andhra Pradesh Public Service Commission Regulations, 1963, dispensing with the procedure of consultation with the Andhra Pradesh Public Service Commission before a major penalty is imposed on Government Employees who are convicted in a Court of Law or Special Courts for Special Police Establishment and Anti-Corruption Bureau cases.

**2. The Departments of Secretariat, Heads of Departments and District Collectors are requested to bring the above orders to the notice of all Disciplinary Authorities for prompt action to impose appropriate penalty on Government Employees who are convicted by Court of Law or Spl. Courts for Special Police Establishment and Anti-Corruption Bureau cases. In this context, the orders issued in G.O.Ms.No. 2, G.A. (Ser. C) Department , dated 04.01.1999, shall be kept in view.**

**3. The disciplinary cases wherein Government employees are convicted by Court of Law or Special Courts for Special Police Establishment and Anti-Corruption Bureau cases, pending for want of concurrence from the Andhra Pradesh Public Service Commission shall be finalised immediately. The disciplinary cases which will arise in future and wherein Government employees are convicted shall be concluded promptly soon after receipt of**

**the judgment of the Court.**

## **15. Disciplinary Cases against Government Employees - Appointment of Departmental Enquiry Officer - Instructions - Issued.**

(Circular Memo. No. 58414/Ser. C/2000-4, G.A.D., dated 07-02-2001)Ref : - 1. G.O. Ms.No. 82, General Administration (Ser. C) Department , dated 01-03-1996.

### **2. Government Circular Memo. No. 56183/Ser. C/99, dated 15-10-1999.**

### **3. Government Memo. No. 46733/Ser. C/99, dated 22-10-1999.**

Order: - In the reference 1st cited, certain formats were prescribed under the Andhra Pradesh Civil Services (C.C.A.) Rules, 1991, among others, a format for appointment of Enquiry Officer under Rule 20 of the said Rules was prescribed. In the reference 2nd cited, a check list was prescribed on submission of Inquiry Report.

**2. In the reference 3rd cited, instructions were issued, on the need for appointment of an Enquiry Officer under Rule 20 of the Andhra Pradesh Civil Services (C.C.A.) Rules, 1991 for imposing major penalty, instead of the Disciplinary Authority itself conducting inquiry into the charges. The Supreme Court of India in its judgment in Manaklae vs. Dr. Premchand Singh, A.I.R. 1957 S.C. 425 observed that the Disciplinary Authority shall have clear application of mind and unbiased view in dealing with the disciplinary cases against Government Servants. In the light of observations of the Apex Court, the Disciplinary Authority shall necessarily appoint an Enquiry Officer under the Andhra Pradesh Civil Services (C.C.A.) Rules, 1991, when the Disciplinary Authority proposes to conduct detailed enquiry in cases wherein the opinion of such Disciplinary Authority, the charge if proved warrants imposing any major penalty, instead of Disciplinary Authority itself taking up the enquiry, unless such appointment of the Enquiry Officer becomes impossible in view of the non-availability of the Officers in the Department. Such cases shall be very rare and generally would obtain in very small Departments.**

**3. Many a time clarification is being sought for on the status of the Enquiry Officer, whether the Inquiring Authority should be above the rank of Accused Officer or otherwise.**

**4. It is clarified that whenever it is decided to appoint an Inquiring Authority under Rule 20 of the Andhra Pradesh Civil Services (C.C.A.) Rules, 1991 such Inquiring Authority should be above the rank of the Accused Officer.**

**5. The Departments in Secretariat, the Heads of Departments and District Collectors are requested to follow the above instructions scrupulously.**

**16. Disciplinary cases against Government employees - Procedural aspects - Comprehensive Check list for use of the disciplinary and inquiry authorities - Communicated.**

(Cir. Memo. No. 13673/Ser.C/2002-2, G.A.(Ser-C) Department , dated 05-07-2002)Order: - Instructions have been issued from time to time on various procedural aspects in dealing with disciplinary cases against Government employees. For better understanding clarifications/instructions are issued on step by procedure to be followed from the stage of initiation of disciplinary proceedings till its conclusion. Instances have come to the notice that there are procedural infirmities in dealing with the disciplinary cases, resulting in legal tangle. Adoption of the check list by the disciplinary authorities and the enquiry officer would help them commence and conclude disciplinary proceedings strictly in accordance with the provisions of these rules and instructions, avoiding errors and illegalities likely to be challenged before the Appellate Authority or the Tribunal. It is keenly felt to remedy the situation with the above objective in view, a check-list has been designed.

**2. The Check list is divided into two parts namely, Part-I, dealing with service particulars and Part-II dealing with stages of disciplinary case has been evolved and communicated here with for guidance of the disciplinary authority and enquiry officers where major penalty proceedings have been initiated.**

**3. The Departments of Secretariat, the Heads of Departments and the District Collectors are requested to follow the Check List in dealing with disciplinary cases and also bring this to the notice of all other concerned authorities.**

Check List for Disciplinary Cases Part-I - Service Particulars

**1. Name of the Charged Officer**

**2. Status**

(A Gazetted Officer/NGO/PS Undertaking employee or other category)Service to which he belongs  
:The Rules applicable :

**3. Whether permanent or temporary or Contract employee**

**4. Post held**

(a) Designation (b) Scale of Pay with Stages, Efficiency Bar, etc. (c) Pay drawn (d) Date from which present pay is drawn (e) Date of next increment (i) in the post held substantively (ii) in the post in which officiating at present

**5. Post next below which the officer would have held but for his appointment to the present post (specify name of the post & scale of pay)**

**6. Post if any in which the service of the officer has been regularised.**

**7. Date of birth**

**8. Date of joining Government service**

**9. Due date of retirement**

**10. (a) Actual date of retirement, if retired already**

(b) Amount of monthly pension admissible. (c) Amount of monthly pension sanctioned. (d) Amount of gratuity admissible/sanctioned. (e) Whether pensionary benefits are withheld pending finalisation of disciplinary case/criminal case if so, whether Provisional Pension is sanctioned? (Required only in cases of recovery or withholding from pensionary benefits)

**11. (a) Appointing authority in respect of the post held at present or the Authority which actually appointed the person if that authority is higher.**

(b) Authority competent to impose the penalty in respect of post held now. (c) Appellate authority at present. Part-II Details Of Case A.

**1. Indicate advice of VC in the first stage through**

Major Penalty Proceedings. Minor Penalty Proceedings.  
TDPCOI Dept. I.O.

**2. Whether common or individual inquiry?**

**3. In case of common disciplinary proceedings indicate order of competent authority under Rule 24 of the CCA Rules in the format VII, of G.O.Ms.No.82, GA (Ser.C) Department , dated 01-03-1996.**

**5. Whether definite charges have been framed as per rules applicable to the officer with the statement of imputations along with enclosures viz., list of witnesses, list of documents etc., in terms of Government Memo. No. 290/Ser.C/94-C/94-2, GAD dated 1-6-1994 and G.O.Ms.No.82, GA (Ser.C), dated 1-3-96 (References of VC/ACB should not be quoted in charge memo.)**

**6. Record of delivering charge sheet to the charged officer whether available and date of service**

**7. Whether reply of the charged officer if any received. If not reasons**

**8. Whether it is decided to impose a minor penalty if so details thereon.**

**9. In case of decision to conduct major penalty proceedings the inquiry authority**

(a)Suggested by Vigilance Commission(b)Appointed by department

**10. Date of appointment of inquiry authority in terms of format-IV prescribed in G.O.Ms.No.82, GA (Ser.C) Department, dated 1-3-96 [In case of Department . I.O.. the I.O. should be an officer of higher rank to that of charged officer(s)]**

**11. Whether any presenting officer was appointed as per sub-rule 5(c) of Rule 20 keeping in view the instructions in Memo. No. 22/Ser.C/93, GA (Ser.C) Department, dated 1-5-1993 and in the format of G.O.Ms.No.82, GA (Ser.C) Department , dated 1-3-96 [Presenting Officer should be of higher rank to that of charged officer(s)]**

**12. (i) Whether the I.O. has maintained a daily order sheet indicating progress of oral inquiry?**

(ii)Whether depositions of prosecution/defence witnesses recorded?(iii)Whether statement of defence of charged officer(s) obtained.(iv)Whether copies of relevant documents supplied to charged officer?(v)Whether exhibits are marked as-(a)Prosecution(b)Defence(vi)Whether presenting officer submitted any written brief?(vii)Whether a copy of the same if any was supplied

to charged officer?(viii)Whether written brief submitted by charged officer ?

**13. Was the inquiry exparte ? If so, was it in accordance with G.O.No.194, GA (Ser-C) Department , dated 15-3-1990.**

Whether the departmental proceedings could be delivered in person or leave address?If not, whether the same is published in the A.P.Gazette/ District Gazette, as the case may be?

**14. Is the I.O's report available and as per sub-rule 23 of Rule 20.**

**15. Whether the report of the I.O. contains the following as required under sub-rule 23 of Rule 20 of CCA Rules:**

(i)An introductory para, indicating appointment of I.O. and the dates of hearing.(ii)Charges that were framed.(iii)Brief statement of the case of disciplinary authority in respect of the charges enquired into.(iv)Brief statement of facts and documents admitted.(v)Brief statement of the explanation of the Government servant.(vi)Assessment of evidence in respect of each point.(vii)Finding on each charge(the inquiry officer to ensure that recommendation is made about the quantum of punishment)

**16. Whether the inquiry officer sent the following along with the enquiry report.**

(i)List of documents produced by the presenting officer.(ii)List of documents produced by the Government servant.(iii)List of prosecution witnesses.(iv)List of defence witnesses.(v)Deposition of witnesses in the order in which they were examined.(vi)Written statement of defence.(vii)Applications if any, filed during the course of inquiry, and orders passed thereon, as also order passed on oral requests made during the inquiry.

**17. (i) Whether the further action on the inquiry report is as per rule 21 of the CCA Rules?**

(ii)(a)Whether the disciplinary authority after going through the inquiry report agrees with the findings.(b)If any error is noticed, whether the point in which it erred is recorded and did the disciplinary authority ask the same inquiry officer to conduct further inquiry? (there is no provision for denovo enquiry or to conduct fresh enquiry)(iii)Whether disciplinary authority exercised its mind in arriving at the findings on the charges and independently arrived at the nature and quantum of punishment?(iv)Whether the Andhra Pradesh Vigilance Commission in consulted as per the Scheme of Vigilance Commission ?



## **18. (i) Whether the report of the inquiry officer communicated to the charged officer?**

(ii) In case of disagreement with the findings of the Inquiry Authority whether grounds for the same communicated to the charged officer along with the Inquiry Report. (iii) Whether representation of the Charged Officer on the findings of the inquiry officer received? (iv) Parawise comments of the disciplinary authority on the representation of the charged officer, if any. (v) Whether disciplinary authority has considered the merits of the case and come to the conclusion that a formal penalty is called for. (vi) Whether the Andhra Pradesh Vigilance Commission consulted as per the scheme of the Vigilance Commission and advice tendered. (vii) Whether orders in circulation to CM obtained in case the Andhra Pradesh Vigilance Commissioner's recommendations were not agreed to. (viii) Whether Andhra Pradesh Public Service Commission not, to be consulted and if so, whether it was consulted and advice of the APPSC thereon. (ix) Whether the final orders issued agreed with the recommendation of APPSC. (x) If not whether orders in circulation obtained in consultation with Andhra Pradesh Vigilance Commission.

## **19. Awarding penalties**

(a) Whether the instructions issued in U.O. Note No. 28552/Ser.C/97-1, GA (Ser.C) Department, dated 7-5-1997, are kept in view while issuing orders. (b) Whether the instructions issued in U.O. Note 1713/Ser.C/66-1, dated 1-5-1993 have been following or not regarding punishment awarded. (c) Whether the instructions vide Memo. No. 1436/Ser.C/80-2, dated 1-5-1993 have been followed while imposing penalty and other papers communicated to the delinquent as per Rule 23. (d) Whether the order of penalty and other papers communicated to the delinquent as per Rule 23. B. Penalty Under The A.P. Revised Pension Rules, 1980 (where it is proposed to withhold or withdraw pension otherwise admissible to the officer as a result of disciplinary proceedings instituted/deemed to continue in respect of an officer who has retired from service) (a) Whether order was issued in the prescribed proforma to the effect that disciplinary proceedings should be instituted/continued under the Revised Pension Rules vide Memo. No. 17757-A/216/Pen.I/94, dated: 24-05-1994 of Fin. Pen. I Department (b) Whether the charge is within the limitation of 4 years as per Rule 9(2)(b)(ii) of R.P.Rs. (c) Whether show cause notice issued to the officer indicating precisely the quantum of cut proposed to be made in his operative. (As per note under Rule 9(2) of RPRs) (d) Reply of the officer to the aforesaid notice (e) Comments on factual or procedural points raised by the officer in his reply. (f) Whether APPSC was consulted on the penalty? C. In Case Of Disciplinary Inquiry By Tribunal For Disciplinary Proceedings: In case of T.D.P. inquiry date of furnishing of records of T.D.P. Whether orders are issued in the prescribed format in terms of U.O. Note No. 58414/Ser.C/2000-3, dated 1-5-1993 [refer topic-B for further course of action under APCS (DPT) Rules]

## **1. (a) Date of order placing the CO(s) on their defence before Tribunal for disciplinary proceedings:**

(b) Date of receipt of report from TDP.

**2. Ref. No.**

**3. Findings of the T.D.P.**

**4. Whether tribunal proved the charges and in case of exoneration whether it is stated that the C.Os are fully exonerated (if no specific recommendation is made it should be construed that the C.O(s) are not fully exonerated as per Rule 6(2) (a) of APCS (DPT) Rules.**

**5. Whether findings of the TDP are agreed to if not**

(i)Whether further inquiry by TDP is sought under Rule 6 (2)(c) of APCS(DPT) Rules(ii)Whether it is proposed to disagree with the findings of the T.D.P.

**6. Whether Vigilance Commission is consulted as per instructions issued in G.O.Ms.No.514, GA (Ser.C) Department, dated 15-10-1994, if so the advice of V.C.**

**7. Whether enquiry report of the TDP is communicating to C.O. calling for his repn. If any (within one month).**

(i)agreeing with the findings.(ii)disagreeing with findings duly communicating the points of disagreement together with a brief statement of the grounds therefor along with enquiry report.

**8. Whether any repn. of the delinquent officer received if so his contentions.**

**9. Comments of the Government on the repn, of delinquent officer.**

**10. Provisional decision of the Government on penalty to be imposed.**

**11. Advice of the Commission on the quantum of penalty to be imposed**

**12. Whether Department issued orders as advised above (If the CO is retired after the case is entrusted to TDP a show cause notice may be issued as per note to Rule 9 (2) of R.P.Rs, 1980, before imposing penalty)**

**13. If not whether orders in circulation to CM are obtained for deviation.**

#### **14. Final orders issued by the Government, with ref. no. and date.**

D. Disciplinary Action For Penalty In Pursuance Of Conviction In Court Under Rule 25(I) Of C.C.A. Rules.(Mere suspension of sentence no bar to levy of penalty under Rule 25(i) of CCA Rules)

**1. Name of the Court which convicted the accused officer(s) with C.C.  
No./date of judgement**

**2. Date of receipt of copy of judgement**

**3. Sentence**

**4. Nature of offence held proved viz., misappropriation, corruption, acceptance of illegal gratification, forgery, possession of disproportionate assets, causing wilfull loss to Government for pecuniary gain of private persons**

**5. Penalty proposed**

(Penalty of dismissal from service in terms of orders issued in U.O. Note. No. 1700/SC.D/92-4, GA (Sc.D) Department , dated 9-3-1994, proviso to Rule 9 of C.C.A. Rules and G.O.Ms.No. 2, GA (Ser.C) Department , dated 4-1-99 to be imposed originally in the above cases)

**6. If a lesser punishment is proposed, reasons therefor**

**7. Whether properties of accused officer was attached and forfeited under Crl. Law Amendment Ordinance, in the disproportionate/misappropriation etc., cases. Action taken thereon.**

**8. In case of acquittal whether competent authority has examined the judgement whether there are grounds for appeal**

**9. Whether appealed?**

**10. Whether proposed to initiate Department . action in case of acquittal on benefit of doubt/technical grounds**

**11. Provisional decision of the disciplinary authority**

**12. Whether APVC is consulted in the matter**

**13. Advice of V.O in the case**

**14. Whether orders are proposed as advised by Andhra Pradesh Vigilance Commission**

**15. If not whether orders is circulation to CM have been obtained**

**16. Final orders of the Government in the disciplinary action consequent on conviction of accused officer(s) and penalty imposed on delinquent(s)**

Note: - In case of penalty other than pension cut in pursuance of conviction Department need not consult the APPSC.

**17. Disciplinary cases against Government employees    Departmental Inquiries    Time Schedule to expedite the inquiries - Orders - Reiterated - Issued.**

(Memo. No. 51883/Ser.C/2002-2 , G.A.(Ser-D) Department , dated 19-12-2002)Ref: - 1. Circular Memo. No. 35676/Ser.C/98, G.A. (Ser.C) Department , dated 01-07-1998.

**2. Government Memo. No. 23537/Ser.C/99-5, G.A. (Ser.C) Department , dated 28-07-1999.**

**3. U.O.Note No.1992/Ser.C/2000, G.A. (Ser.C) Department , dated 27-04-2000.**

**4. From Dy.A.G.(P), 0/o. The A.G., A.P., Hyd., D.O. Lr.No.PM/I-1(12-A)2002-2003/33, Dated 12-08-2002.**

**5. From Fin. (PSC) Department , U.O. Note No.28535/C/333/PSC/01, dated 21-10-2002.**

Order: - In the reference first cited instructions were issued that in all simple cases the enquiry initiated shall be completed within three months either by Departmental Officers or Commissioner of Inquiries. In complicated cases, it shall be ensured that the enquiry should be completed within five to six months. Further it has been requested therein that the Secretaries to Government shall review the progress of the enquiries ordered in all disciplinary cases and submit a note on the cases pending beyond the stipulated time to Chief Secretary to Government and also the Chief Minister.

The object is to ensure timely action in all disciplinary cases and also to adhere to the time limit prescribed.

## 2. In the references 2nd and 3rd cited, a time schedule was prescribed to expedite the Departmental enquiries as detailed below:

- |   |  |
|---|--|
| (a) Fixing date of hearing, inspection of listed documents, submission of list of defence documents and nomination of the defence asst. (if not already nominated).   | Within two weeks from the date of appointment of the Enquiry Officer |
| (b) Inspection of documents or submission of list of defence witnesses/defence of documents or examination of relevancy of documents or witnesses, procuring the additional documents and submission certificates, confirming inspection of additional documents by accused officer or defence assistant. | Two Weeks  |
| (c) Issue of summons to witnesses, fixing the date of regular hearing and arrangements for participation of witnesses in the regular hearing.   | Two Weeks  |
| (d) Regular hearing on day to day basis.  | Two Weeks  |
| (e) Submission of written briefs by Presenting Officer and submission of written briefs by Accused Officer/Defence Asst. to Inquiry Officer.  | Two Weeks  |
| (f) Submission of Inquiry Report by the Inquiry Officer.  | Two Weeks  |

In the case of Departmental proceedings instituted against the retired Government employees, it is noticed that there is abnormal delay in completing the enquiries, thereby, the pensionary benefits could not be finalized in such cases. Keeping this a view, it is clarified that the time scheduled prescribed to complete the enquiries against Government employees, as detailed above, shall also apply to the Departmental Proceedings instituted against the retired Government employees. The procedure laid down in Rule 20 of Andhra Pradesh Civil Services (C.O & A) Rules, 1991 shall be followed in case of Departmental Proceedings against the retired Government employees as laid down in Rule 9 of Andhra Pradesh Revised Pension Rules, 1980. Accordingly, Government reiterate the instructions issued on time schedule prescribed to complete the enquiries and that the Secretaries or Principal Secretaries to Government shall review the progress of the enquiries of cases pending beyond the stipulated time to the Chief Secretary to Government and also to the Chief Minister. The Department of Secretariat, the Heads of Departments and the District Collectors are requested to follow the above instructions and also bring this to the notice of all concerned for strict compliance.

## 18. Recast of Rule 20 - Instructions for easy and quick understanding of the procedure for imposing major penalties - Regarding.

(Memo. No. 8388/Ser., C/2004, G. A. (Ser. C) Department, dated 12-03-2004) Ref : - G.O. Ms. No. 383, General Administration (Ser. C) Department, dated 19-12-2003. Order: - Rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, which prescribes the procedure of

imposing major penalties was recast in G. O. Ms. No. 383, General administration (Ser. C) Department, dated 19-12-2003, after taking into account several practical problems, brought to the notice of Government and also the earlier amendments made to Rule 20. Some of the salient features of the new Rule 20 are as follows : (a) Copies or relevant extracts of the documents are furnished to the Government servant, along with articles of charges. Additional documents are also furnished to him, as and when they are received. He is also furnished, without asking, a copy of the list of further evidence, proposed to be produced. This will facilitate speedy conduct of disciplinary proceedings. (b) Discretions and time limits to the disciplinary authorities, presenting officers, charged government servants etc. are minimized and specified. (c) Only Head of the Department or Secretary of the Department concerned will decide whether production of all or any of the documents requisitioned by the Government servant would be against the public interest or security of the State, and not by the lower level officials. (d) Government servant can admit the genuineness or otherwise of any of the documents, copies of which have been furnished to him. (e) Oral and documentary evidence shall not only be produced, but also be recorded, thereby cognizance of the evidence is taken note of and it becomes a part of the record.

**2. Old Rule, New Rule and the changes made in Rule 20 of the Andhra Pradesh Civil Service (CC&A) Rules, 1991 is shown in the Annexure for easy and quick understanding of the procedure for imposing major penalties.**

**3. The Departments of Secretariat, Heads of Departments and District Collectors are requested to follow the instructions and bring the same to the notice of all concerned.**

Annexure (To Memo. No. 8388/Ser., C/2004, G. A. (Ser. C) Department, dated 12-03-2004)

Old Rule	New Rule	Change in Rule
20.(1) No order imposing any of the penalties specified in clauses (vi) to (x) of Rule 9 shall be made except after an enquiry held, as far as may be in the manner provided in this rule and Rule 21 or in the manner provided by the Public Servants (Inquiries) Act, 1850 (Central Act 37 of 1850) or the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 or the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983, where such inquiry is held under the said Acts.	20.(1) No order imposing any of the penalties specified in clauses (vi) to (x) of Rule 9 shall be made except after an inquiry held, as far as may be, in the manner provided in this Rule and Rule 21 or in the manner provided by the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 or the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983, where such inquiry is held under the said Acts.	In old rule, Public Servants (Inquiries) Act, 1850 is quoted. In new rule, A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 are quoted, as they are quite exhaustive.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Explanation:— Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against a Government servant under this rule and Rule 21, the disciplinary authority or the cadre controlling authority who is not designated as disciplinary authority and who is subordinate to the appointing authority can draw up or cause to be drawn up—(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge; (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain: (a) a statement of all relevant acts including any admission or confession made by the Government servant; (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government Servant, it may itself inquiry into, or appoint under this Rule, as the case may be, authority to inquire into the truth thereof.

Explanation:— Where the Disciplinary Authority itself holds the inquiry, any reference to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority.

(3) Where it is proposed to hold an inquiry against a Government Servant under this Rule and Rule 21, the Disciplinary Authority or the Cadre Controlling Authority who is not designated as Disciplinary Authority and who is subordinate to the Appointing Authority can draw up or cause to be drawn up—(i) The substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge. (ii) A statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain (a) A statement of all relevant facts including any admission or confession made by the Government Servant. (b) Copies of documents by which

In old rule, Public Servants (Inquiries) Act, 1850 is quoted. In new rule, A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 are quoted, as they are quite exhaustive.

In old rule, only list of documents are furnished to the Government Servant. In new rule, copies of relevant extracts of the documents are furnished to the Government Servant, along with articles of charges, so as to facilitate speedy conduct of disciplinary proceedings.

and copies of statements  
of witnesses by whom, the  
articles of charge are proposed  
to be sustained.

Note:— Where the documents are  
voluminous, relevant extracts of the  
documents may be furnished to  
the Government Servant.

<p>(4) The disciplinary authority shall deliver or cause to be delivered by the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charges is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.</p>	<p>(4) The Disciplinary Authority shall deliver or cause to be delivered to the Government Servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and copies of the statements of witnesses by which each article of charge is proposed to be sustained and shall require the Government Servant to appear before the Disciplinary Authority on such day and at such time NOT EXCEEDING TEN WORKING DAYS and submit a written statement of his defence and to state whether he desires to be heard in person.</p>	<p>In old rule, the time limit, within which, a charged officer has to submit his written statement of defence, was left to the discretion of the Disciplinary Authority. In new rule, the Disciplinary Authority cannot give more than ten working days to the charged officer to submit a written statement in his defence.</p>
<p>(5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint under sub-rule (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the</p>	<p>(5) (a) On the date fixed for appearance, the Government Servant shall submit the written statement of his defence. He shall be questioned whether he pleads guilty to the charges or not and if he pleads guilty to all or any of the articles of charges, the Disciplinary Authority shall record the plea and obtain the signature of the Government Servant thereon.</p>	<p>In old rule, the Government Servant shall appear in person before the Inquiring Authority within fifteen working days to submit whether he pleads guilty to the charges or not and also the written statement of defence, etc. In new rule, the time limit is reduced and the Disciplinary Authority gives not exceeding ten working days for submission of written statement of defence.</p>



manner laid down in Rule 21;

(7) The Government Servant shall appear in person before the inquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time, not exceeding fifteen days, as the inquiring authority may allow.

(9) If the Government Servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the Government Servant thereon.

(10) The inquiring authority shall return a finding of guilty in respect of these articles of charge to which the Government Servant pleads guilty.

(5) (b) If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub-rule (2) an inquiring authority for the purpose; (5) (c) Where the

(5) (b) Where the Government Servant appears before the Disciplinary Authority and pleads not guilty to the charges or refuses or omits to plead, the Disciplinary Authority shall record the plea and obtain the signature of the Government Servant thereon may decide to In old rule, the Disciplinary Authority appoints an Inquiring Authority. In new rule, the Disciplinary Authority appoints a serving or retired Government Servant as Inquiring Authority. In old rule, the Inquiring Authority may give further time not

disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge. (7) The Government Servant shall appear in person before the inquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time, not exceeding fifteen days, as the inquiring authority may allow. (9) If the Government Servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the Government Servant thereon.

(5) (b) If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers

hold the inquiry itself or if it considers necessary to do so appoint a serving or retired Government Servant as Inquiring Authority for holding the inquiry into the charges and also appoint a Government Servant as Presenting Officer to present the case in support of the articles of charge and adjourn the case to a date not exceeding five days for the said purpose.

(5) (c) On the date so fixed, the Disciplinary Authority shall by an order appoint the Inquiring Authority and shall also appoint a Government Servant as Presenting Officer to

exceeding fifteen days to the Government Servant to appear in person before the Inquiring Authority to submit whether he pleads guilty to the charges or not and also the written statement of defence, etc. In New Rule, the time limit is reduced and the Inquiring Authority can give to a Government Servant a further time not exceeding five days.

In Old Rule, the Disciplinary Authority appoints a Government Servant or a Legal Practitioner to be known as Presenting Officer to present on its behalf the case in support

it necessary to do so, appoint, under present the case in support of of the articles of charge. In New  
sub-rule (2) an inquiring authority the articles of charge. Provided Rule, Disciplinary Authority  
for the purpose; that the Disciplinary Authority can appoint a  
may if it considers necessary Government Servant or a Legal  
having regard to the facts and Practitioner or a legally trained  
circumstances of the case, Government Servant as  
appoint a Legal Practitioner or Presenting Officer.  
a legally trained Government  
Servant as Presenting Officer.

(5) (c) Where the disciplinary authority itself inquires into any article of charge or appoints a inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

(8)(a) The Government Servant may take the assistance of any other Government Servant to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case so permits.

Provided further that the Government Servant may take the assistance of any other Government Servant posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

Note (1):— The Government Servant shall not take the assistance

of any other Government Servant who has pending two disciplinary cases on hand in which he has to give assistance.

Note (2):— The Government Servant shall not take the assistance of any other Government Servant who is dealing in his official capacity with the case of inquiry relating to the Government Servant charged.

(8)(a) The Government Servant may take the assistance of any other Government Servant to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case so permits :

(5)(d) The Disciplinary Authority shall serve copies of the orders appointing the Inquiring Authority and the Presenting Officer on the Government Servant and inform him that he may take the assistance of any other Government Servant to present the case on his behalf, but he may not engage a Legal Practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a Legal Practitioner or a legally trained Government Servant.

In Old Rule, no Government Servant dealing in his official capacity with the case of inquiry relating to the person charged, shall be permitted by the Inquiry Officer to appear on behalf of the person charged before the Inquiry Officer.

Provided that no member of service dealing in his official capacity with the case of inquiry relating to the person charged shall be permitted by the inquiry officer or by any officer to whom an appeal may be preferred to appear on behalf of the person charged before the inquiry officer;

Provided that no Government Servant dealing in his official capacity with the case of inquiry relating to the person charged or any Officer to whom an appeal may be preferred shall be permitted by the Inquiring Authority to appear on behalf of the person charged before the Inquiry Authority.

In New Rule, neither the Government Servant, who in his official capacity dealing with the case of inquiry relating to the person charged, nor an Officer, to whom an appeal may be preferred, shall be permitted by the Inquiry Officer to appear on behalf of the person charged before the Inquiry Officer.

Provided further that the Government Servant may take the assistance of any other Government Servant posted at any

Provided further that the Government Servant may take the assistance of any other Government Servant posted at

otherstation, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

Note (1):- The Government Servant shall not take the assistance of any other Government Servant who has pending two disciplinary cases on hand in which he has to give assistance.

Note (2):- The Government Servant shall not take the assistance of any other Government Servant who is dealing in his official capacity with the case of inquiry relating to the Government Servant charged.

(b) The Government Servant may also take the assistance of a retired Government Servant to present the case on his behalf, subject to such conditions as may be specified by the Government from time to time by general or special order in this behalf.

(11) The inquiring authority shall, if the government Servant fails to appear within the specified time or refuses or omits to lead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government Servant may, for the purpose of preparing his defence :

any otherstation, if the Inquiring Authority having regard to the circumstances of the case, and for reasons to be recorded in writing so permits.

Note (1):- The Government Servant shall not take the assistance of any other Government Servant who has pending two disciplinary cases on hand in which he has to give assistance.

Note (2):- The Government Servant shall not take the assistance of any other Government Servant who is dealing in his official capacity with the case of inquiry relating to the Government Servant charged.

The Government Servant may also take the assistance of a Retired Government Servant to present the case on his behalf, subject to such conditions as may be specified by the Government from time to time by general or special order in his behalf.

(5)(e) The Disciplinary Authority shall inform the Government Servant to submit within five days a list of documents, which here requires to be discovered or produced by Government Servant for the purpose of his defence indicating the relevance of the documents so required.

In Old Rule, the Inquiring Authority can give a time not exceeding ten days to the Government Servant, to furnish a list of documents, which here requires to be discovered or produced, for the purpose of preparing his defence. In New Rule, the time limit is reduced and the Disciplinary Authority shall inform the Government Servant to submit within five days a list documents.

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to sub-rule (3),

(ii) submit a list of witnesses to be examined on his behalf,

Note:- If the Government Servant applies orally or in writing for the supply of copies of the Statement of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

Note:- The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may

(5)(f) The Disciplinary Authority may for reasons to be recorded in writing refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

In Old Rule, the Inquiring Authority may refuse to requisition such of the documents not relevant to the case. In New Rule, instead of the inquiring Authority, it is now confined to the Disciplinary Authority to refuse to requisition such of the

be specified in such requisition : Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

documents not relevant to the case.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition :

(5)(g) The Disciplinary Authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents by such date as may be specified in such requisition.

In old rule, the Inquiring Authority can requisition for the production of the documents. In new rule, only the Disciplinary Authority on receipt of the notice can requisition for the production of the documents.

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition preferred to in sub-rule (12) every authority having the custody or possession of the requisitioned documents, shall produce the same before the inquiring authority, and the requisitioning of the documents can be done either on the instance of the member of service or by the inquiring authority suo motu:

(5)(h) On receipt of the requisition referred to in sub-rule (5)(g), every authority having the custody or possession of the requisitioned documents shall produce the same before the Disciplinary Authority.

In old rule, the custodian or any authority produces the requisitioned documents before the Inquiring Authority. In new rule, the custodian or any authority produces the requisitioned documents only before the Disciplinary Authority.

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any

In old rule, a custodian or any authority can inform the Inquiring Authority that the production of all or any of the requisitioned documents would be against the public interest of security. In new rule, a

or security of the State, shall submit the fact to the Head of Department, or to the Secretary of the Department concerned for a decision in the matter. Such decision shall be informed to the inquiring authority, and the inquiring authority shall on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

such documents would be against the public interest or security of the State, shall submit the fact to the Head of Department or to the Secretary of the Department concerned for a decision in the matter. Such decision shall be informed to the Disciplinary Authority and the Disciplinary Authority shall on being so informed, communicate the information to the Government Servant and withdraw the requisition made by it for the production or discovery of such documents.

custodian or any authority can submit that the production of all or any such requisitioned documents would be against the public interest or security of the State, to the Head of the Department or to the Secretary of the Department concerned for a decision in the matter. The Disciplinary Authority, in turn communicates the information to the Government Servant to withdraw the requisition for production or discovery of the documents.

(20) If the Government (6) servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

6. Where the Government Servant to whom a copy of the article of charge has been delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the Disciplinary Authority, the Disciplinary Authority may decide to hold the inquiry ex-parte or if it considers necessary so to do, appoint an Inquiry Authority for the purpose.

In old rule, if the Government Servant does not submit or does not appear or refuses to comply with these rules, the Inquiring Authority may hold the inquiry ex-parte. In new rule, the Disciplinary Authority may decide to hold the inquiry ex-parte or if it considers necessary so to do, appoint an Inquiring Authority for the purpose.

(6) The disciplinary authority (7) shall, where it is not the inquiring authority, forward to the inquiring authority-(i) a copy of the articles of charge and the statement of the imputation of misconduct or misbehaviour; (ii) a copy of the written statement of defence, if any submitted by the Government Servant; (iii) a copy of the statements of witnesses, if any, referred to in sub-rule

7. (a) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority-(i) a copy of the articles of charge and the statement of the imputation of misconduct or misbehaviour; (ii) a copy of the written statement of defence, if any submitted by the Government

In old rule, the Disciplinary Authority, where it is not the Inquiring Authority, was not forwarding to the Inquiring Authority copies of documents referred to in sub-rule (3). In new rule, the Disciplinary Authority shall, where it is not the Inquiry Authority, forward to the Inquiring Authority copies of documents referred to in



<p>(3).(iv)evidence proving the delivery of the documents referred to in sub-rule (3) to the Government Servant; and (v) A copy of the order appointing the "Presenting Officer".</p>	<p>Servant; (iii) Copies of the Statements of Witnesses, referred to in sub-rule (3); (iv) Copies of documents referred to in sub-rule (3); (v) Evidence proving the delivery of copies of the documents referred to in sub-rule (3) to the Government Servant; and (vi) A copy of the order appointing the "Presenting Officer".</p>	<p>sub-rule (3).</p>
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(6) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority- (i) a copy of the articles of charge and the statement of the imputation of misconduct or misbehaviour; (ii) a copy of the written statement of defence, if any submitted by the Government Servant; (iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3). (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government Servant; and (v) a copy of the order appointing the "Presenting Officer".

(7)(b) The Disciplinary Authority shall also forward to the Inquiring Authority documents received under sub-rule (5)(h) as and when they are received.

In old rule the Disciplinary Authority shall, where it is not the Inquiring Authority, was not forwarding to the Inquiring Authority, copies of further documents requisitioned. In new rule, the Disciplinary Authority shall, where it is not the inquiry authority, forward to the Inquiring Authority, not only copies of documents referred to in sub-rule (3), but also further documents received under sub-rule (5)(h), as and when they are received.

(7) The Government Servant shall appear in person before the inquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time, not exceeding fifteen days, as the inquiring authority may allow. (7) The Government Servant

(8) After receiving the documents mentioned under sub-rule (7) (a), the Inquiring Authority shall issue a notice in writing to the Presenting Officer and also to the Government Servant to appear before him on such day and at such time and place specified by him which shall not exceed ten days.

In old rule, the Inquiring Authority may require the Presenting Officer to produce the evidence, by which he proposes to prove the articles of charges and may adjourn the case to a later date not exceeding thirty days. In new rule, the time limit is reduced and the Inquiring Authority may adjourn the case to a date not exceeding ten days.

shall appear in person before the inquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time, not exceeding fifteen days, as the inquiring authority may allow.

(9) (a) The Presenting Officer and Government and Government Servant shall appear before the Inquiring Authority on the date fixed under sub-rule (8).

In old rule, the Government Servant shall appear in person before the Inquiring Authority within not exceeding thirty days.

In new rule, the time limit is reduced; and, not only the Government Servant but also the Presenting Officer shall appear before the Inquiring Authority, in not exceeding ten days.

(11) The inquiring authority shall, if the government Servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government Servant may, for the purpose of preparing his defence : (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to sub-rule (3). (ii) submit a

(9) (b) If the Government Servant informs the Inquiring Authority that he wishes to inspect the documents mentioned sub-rule (3) for the purpose of preparing his defence, the Inquiring Authority shall order that he may inspect the documents within five days and the Presenting Officer shall arrange for the inspection accordingly.

In old rule, the Inquiring Authority may allow the Government Servant to inspect within not exceeding ten days to inspect the documents for the purpose of preparing his defence. In new rule, the time limit is reduced and the Inquiring Authority shall order that the Government Servant may inspect the documents within five days; and, the Presenting Officer shall arrange for the inspection accordingly.

list of witnesses to be examined on his behalf, Note :- If the Government Servant applies orally or in writing for the supply of copies of the Statement of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority. (iii) Give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3). Note :- The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(11) The inquiring authority shall, if the government Servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government Servant may, for the purpose of preparing his defence :

(9)(c) The Inquiring Authority shall call upon the Government Servant whether he admits the genuineness of any of the documents copies of which have been furnished to him and if he admits the genuineness of any document it may be taken as evidence without any proof by the concerned witness.

In old rule, there was no provision for the Government Servant whether he admits the genuineness or not of any of the documents, copies of which have been furnished to him. In new rule, the Government Servant can say whether he admits the genuineness of any of the documents, copies of which have been furnished to him; and, if he admits, the genuineness of any document, it may be taken as evidence without any proof by the concerned witness.

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to sub-rule (3),

(ii) submit a list of witnesses to be examined on his behalf,

Note:- If the Government Servant applies orally or in writing for the supply of copies of the Statement of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

Note:- The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

<p>(11) The inquiring authority shall, if the government Servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after</p>	<p>(9)(d) The Inquiring Authority shall adjourn the case for inquiry to a date not exceeding ten days for production of evidence and require the Presenting Officer to produce the evidence by which he proposes to prove the article of charges.</p>	<p>In old rule, the Inquiring Authority may require the Presenting Officer to produce the evidence, by which he proposes to prove the articles of charges and may adjourn the case to a later date not exceeding thirty days. In new rule, the time limit is</p>
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recording an order that the Government Servant may, for the purpose of preparing his defence :

reduced and the Inquiring Authority may adjourn the case to a date not exceeding ten days.

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to sub-rule (3),

(ii) submit a list of witnesses to be examined on his behalf,

Note:- If the Government Servant applies orally or in writing for the supply of copies of the Statement of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

Note:- The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf

(10) (a) On the dates fixed for recording the evidence, the oral and documentary evidence by which the articles of charges are proposed to be

In old rule, the date was fixed for the inquiry and the oral and documentary evidence shall be produced by or on behalf of the Disciplinary

of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by

proved shall be produced by or on behalf of the Disciplinary Authority.

(10) (b) The evidence shall be recorded as far as possible on day-to-day basis till the evidence on behalf of the Disciplinary Authority is completed.

(10) (c) The witnesses shall be examined by the Presenting Officer and they may be cross examined by or on behalf of the Government Servant.

Authority. In new rule, it is clearly specified that the dates are fixed for inquiry for the purpose of recording the evidence, and the oral and documentary evidence shall be produced by or on behalf of the Disciplinary Authority.

In old rule, the oral and documentary evidence shall be produced by or on behalf of the Disciplinary Authority. In new rule, the evidence, the oral and documentary evidence, shall not only be produced, but also recorded, thereby cognizance is taken of the evidence, so that it becomes a part of the record, on day to day basis, till the evidence by or on behalf of the Disciplinary Authority is completed.

In old rule, the witnesses shall be examined by or on behalf of the Presenting Officer. In new rule, the witnesses shall be examined by the Presenting Officer only.

on behalf of the Government servant. The Presenting Officers shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officers shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officers shall be entitled to re-examine the witnesses on any

(10) (d) The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter without the permission of the Inquiring Authority.

10 (e) The Inquiring Authority may also put such question to the witnesses as it thinks fit.

In old rule, the Presenting Officer shall be entitled to re-examine the witnesses, etc., without the leave of the Inquiring Authority. In new rule, the Presenting Officer shall be entitled to re-examine the witnesses, etc., without the permission of the Inquiring Authority.

There is no change between the old rule and the new rule.

points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the closure of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government Servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government Servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government Servant to produce new evidence, if it so of the opinion that the production of such evidence is necessary in the interest of justice.

Note :- New evidence shall not be permitted or called for and witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the

(11) (a) If it appears necessary before the closure of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government Servant or may itself call for new evidence or recall and re-examine any witness.

There is no change between the old rule and the new rule.



evidence which has been produced originally.

(15) If it shall appear necessary before the closure of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government Servant or may itself call for new evidence or recall and re-examine any witness

and in such case the Government Servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government Servant to produce new evidence, if it so of the opinion that the production of such evidence is necessary in the interest of justice.

Note :- New evidence shall not be permitted or called for and witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(15) If it shall appear necessary before the closure of the case on

(11)(b) In such case, the Government Servant shall be entitled to have a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned.

In old rule, the Government Servant, is entitled to have a copy of the list of further evidence, proposed to be produced, if he demands. In the New Rule, the Government Servant, without any asking, shall be entitled to have a copy of the list of further evidence, proposed to be produced.

(11)(c) The Inquiring Authority shall give the

There is no change between the old rule and the new

behalf of the disciplinary authority, Government Servant an rule. such documents before the inquiring authority may, in its opportunity of inspecting such they are taken on the record. discretion, allow the Presenting documents before they are taken on the record. Officer to produce evidence not included in the list given to the Government Servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government Servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government Servant to produce new evidence, if it so of the opinion that the production of such evidence is necessary in the interest of justice.

Note:- New evidence shall not be permitted or called for and witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

Note:- New evidence shall not be permitted or called for and witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall

(12) (a) When the case for the Disciplinary Authority is closed, the Government Servant shall be required to state his defence orally or in writing as he may prefer and to

In old rule, when the case for the Disciplinary Authority is closed, there was no provision for the Government Servant to submit a list of witnesses to be examined on his behalf, for

<p>be recorded and the Government Servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.</p>	<p>submit a list of witnesses to be examined on his behalf for which purpose the case may be adjourned to a date not exceeding five days.</p>	<p>which purpose the case may be adjourned. In new rule, when the case for the Disciplinary Authority is closed, the Government Servant can still submit a list of witnesses to be examined on his behalf, for which purpose the case may be adjourned to a date not exceeding five days.</p>
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(16) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government Servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(12) (b) If the defence is made orally, it shall be recorded and the Government Servant shall be required to sign the record. In either case, a copy of the statement of defence and the list of defence witnesses may be provided.

In old rule, a copy of the statement of the defence is given to the Presenting Officer and not to the Government Servant. In new rule, a copy of the statement of the defence and the list of defence witnesses is provided to the Government Servant.

(16) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government Servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(12) (c) The case shall be adjourned to a date not exceeding ten days for production of defence evidence.

In old rule, there was no provision for the adjournment for production of defence evidence. In new rule, the case can be adjourned to a date not exceeding ten days for production of defence evidence.

(17) The evidence on behalf of the Government Servant shall then be produced. The Government Servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government Servant shall then be examined and shall be liable to cross-examination, re

(13) The evidence on behalf of the Government Servant shall then be produced. The Government Servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government Servant shall then be examined and shall be

There is no change between the old rule and the new rule.

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(18) The inquiring authority may, (14) The Inquiring Authority  
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Government Servant to  
explain any circumstances  
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There is no change between the  
old rule and the new rule.

(19) The inquiring authority may, (15) The Inquiring Authority  
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presenting officer, if any appointed, old rule and the new rule. of  
and the Government Servant, if the production of evidence,  
permit them to file written briefs of hear the Presenting Officer, if  
their respective cases, if they so any appointed, and the  
desire. Government Servant, or  
permit them to file written  
briefs of their respective cases,  
if they so desire.

There is no change between the  
old rule and the new rule.

(21) (a) Where a disciplinary (16) (a) Where a Disciplinary  
authority competent to impose any Authority competent to  
of the penalties specified in clauses impose any of the penalties  
(i) to (v) of Rule 9 and in Rule 10 specified in clauses (i) to (v) of  
but not competent to impose any of Rule 9 and in Rule 10, but not  
the penalties specified in [clauses competent to impose any of  
(vi) to (x)] of Rule 9, has the penalties specified in  
itself inquired into or caused to be clauses (vi) to (x) of Rule 9,  
inquired into the articles of has itself inquired into or  
any charge and that authority, caused to be inquired into the

There is no change between the  
old rule and the new rule.

having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in [clauses (vi) to (x)] of Rule 9 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

articles of any charge and that Authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it is of the opinion that the penalties specified in clauses (vi) to (x), of Rule 9 should be imposed on the Government Servant, that Authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.

(21)(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the Government servant such penalty as it may deem fit in accordance with these rules.

(16)(b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witnesses and examine, cross-examine and re-examine the witnesses and may impose on the Government Servant such penalty as it may deem fit in accordance with these Rules.

There is no change between the old rule and the new rule.

(22) Whenever an inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor, and partly recorded by itself :

(17) Whenever an Inquiring Authority after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly

There is no change between the old rule and the new rule.

	recorded by its predecessor, and partly recorded by itself :
Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses hereinbefore provided.	Provided that if the such ceding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall examine, cross-examine and re-examine any such witnesses as herein before provided.
(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-(a) the articles of charge and the statement of the imputations of misconduct or misbehaviour, (b) the defence of the Government Servant in respect of each article of charge; (c) an assessment of the evidence in respect of each article of charge; (d) the findings on each article of charge and the reasons therefor. (e) [ x x x ] [Omitted by G.O. Ms. No. 454, General Administrator (Ser.C), dated 7-11-2002].	(18)(i) After the conclusion of the inquiry, a report shall be prepared and it shall contain: (a) the articles of charge and the statement of the imputation of misconduct or misbehaviour; (b) the defence of the Government Servant in respect of each article of charge; (c) an assessment of the evidence in respect of each article of charge; (d) the findings on each article of charge and the reasons therefor.
Explanation:— If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge :	Explanation:— If in the opinion of the Inquiring Authority, the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge:
Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself	Provided that the findings on such article of charge shall not be recorded unless the Government Servant has either admitted the facts on which such article of charge is based or has had a reasonable

There is no change between the  
old rule and the new rule.

against such article of charge.

opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include-

(ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include:

(a) the report prepared by it under clause (i);

(a) the report prepared by it under clause (i);

(b) the written statement of defence, if any, submitted by the Government Servant;

(b) the written statement of defence, if any, submitted by the Government Servant;

(c) the oral and documentary evidence produced in the course of the inquiry;

(c) the oral and documentary evidence produced in the course of the inquiry;

(d) written briefs, if any, filed by the Presenting Officer or the Government Servant or both during the course of the inquiry; and

(d) written briefs, if any, filed by the Presenting Officer or the Government Servant or both during the course of the inquiry; and

(e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

(e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

Explanation:— It is not necessary to have an inquiry in the manner provided for in this rule or to hear in person in the case of reduction of rank in seniority list (A and B lists) of Constables fit for promotion as Head Constables in the Andhra Pradesh Police Subordinate Service or Andhra Pradesh Special Police Service.

Explanation:— It is not necessary to have an inquiry in the manner provided for in this Rule or to hear in person in the case of reduction of rank in seniority list (A and B lists) of Constables fit for promotion as Head Constables in the Andhra Pradesh Police Subordinate Service or Andhra Pradesh Special Armed Police Service.

## **19. Payment of honorarium to the retired Government Servants appointed as Inquiry Officer - Orders - Issued.**

(G.O. Ms. No. 229, G.A. (Ser. C) Department , dated 12-08-2004)Order: - It was brought to notice of the Government that as per Office Memorandum No. 134/4/99/AVD I, dated 29-06-2001 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, contains the rates of honorarium payable to retired Government officer. There is a need to rationalize the procedure for identification and selection of retired officers of proven integrity. The Heads of Departments may have to be authorized to handle this function and the disciplinary authorities at the Regional Level and at the District level, should be made to pick up such of the officers who have empanelled by the Heads of Departments concerned.

**2. Rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 has been amended in G.O.Ms. No. 383 G.A.(Ser.C) Department , dated 19-12-2003 and a provision has been made for the appointment of retired Government servants as Inquiry Officer.**

**3. The payment of honorarium to the retired Government servants appointed as an Inquiry officers has been examined in detail and proposed for providing lump sum remuneration of Rs. 5,000/- for every Inquiry report with an additional amount of Rs. 1,000/- for every additional charged officer where more than one charged officer is involved.**

**4. After careful consideration, it has been decided for appointment of retired Government officers as Inquiry Officer at the level of Deputy Collectors etc. to enquire into cases mainly of serious in nature in respect of Gazetted and non-gazetted officers, duly providing lump sum remuneration of Rs.5,000/- for every Inquiry report with an additional amount of Rs. 1000/- for every additional charged officer where more than one charged officer is involved.**

**5. The grant of honorarium and lumpsum remuneration to retired Government Servants appointed as Inquiry Officers as Officers as mentioned in para (4) above will be subject to the following conditions : -**

(i)The competent authority should exercise its utmost care in the matter of grant of honorarium and may do so only in absolutely deserving cases. The honorarium in such cases may normally be regulated under the financial powers delegated to the Departments and taking into account the quantum of work involved in individual disciplinary cases.(ii)The number of disciplinary cases may be restricted to 20 cases with not more than 4 cases at a time, for retired Government servants.(iii)The full amount of honorarium should be paid only when the inquiry is completed



within a period of six months. If there is a delay in completion of the inquiry which is not due to non-cooperation of the charged officer or due to stay orders, etc., the honorarium should be reduced by 50 %.(iv)Before the honorarium payment is made to Inquiry Officer all case records and inquiry report may be handed over to the Disciplinary Authority by the Inquiry Officer.

## **16. Disciplinary Cases - Violation of Andhra Pradesh Civil Services (Conduct) Rules - Initiation of disciplinary action as per Andhra Pradesh Civil Services (CCA) Rules - Orders - Issued.**

(G.O. Ms. No. 680, G.A. (Ser-C) Department , dated 1-11-2008)Order: - All Government Employees are governed by the provisions of Andhra Pradesh Civil Services (Conduct) Rules, 1964. Any violation of the said rules amounts to misconduct and for such misconduct disciplinary action shall be initiated as per the procedure laid down in Andhra Pradesh Civil Services (CCA) Rules, 1991.

**2. According to Rule 3 (1) of A.P.Civil Services (Conduct) Rules 1964, 'every Government employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety'.**

**3. It is noticed that while initiating the disciplinary action against any erring employee the above rule position is not strictly adhered to. The charges against any erring employee shall be framed by the Competent Authority duly indicating the specific misconduct. Such articles of charge should not be vague and general in nature i.e., the words like slack supervision, irregular way of processing the issues etc., The Courts of Law are taking a view that there is no clear application of mind by the Competent Authority while initiating the disciplinary action against erring employee. The Division Bench of the A.P.High Court in K. David Wilson Vs. Secretary to Government, Law Department, (2001 (5) ALT 65) held that "the charged official ought to be informed of the charges leveled against him as also the grounds upon which they are based. Charge of misconduct should not be vague. The charge-sheet must be specific and must set out all the necessary particulars and details irrespective of the fact whether the delinquent knows it or not, he must be told about the charges and it was not his duty to connect the charge sheet with his alleged understanding or knowledge of the charge. However, it is true that the charge need not be framed with the precision of a charge in criminal proceedings. But, at the same time, it must not be vague or so general as to make it impossible of being traversed. Therefore, the test is whether the charge conveys to the delinquent employee, the exact nature of the alleged misconduct in a way that would enable him to meet the charge**

**effectively. It is well established that if a vague charge is given to a delinquent, it is a fatal defect, which vitiates the entire proceedings. It is also relevant to notice that the vagueness in the charge is not excused on the plea that the employee concerned should be deemed to have known the facts correctly. It should not be left to the delinquent official to find out or imagine what the charges against him are and it is for the employer to frame specific charges with full particulars."**

**4. Thus, there is need to keep in mind the provisions contained in the Andhra Pradesh Civil Services (Conduct) Rules 1964, to check the misconduct of the Government employees to ensure that the system of administration functions smoothly.**

**5. Government direct that wherever connivance, negligence, dereliction of duty of the Government employee is noticed, the Competent Authority shall take prompt action for such misconduct in accordance with the procedure laid down in the Andhra Pradesh Civil Services (CCA) Rules, 1991.**

**6. It is the earnest endeavour of the Government to ensure clean and efficient administration at all levels.**

**7. All Departments of Secretariat, all Heads of Departments and all District Collectors are requested to take prompt necessary action as per the above order.**

**21. [ Action on the inquiry report: [Substituted by G.O. Ms. 22, G.A.D., dated 30-01-2004]**

(1)The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 20 as far as may be.(2)The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the findings of inquiring authority on any article of charge to the Government servant who shall be required to submit, if he so desires, his written representation of submission to the disciplinary authority within fifteen days, irrespective of whether the report is favorable or not to the Government servant.(3)The disciplinary authority shall consider the representation, if any, submitted by the Government servant and record its findings before proceeding further in the matter as specified in the sub-rules (4) and (5) below.(4)If the

disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 9 should be imposed on the Government servant, it shall, notwithstanding anything contained in Rule 22, make an order imposing such penalty: Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant. (5) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (vi) to (x) of Rule 9 should be imposed on the Government servant, it shall make an order imposing such penalty and it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed: Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the Government servant.] [Substituted by G.O.Ms. No. 337, G.A.D., dated 22-07-2006]

**22. [ Procedure for imposing minor penalties] [Standard prescribed forms given at the end of these rules]: - (1) Subject to the provisions of [sub-rule (4)] [Substituted by G.O.Ms. 22, G.A.D., dated 30-01-2004] of Rule 21, an order imposing on a Government Servant any of the penalties specified in clauses (i) to (v) of Rule 9 and in Rule 10 shall be made except after :**

(a) informing the Government Servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal; (b) holding an inquiry in the manner laid down in sub-rules [(3) to (18)] [Substituted by G.O.Ms. 552, G.A.D., dated 5-10-2006] of Rule 20, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary; (c) taking the representation, if any, submitted by the Government Servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration; (d) recording a finding on each imputation of misconduct or misbehaviour; and (e) consulting the Commission where such consultation is necessary. (2) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed, after considering representation, if any, made by the Government under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years [x x x] [Omitted by G.O.Ms. 205, G.A.D., 5-6-1998], an inquiry shall be held in the manner laid down in sub-rules [(3) to (18)] [Substituted by G.O.Ms. 552, G.A.D., dated 5-10-2006] of Rule 20, before making any order imposing on the Government servant any such penalty. (3) The record of the proceedings in such cases shall include : (i) a copy of the intimation to the Government servant of the proposal to take action against him; (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him; (iii) his representation, if any; (iv) the evidence produced during the inquiry, if any; (v) the advice of the Commission, if any; (vi) the findings on each imputation of misconduct or misbehaviour; and (vii) the orders on the case together with the reasons

therefor. Executive Instruction Stoppage of increments with cumulative effect Following the procedure under Rule 22(2), treating it as Major Penalty. (G.O.Ms.No. 335, G.A.D. dated 14-6-1993) Ref: - G.O.Ms.No. 487, G.A.D. (Ser. C). Department, dated 14-9-1992. Order: - In 'Kulwant Singh Gill vs. State of Punjab' (1990 (3) (SLJ-135) the Supreme Court held, "withholding of increments" of pay simpliciter without any hedge over it certainly comes within the meaning of Rule 5 (iv) of the Rules (corresponding to sub-clause (iv) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. But when penalty was imposed withholding two increments i.e., for two years with cumulative effect it would indisputably mean that the two increments earned by the employee was as cut off measure of penalty forever in his upward march of earning higher scale of pay. In other words the clock is put back to lower stage in this time scale of pay and on expiry of two years the clock starts working that stage afresh. The insidious effect of the impugned order by necessary implication, is that the appellant employee is reduced in his time-scale by two places and it is imperpetuity during the rest of tenure of his service with a direction that two years increments would not be counted in his time-scale of pay as a measure of penalty. Considering from this angle we have no hesitation to hold that the impugned order would come with the meaning of Rule 5(v) of the said rules; (corresponding to sub-clause (iv) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991; it is major penalty and imposition of the impugned penalty without enquiry is per se illegal".

**2. The Andhra Pradesh Administrative Tribunal in O.A. No. 8527/1991, dated 4-6-1991, while relying on the above judgement, of the Supreme Court, has set-aside the orders issued by the Government in G.O.Rt.No. 73, HM & FW Department, dated 11-1-1990 on the ground that Rule 9(1)(iii) of the Andhra Pradesh Civil Services (CCA) Rules, 1963 does not empower the disciplinary authority to impose penalty of withholding increments of pay with cumulative effect except after holding an inquiry and following the prescribed procedure and considered that the said order issued by the Government is without jurisdiction or authority of Law.**

**3. The A. P. Civil Services (CCA) Rules, 1991, have been issued through G.O.Ms.No. 487, dated 14-9-1992. The said rules came into force with effect from 1-10-1992. Rule 22 of the said Rules deals with the procedure for imposition of Minor penalties. Among others, according to sub-rule (2) of Rule 22, notwithstanding anything contained in Clause (b), sub-rule (1), if in a case it is proposed, after considering representation, if any made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be**

**held in the manner laid down in sub-rules (3) to (23) of Rule 20, before making any order imposing on the Government servant any such penalty.**

In other words, for imposing the penalty of withholding of increments of pay with cumulative effect for any period, the elaborate procedure prescribed under Rule 20 of the said Rules, for imposition of a major penalty, have to be followed. The penalty of stoppage of increments with cumulative effect, therefore amounts to a major penalty under the APCS (CCA) Rules, 1991, and the procedure for imposition of major penalty prescribed in these rules will have to be followed.

**4. All the Departments of Secretariat and Heads of Departments are requested to keep in view the above rule position while dealing with cases where it is proposed to impose the punishment of stoppage of increments, keeping in view the provisions of sub-rule (2) of Rule 22 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.**

### **23. Communication of orders:**

- Orders made by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or, where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission and, where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

**24. [ Common proceedings: - (1) Where two or more Government Servants of the same service or different services are concerned in any case the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceedings :**

Provided that if the authorities competent to impose the penalty of dismissal on such Government servants are different, such authorities not being the Government, an order for holding such inquiry in a common proceeding may be made by the highest of such authorities with the consent of the other authorities competent to impose the said penalty on the others.(2)Subject to the other provisions of these rules, every such order shall specify(i)the authority which may function as the disciplinary authority for the purpose of such common proceedings ;(ii)the penalties specified in Rule 9 and Rule 10 which such disciplinary authority shall be competent to impose ;(iii)whether the procedure laid down in Rule 20 and Rule 21 or Rule 22 shall be followed in the

proceedings.]Executive Instructions

## **1. Joint Enquiry - Instructions - Issued**

[U.O. Note No. 732/Ser. C/90-2, G.A.D., dated 18-12-1990]Order: - It has been brought to the notice of the Government that when employees of different departments were involved in disciplinary cases for certain lapses which were common to all of them it is possible that one of the departments may inflict a punishment on the delinquent officers, while the other Departments may let off the officers involved with a warning by taking a lenient view.

**2. In this context, the feasibility or otherwise to prescribe a yardstick/guidelines in awarding penalties uniformly on all the persons involved in a joint enquiry, has been examined.**

**3. According to clause (a) of sub-rule (5) of Rule 19 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1963 where two or more members of the same service or different services are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such members may make an order directing that disciplinary action against all of them may be taken in a common proceeding. If the authorities competent to impose the penalty of dismissal on such members are different, such authorities not being the Government order for holding such enquiry in common proceeding may be made by the highest of such authorities with the consent of the other authorities competent to impose the said penalty on others.**

**4. In view of the above rule, it is for the highest authority that orders joint enquiry to see that the penalty imposed is proportionate to the seriousness of the charges held proved, keeping in view their degree of culpability/seriousness of lapses held proved while imposing the penalty in such cases.**

**5. When two or more persons are involved in one case, the magnitude of involvement of all the delinquent officers may not be the same and the degree of culpability may also vary from person to person. As such it may not be possible to impose the same penalty uniformly on all the charged officers, irrespective of the degree of their involvement. If the same penalty is imposed on all such delinquent Officers involved on in a case, ignoring their degree of culpability and magnitude of involvement, such action is liable to**

**be questioned. As such, it is considered that it may not be legally valid to prescribe any guidelines or yard sticks for imposing penalty in such cases. In view of the above, the competent authority who orders such a joint enquiry should ensure that the members of service involved in disciplinary cases are imposed the penalties keeping in view their degree of culpability/seriousness of lapses/charges held proved.**

**6. In view of the above position and also sub-rule (5) of Rule 19 of the A.P. Civil Services (CC&A) Rules, 1963 the Disciplinary Authority should take a comprehensive view by taking into account the totality of the circumstances and the extent of involvement of such of the delinquent officers while inflicting the punishment.**

## **2. Joint Enquiries in Disciplinary cases**

[Memo.No. 510/Ser.-C/93-2, General Administrator (Ser.-C) Department , dated 18-11-1993]Ref: -  
1. U.O.Note No. 732/Ser.C/90-2, G.A. (Ser.C) Department , dated 18-12-1990.

## **2. G.O.Ms.No. 487, G.A. (Ser.C) Department , dated 14-9-1992.**

Order: - In the U.O. Note 1st cited, instructions were issued under Clause (a) of sub-rule (5) of Rule 19 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963 for holding inquiry in a common proceedings, when two or more persons are involved in one case and when employees of different Departments are involved in disciplinary cases for certain lapses which were common to all of them. The Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963 are repealed by the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 which came into force with effect from 1-10-1992 necessitating the reissue of the said instructions under the new CCA Rules.

**2. According to sub-rule (1) of Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, where two or more Government servants of the same service or different service concerned are involved in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government Servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding. Provided that if the authorities competent to impose the penalty of dismissal on such Government Servants are different, such authorities not being the Government, an order for holding such inquiry in a common proceeding may be made by the highest of such**

**authorities with the consent of the other authorities competent to impose the said penalty on the others.**

**3. In view of the above rule, the following instructions are issued :**

(i)When two or more Government Servants of the same service or different service concerned are involved in one case, the highest authority competent to impose the penalty of dismissal from service on all such Government servants may make an order for holding regular inquiry against them in a common proceedings, with the consent of the other disciplinary authorities/authority.(ii)Having regard to the findings in the inquiry report in the common proceedings, it is for the disciplinary authority concerned to issue final orders inflicting the punishment duly following the procedure.

**4. When two or more persons are involved in one case, the magnitude of involvement of all the delinquent officers may not be the same and the degree of culpability may also vary from person to person. As such it may not be possible to impose the same penalty uniformly on all the charged officers, irrespective of the degree of their involvement. As such it may not be legally valid to prescribe any guidelines or yardsticks for imposing penalty in such cases. Therefore, the competent authority who orders such a joint inquiry should ensure that the members of service involved in disciplinary cases are imposed the penalties keeping in view their degree of culpability/seriousness of lapse/charges held proved.**

**5. All the Departments of Secretariat and all Heads of Departments are requested to keep the above in view and also bring the same to the notice of all concerned for the guidance, while dealing with such cases.**

**3. Common proceedings - Further instructions issued.**

[Memo. No. 59391/Ser.C/2000-2, G.A.D. (Ser. C), dated 11-01-2001]Ref :- 1. Government Memo. No. 510/Ser. C/93-2.G.A. (Ser. C) Department , dated 18-11-1993.

**2. G.O. Ms. No. 82, G.A. (Ser. C) Department , dated 01-03-1996.**

**3. From the Vigilance Commissioner, A.P. Vigilance Commission,**

Lr. No. 524NC. A2/2000-1, dated: 06-12-2000.Order: - According to sub-rule (1) of Rule 24 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 where two or more Government Servants of the same service or different services are involved in any case, disciplinary



action against all of them may be taken in a common proceedings.

**2. In the reference first cited, guidelines were issued regarding imposition of penalties.**

**3. It is noticed that the above rule and the instructions are not being properly complied with and the Departments concerned are ordering the inquiries separately for each category of Officer, even though the irregularities are committed jointly in a particular case or event. Further different disciplinary proceedings without the consent of the other authorities, which is contrary to the provisions of Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and therefore uniformity is lost. This has resulted in discrimination.**

**4. The Government reiterates that when two or more Officers are involved in a disciplinary case, it shall be invariably necessary to order common disciplinary proceedings as per Rule 24 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 irrespective of whether they belong to the same service or different services or Departments if their services are covered under Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules 1991. The Departments should first consider the entrustment of such disciplinary cases to the Tribunal for Disciplinary Proceedings or the Commissioner of Inquiries, having regard to the Class and Category of Officer or nature of the issue involved. On the findings of inquiry, the Disciplinary Authority designated as per Rule 24 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 shall take a decision on the penalty to be imposed or otherwise to conclude disciplinary proceedings.**

**5. The Departments of Secretariat, Heads of Departments and all District Collectors are requested to follow the above rule and instructions scrupulously.**

**4. Inquires - Conduct of common enquiry into the charges against more than one charged Officer in common Proceedings - Instructions - Regarding.**

(Memo. No. 91715/Ser.C/2003, G.A. (Ser-C) Department , dated 25-08-2003)Ref :- U.O.Note No.439/COLR/2002-1, G.A. (COLR) Department ., dated 05-07-2003.Order: - It has been brought

to the notice of the Government that several deficiencies were noticed during the course of conduct of inquiries into the charges against more than one officer in a common proceedings. Though the Rule 24 of APCS (CCA) Rules, 1991, provide for ordering a common inquiry into charges against more than one charged officer of the same or of different services, the disciplinary authorities are not mentioning the above rule position or even the expression Common Inquiry/Common Proceedings in the order of appointment of Inquiry Authority while ordering inquiry. The proper course of action to be taken under each contingency is indicated as shown below:

Contingency	Action To Be Taken
(i) Among all the Charged Officers there may not be a Uniform line of defence and each one will try to implicate other Charged Officer to save his own skin.	In a such a case the other Charged Officers if they so desire may be allowed to have a copy of the written defence statement(s) or Written brief (s) submitted by the other Charged Officer for the purpose of rebutting such of the incriminating statement made by the Charged Officer.
(ii) During the course of cross-examination of prosecution witness, one charged officer may elicit certain information, which is going against the interest of the other Charged Officer.	A fair chance will have to be given to the other Charged Officer to cross-examine the witness on that matter.
(iii) During the course of inquiry defence witnesses cited by one Charged Officer may state something incriminatory against any other Charged Officer.	In such a case the other Charged Officers will have the right to cross-examine the Defence witness cited by the first Charged Officer.
(iv) When one Charged Officer while examining himself as his own witness deposes something incriminating against any other/all other Charged Officer.	In such a case the other charged Officer/their defence Assistants will have a chance to cross-examine that Charged Officer who is examining himself as his own witness.
(v) When one of the Charged Officer is cited as defence witness by the other Charged Officer, whether he shall be allowed to examine the Charged Officer as his witness ?	In such a case the Charged Officer who is cited as defence witness by the other charged officer, it is voluntary charged officer, it is voluntary for him to give evidence, but he cannot be compelled to give evidence against his wishes.
(vi) When in a common proceeding, on the directions of a Court of Law if the inquiry against anyone or few of the Charged Officers is separated and asked to complete it before the other Charged Officer, particularly when the other Charged Officer go stay order on the proceedings.	In such a case action on the inquiry report in respect of those Charged Officers may be taken along with other Charged Officers. Other-wise, there is a possibility that the Charged Officers in whose case inquiry is not completed may seek a relief under the guise of outcome the inquiry report in respect of first Charged Officer.

All the Departments of Secretariat, Heads of Departments and District Collectors are requested to follow the above suggestions. They may bring these instructions to the notice of all concerned

disciplinary authorities for their guidance and compliance.

## **25. Special procedure in certain cases:**

- Notwithstanding anything contained in Rule 20 to Rule 24-(i) where penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or [Misconduct leads to a penalty imposed as per 1st proviso under Rule 9(ix) of these rules, or] [Incorporated by Notification No. G.O.Ms. No. 127, dated 15.9.2017 (w.e.f. 14.9.1992)] (ii) here the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or (iii) where the Governor is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these Rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit : [ x x x ] [Proviso deleted by G.O.Rt.No. 6421, General Administrator (Ser.-C), dated 29-12-93] Provided that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule. [Provided further that no such consultation with the Commission is necessary before any orders are made under clause (i) of this rule.] [Added by G.O.Ms.No.240, G.A. (Ser-C) Department , dated 14-8-2003] Executive Instructions

## **1. Departmental action and Prosecution in a Criminal Court - Question whether orders of penalty should be reviewed consequent on acquittal in a Criminal Court - Clarification - Issued.**

(Memorandum No. 2598/65-2, (Service-C), dated 25-9-1965) Order: - A question has been raised whether an order passed imposing any major penalty on a Government employee after following the procedure prescribed in Rule 19(2) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963, need be reviewed consequent on his acquittal in a Criminal Court, if he was prosecuted in addition to the departmental action taken against him. It is clarified that in a case where Government employee is removed or dismissed or reduced in rank after complying with the requirements of Article 311(2) of the Constitution of India or of provisions of Rule 19(2) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, then the order of removal, dismissal or reduction in rank, is not affected by his acquittal in a Criminal Court, if he is prosecuted in addition to the departmental action taken against him. If however, a Government employee is removed or dismissed or reduced in rank, solely on the ground of conduct which held to his conviction on a criminal charge, without complying with the requirements of the aforesaid article or rule and if his conviction is eventually set aside by the Appellate Court, or by the High Court, in revision, then the order of removal, dismissal or reduction in rank as the case may be, cannot stand and that order will have to be reviewed.

## **2. Sanction of prosecution against Government Servants involved in corruption charges - Regarding.**

(U.O. Note No. 2498/SCD/75-4. General Administrator (SCD) Department , dated 25-11-1975) Order: - The committee of the Secretaries to the Government in its meeting held on 2-9-1975 observed that prosecution in trap cases was being sanctioned in time. The delay, it was pointed out, had been occurring on account of Government referring the matter to the Heads of Departments. A point was therefore made whether prosecutions could not straight away be sanctioned by the Government themselves. Clause (1) of Article 311 of the Constitution of India prohibits the removal or dismissal of a Government servant by an authority subordinate to that by which he was appointed and, under Rule 12 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, the Government may impose the penalty of removal and dismissal specified in clauses (vii) and (viii) of Rule 8 of the said rules, on members of the State Services. Rule 15(b) of the said rule also provides that the authority which may impose on a member of the Subordinate Service the penalties of removal and dismissal from service shall be the appointing authority or any higher authority. It is, therefore, competent for the State Government to remove or dismiss any member of a State Service or Subordinate Service. Thus sanction for prosecution required under Section 6(1)(b) of the Prevention of Corruption Act, 1947, may be accorded by the State Government in the case of any member of a service, State or Subordinate even though in the case of certain Government servants the authority to accord sanction under the said Act may be the authority subordinate to Government. In the circumstances, the Departments of Secretariat are informed that in future in cases where the reports of the Anti-Corruption Bureau together with the advice of the Vigilance Commission for criminal prosecution of Government servants are received by them, they may themselves issue sanction order for prosecution instead of sending the case to the concerned subordinate authorities. Similarly in the cases of employees of Zilla Parishads, Panchayat Samithis and Municipalities, sanction for prosecution under the Prevention of Corruption Act, 1947, may be accorded by the Government in respect of public servant who cannot be removed or dismissed except by or with the sanction of the Government. But in the case of those employees who may be removed or dismissed from service only by an authority other than the Government, it is only that authority that can accord sanction for prosecution under the said Act. Therefore the Departments of Secretariat may take action in such cases.

### **3. Government Servants involved in criminal misconduct    Departmental Proceedings and prosecution    Further instructions issued.**

(Memo. No. 4845/59-2, Genl. Administrator (Ser.-A) Department , dated 13-2-1960) Ref: - 1. G.O.Ms.No. 910, Home (Ser-A), dated 11-4-1956.

### **2. G.O.Ms.No. 1730, G.A. (Ser-A), dated 7-11-1958.**

Order: - According to the G.O. first cited, as soon as sufficient evidence is available in cases of misconduct by Government servant, whether such investigation is conducted departmentally or through the Police (including the Special Police Establishment), action should be taken under the Civil Services (C.C.&A.) Rules or other appropriate rules, and disciplinary proceedings should be initiated forthwith. Such departmental proceedings need not interfere with the police investigation, which may be continued where necessary. After the departmental proceedings are concluded and the penalty, if any, imposed as a result thereof, the question of prosecution should be considered in

the light of such material as may have become available as a result of the investigation. According to the G.O. second cited, where the police of their own accord have taken cognizance of an offence and initiated criminal prosecution in a Court of law, the departmental proceedings if any undertaken, should be kept in abeyance till the case is disposed of by the Court. The Inspector-General of Police, in his letter third cited, has stated that in cases of misappropriation or embezzlement by Government servants, different departments of Government are often reporting the matter to the police, upon which a case is registered and investigation is taken up by the police. Subsequently the reporting department requests the police repeatedly to defer laying charge sheet in the cases as the departmental proceedings against the delinquent Government servant are not completed. He has, therefore, requested Government to issue instructions whether laying charge sheet could be differed in such cases. When a Government servant is being tried in a Criminal Court in respect of certain allegations of misconduct which amount to a criminal offence, no parallel enquiry can be held by a departmental authority in respect of the same allegations. To hold such a parallel enquiry amounts to contempt of Court. There is no legal objection, however to a departmental enquiry being conducted while the police are making an investigation; but when once a Criminal Court has taken cognizance of a criminal case, the departmental authority should stop all further proceedings. As Section 173 Cr.P.C. requires the officer in charge of a police station to lay a charge sheet as soon as the investigation is completed, the laying of a charge sheet cannot be deferred to suit the convenience of the departmental authority in completing the proceedings before him. To avoid such situations, the departments concerned should decide first whether departmental proceedings should be taken in the first instance leaving the question of criminal prosecution to be considered after the termination of the departmental proceedings or whether the matter should be straight away referred to the police for investigation and prosecution in a court of law. In case they decide upon the latter course of - action, they cannot ask the police to defer the laying of the charge sheet until after the completion of the departmental proceedings. The competent authorities are directed to take action accordingly.

#### **4. Appointment of Ex-Convicts - Instructions.**

[Memo No. 4375/55-8, Administrator (Ser-A) Department , dated 21-5-1967] Order: - It has been represented to the Government that the cases of appointment of ex-convicts to posts to which they are eligible to be appointed, should be considered favourably provided their present conduct is certified to be good by the welfare officers.

**2. According to General Rule 12(b)(ii) of Part II of the State and Sub ordinate Services, no person shall be eligible for appointment to any service by direct recruitment unless he satisfied the Commission. Cases where appointment has to be made in consultation with it or the appointing authorities in other cases, that his character and antecedents are such as to qualify him for such service. The Government therefore, consider that persons convicted for offences involving moral turpitude should be deemed to be of bad characters under General Rule I 2(b)(ii) and should be ineligible for entry into**

**Government service. But in the case of persons convicted for other offences (i.e.), offences not involving moral turpitude like driving a vehicle or possessing arms without renewing the licence when the period of licence has expired, causing disturbance to the neighbour by playing instruments during the dead hour of the night, for failure to submit income tax returns etc., there is no need to impose such a bar for entry into Government service and each case may, however, be decided on merits.**

**5. Appointment of Ex-Convicts and Disciplinary action on grounds of conduct which led to Employees' conviction on a criminal charge - Clarification - Reg.**

[Memo. No. 2253/Ser-A/79-2, Gent Administrator (Ser-A) Department , dated 17-12-1979]Ref: - Memo. No. 4375/Ser-AJ56-8. G.A. (Ser-A), dated 31-5-1957.Order: - In the Memo. cited, the Government referred to General Rule 12(b)(ii) of Part II of the State and Subordinate Services, which provides that no person shall be appointed to any service by direct recruitment, unless he satisfies the Andhra Pradesh Public Service Commission or the appointing authority that his character and antecedents are such as to qualify him for such service and clarified that persons convicted of offences involving moral turpitude should be deemed to be of bad-character and that they should, under the said rule, be ineligible for entry into Government service but in the case of persons convicted for other offences not involving 'moral turpitude' like driving a vehicle or possessing arms without renewing the licence when the period of licence has expired, causing disturbance to the neighbours by playing instruments or failure to submit Income Tax returns etc., there is no need to impose such a bar for entry into Government Service and each case may, however, be decided on merits.Sub-rule (3) of Rule 19 of the Civil Services (Classification, Control and Appeal) Rules provides that the provisions relating to the procedure to be followed before inflicting a penalty shall not apply where it is proposed to impose on a member of a service any of the penalties on grounds of conduct which led to his conviction on a criminal charge.

**2. In the above context, a question has arisen as to determination of 'moral turpitude' involved in a case of conviction on a criminal charge. The term 'moral turpitude' has not been defined in the Service Rules. In Ramanatha Ayyar Law Lexicon it is noted that it is not 'moral turpitude', when no wrong is contemplated, but is unintentionally committed through error of judgment. According to Webster's dictionary 'moral turpitude', means a quality of crime involving grave infringement of the moral sentiments of the community.**

**3. In Mangilal vs. Chekkilal, (AIR 1963, Allahabad 527 at page 528) the Court considered the scope of the expression 'moral turpitude' at length, as below :**

"From consideration of the dictionary meaning of the words 'moral' and 'turpitude' as well as the real ratio decidendi of the cases, the principle which emerges, appears to be that the question whether a certain offence involves moral turpitude or not will necessarily depend on the circumstances in which offence was committed. It is not every punishable act that can be considered to be an offence involving moral turpitude. Had that been so, the qualification involving 'moral turpitude' would not have been used by the legislature and would have disqualified every person who had been convicted of any offence. The tests which should ordinarily be applied for judging whether a certain offence does or does not involve moral turpitude appear to be (1) whether the act leading to a conviction was such a could shock the moral conscience of the society in general, (2) whether the motive which led to the act was a base one, and (3) whether on account of the act having been committed the perpetrator could be considered to be a depraved character or a person who was to be looked down by the society. No absolute standard can be laid down for deciding whether a particular act is to be considered as one involving moral turpitude but the above are the general tests which should be applied and which should in most cases be a correct conclusion on the question".

**4. The Heads of Departments are requested to keep in mind the above guidelines while dealing with cases of persons for entry into Government service and in dealing with the cases of Government employees convicted on any criminal charge under the Civil Services (Classification, Control and Appeal) Rules.**

**6. Action to be taken in cases where Government servants are convicted on a criminal charge - Instructions of the Government of India - Adopted.**

[Memo. No. 169/Ser.C, 77-8, Administrator, (Ser-C) Department, dated 10-2-1978] Ref: - Lr. No. 11018/7/75-1-AS(III), dated 8-3-1976 from the Government of India, Cabinet Secretariat Department of P&AR, New Delhi. Order: - Sub-rule (3) of Rule 19 of the Andhra Pradesh Civil Services (CCA) Rules, 1963, provides that the provisions of sub-rules (1) and (2) shall not apply where it is proposed to impose on a member of a service any of the penalties mentioned in Rule 8 or Rule 9 on the ground of conduct which has led to his conviction on a criminal charge. Instructions were issued in Memo. No 2598/65-2, General Administration (Services-C) Department, dated 25-9-1965, that if a Government employee is removed or dismissed or reduced in rank after complying with the requirements of Article 31(2) of the Constitution of India or of the provisions of Rule 19(2) of the Andhra Pradesh Civil Services (CCA) Rules, then the order of removal, dismissal or reduction in rank is not affected by his acquittal in a Criminal Court, if he is prosecuted in addition to the departmental action that has been taken against him. If however, a Government employee is removed or dismissed, reduced in rank, solely on the ground of conduct which led to his conviction or criminal charge, without complying with the requirements of the aforesaid article or rule and if his conviction is eventually set aside by the Appellate Court, or by the High Court, in revision, then, the order of removal, dismissal or reduction in rank as the case may be, cannot stand, and that order will have to be reviewed. According to Rule 13(4) of the Andhra Pradesh Civil Services (CCA) Rules, 1963, where a penalty of dismissal, removal or compulsory retirement, from service imposed upon a member of a service is set aside, or declared or rendered void, in

consequence of or by a decision of a court of law, and the authority competent to impose the penalty on a consideration of the circumstances of the case, decides immediately thereafter to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the member of the service shall be deemed to have been placed under suspension by the authority competent to impose suspension from the date of the original order of dismissal, removal or compulsory retirement shall continue to remain under suspension until further orders.

**2. The Government of India have issued self-contained instructions regarding action to be taken in cases where Government servants are convicted on a criminal charge or where an appeal/revision in a higher Court succeeds. Keeping them in view, the following instructions are issued :**

(1)The disciplinary authority may, if it comes to the conclusion that an order imposing a penalty on a Government servant on the ground of conduct which had led to his conviction on a criminal charge should be issued, pass such an order without waiting for the filing of an appeal, or, if an appeal has been filed, without waiting for the decision in the first court of appeal. Before such an order is passed, the Andhra Pradesh Public Service Commission should be consulted, where-the consultation is necessary.(2)(a)Where an appeal or revision in a Higher Court i.e., the Court higher than the first Court of appeal, against conviction, succeeds and the Government servant is acquitted, the order imposing a penalty on him on the basis of conviction, which nor longer stands, becomes liable to be set aside. A copy of the judgment of a higher Court should, therefore, be immediately procured and examined with a view to decide.(i)Where acquittal should be challenged is a still higher court; or(ii)Whether, despite the acquittal, the facts and the circumstances of the case are such as to call for a departmental action against the Government servant on the basis of the misconduct on which he was previously convicted.(b)If it is decided to take the matter to a still higher Court under item (i) above, action to institute proper proceedings should be taken with the least possible delay, and the order imposing penalty need not be set aside during the pendency of such proceedings. If, however, it is considered expedient that the Government servant should not be allowed to discharge his duties during the pendency of such proceedings, he may be placed under suspension as soon as he reports to duty after his acquittal by the first Court of appeal.(c)If, on the other hand, it is decided that departmental action may be taken under item (ii) above, a formal order should be made : (i)Setting aside the order imposing the penalty on basis of conviction; and(ii)Ordering such departmental enquiry.In case where the penalty imposed on the basis of the conviction was dismissal, removal or compulsory retirement from service, the order should also state, that under Rule 13(4) of the Andhra Pradesh Civil Services (CCA) Rules, 1963, the Government servant is deemed to be under suspension with effect from the date of dismissal, removal or compulsory retirement from service.(3)For appreciating properly the scope and implication of the term on the basis of the misconduct on which he was previously convicted occurring in sub-para (2)(a)(ii) above, the point to be taken note of is, that one identical set of facts and allegations may be sufficient to constitute a criminal offence as well as the misconduct not amounting to criminal offence, but punishable under the Andhra Pradesh Civil Services (CCA) Rules, or similar other rules. If the facts or allegations had come to be examined by a Court of competent jurisdiction and the Court has given



a finding that the allegations are not true, then it is not permissible to hold a departmental inquiry in respect of a charge based on the same allegations. If on the other hand, the Court had merely expressed a doubt as to the correctness of the allegations, then there may be no objection to hold a departmental inquiry on the same allegations, if better proof than what was produced before the Court or was then available is forthcoming. Then again, if the Court has held that the allegations are proved but do not constitute the criminal offence with which the Government servant is charged, then also there would be no objection to hold a departmental inquiry on the basis of the said allegations if such proved allegations are considered good and sufficient reasons for taking disciplinary action. So also, it is permissible to hold a departmental inquiry after the acquittal, in respect 'of charge which is not identical with or similar to the charge in the criminal case, and is not based on any allegations, which have been negated by the Criminal Court. Further more, where an allegation has not been examined by a Court of law, but it is considered good and sufficient reason for taking disciplinary action, there is no bar to taking such action.(4)In case, where neither of the courses mentioned in sub-para (2) is followed, a formal order should be issued setting aside the previous order imposing the penalty.

**3. The Departments of Secretariat and the Heads of Departments are requested to follow the above instructions while dealing with disciplinary cases against the State Government employees.**

**7. Payment of Subsistence Allowances - Further Instructions Issued - Regarding.**

(Cir. Memo. No. 145/A2/FR.II/2001, dated 07-05-2002)Ref : - 1.

Cir.Memo.No.39071/A2/407/FR.II/99, Fin. (FR.II) Department , dated 28-02-00.

**2. From Vigilance Commissioner, Lr.No.171NC,A2/2000-2, dated 26-06-2001.**

Order: - In the reference 1st cited instructions were issued for payment of subsistence allowance to the Government servants under suspension whether they are lodged in prison or released on a bail on their conviction pending consideration of his appeal, based on the judgement of Supreme Court of India in case of the State of Maharastra Vs. Chandrabhan, 1983(2) SLR.493.

**2. In the reference 2nd cited the Vigilance Commissioner has stated that according to the policy adopted in Government Memo.No.17181Ser.C/75-1, G.A.(Ser.C) Department, dated 22.11.1975, officers convicted in criminal cases should normally be dismissed form service and that it is not necessary either to await outcome of an appeal or the expiry of appeal time where an appeal has been preferred. The Vigilance Commissioner has further mentioned that above policy was reiterated in subsequent U.O.Note No.1418/SC.D/90-2 G.A. Department, dated 05.11.1990 and in U.O. Note No.**

**1700/SC.D/92-4, dated 09.03.1994. Therefore, the Vigilance Commissioner has suggested to amend the Circular Memo No.39071/471/A2/FR.II/ 01, of this Department dated 28.02.2000 duly indicating the policy as laid down in the aforesaid above (3) references of G.A. Department and also they say that officers convicted in criminal cases be ordinarily dismissed from service forthwith in terms of the provisions of Article 311(2) of the Constitution of India and Rule 25 of the APCS(CCA) Rules, 1991 and that it is not necessary to await an appeal or expiry of appeal time or the outcome of the appeal where an appeal has been preferred. Even if there is a stay of the sentence in an appeal, it is not necessary to delay the dismissal. Only in the event of both the conviction and sentence being suspended pending appeal before the appellate authority then the question of payment of subsistence allowance arise. Officers acting contrary to this policy should be made liable for recovery of avoidable payment of subsistence allowance in those cases where they ought to have been dismissed.**

**3. In the circumstances stated above and in supersession of the instructions issued in the reference 1st cited, it is instructed that officers convicted in criminal cases ordinarily be dismissed from service forthwith in terms of the provision of Article 311(2) of the Constitution of India and rule 25 of the APCS(CCA) Rules, 1991 and that it is not necessary to await an appeal or expiry of appeal time or the outcome of the appeal where an appeal has been preferred. Even if there is a stay of the sentence in an appeal, it is not necessary to delay the dismissal. Only in the event of both the conviction and sentence being suspended pending appeal before the appellate authority then the question of payment of subsistence allowance arise. Officers acting contrary to this policy should be made liable for recovery of avoidable payment of subsistence allowance in those cases where they ought to have been dismissed.**

**4. All the departments of Secretariat and Head of Departments are requested to follow the above instructions scrupulously.**

## **26. Waiver procedure to certain cases:**

(1) All or any of the provisions of Rules 20 to 24 may, in exceptional cases and for special and sufficient reasons to be recorded by the disciplinary authority in writing, be waived where there is a difficulty in observing fully the requirements of these rules and those requirements can be waived

without causing any injustice to the Government servant charged.(2)If, in respect of any Government servant charged, a question arises whether it is reasonably practicable to hold such inquiry or give such opportunity as is referred to in Rules 20 to 24, the decision thereon of the disciplinary authority competent to impose any of the penalties specified in [clauses (vii) to (x)] [Substituted by G.O.Ms. 205, G.A.D., 5-6-1998] of rule 9 on the Government servant concerned shall be final.[27. Action on report of Lokayukta and Upa-lokayukta: - (1) Notwithstanding anything contained in Rules 20 or 22, where it is proposed to impose on a Government servant any of the penalties specified in Rule 9 or Rule 10 on the basis of the recommendation contained in a report mentioned in sub-section (1) of Section 12 of the Andhra Pradesh Lokayukta and Upa-lokayukta Act, 1983, the disciplinary authority shall take action on the basis of the recommendation contained in the report, after furnishing a copy of the report to the charged Government Servant to make a representation, if any, within a reasonable time fixed and after taking into consideration such representation, and impose any of the penalties specified in Rule 9 or 10:Provided that the disciplinary authority for the purpose of this rule shall be the authority under Rule 2(c) or as specified under clause (c) of Section 2 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983.] [Substituted by G.O. Ms. 350, G.A.D., dated 8-08-2002](2)[ The Complaints Committee Report on allegations of sexual harassment and atrocities on women shall be deemed to be an inquiry report under these Rules.Notwithstanding anything contained in Rule 20 or Rule 22 where it is proposed to impose on Government Servant any of the penalties specified in Rule 9 or Rule 10 on the basis of the inquiry report of the Complaints Committee, the Disciplinary Authority shall take action on the basis of recommendations contained in the inquiry report after furnishing a copy of the report to the Charged Government Servant to make a representation, if any, within a reasonable time fixed and after taking into consideration such representation, and impose any of the penalties specified in Rule 9 or Rule 10.] [Added by G.O. Ms. No. 557, G.A. (Ser. C) Department, dated 14 -12 - 2005]

## **28. Rule not to affect provisions relating to Andhra Pradesh Survey and Land Records Subordinate Service:**

- Nothing in these rules shall affect the rule or regulation of the pay of the members of the Andhra Pradesh Survey and Land Records Subordinate Service in the following categories according to their monthly outrun of work :Class ICategory 3Town SurveyorPanchayat SurveyorCategory 4Deputy SurveyorTaluk SurveyorCategory 5Field SurveyorCLASS IICategory 7Junior ComputerCategory 8Junior Draughtsman

## **29. Rules not to affect provisions in Andhra Pradesh Stationery Manual:**

- Nothing in these rules shall affect the operation of the instructions contained in the Andhra Pradesh Stationery Manual, Volume I relating to the recovery from the pay of warehousemen, packers in the office of the Director of Stationery of the value of the short receipts reported by the indenting officers.

### **30. Provisions regarding officers lent to Government of India, etc.:**

(1) Where the services of a Government servant are lent by one department to another department or to the Government of India or the Government of another State (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him : Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this rule referred to as "lending authority") of the circumstances leading to the order of suspension of such Government servant or the commencement of the disciplinary proceeding as the case may be. (2) In the light of the findings in the disciplinary proceeding conducted against the Government servant (i) [ If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 9 or in Rule 10, should be imposed on the Government servant, it may make such orders as it deem necessary. [Substituted by G.O.Ms. 20, G.A.D., 20-1-2000] (ii) If the borrowing authority is of the opinion that the penalty specified in clause (vi) of Rule 9 should be imposed on Government Servant, it may pass such orders as it may deem necessary, duly following the procedure prescribed in Rule 20 : Provided that the borrowing authority shall inform the lending ..authority which lent the services of the Government servant the circumstances leading to the imposition of the penalty specified in clause (vi) of Rule 9 : Provided further that if the borrowing authority is of the opinion that any of the penalties specified in clauses (vii) to (x) of Rule 9 should be imposed on such Government servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry and thereupon the lending authority may, if it is disciplinary authority, pass such orders thereon as it may deem necessary or if it is not disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary] [Standard Forms prescribed under this rule are given at the end of these rules]. (3) For the purpose of this rule, an Assistant or an Assistant Section Officer of the Secretariat or an Assistant or a Senior Asst., of the Office of the Commissioner for Land Revenue deputed for training as Revenue Inspector, in the Andhra Pradesh Ministerial Service or a Section Officer of the Secretariat or a Superintendent of the Office of the Commissioner for Land Revenue deputed for training as Tahsildar in the districts, shall be deemed to be a Government servant lent. (4) [(i) Where the borrowing authority is a Company or Corporation or Organization or local or other authority, such borrowing authority may, subject to such specific conditions or limitations, if any, that may be made in the terms of deputation, suspend or impose any of the penalties specified in clauses (i) to (vi) of Rule 9 or clause (i) of Rule 10, on the Government servant, duly following the procedure prescribed in CCA Rules : Provided that the borrowing authority shall intimate the fact of placing the Government servant under suspension or imposing on him/her the penalty as the case may be to the lending authority : Provided further that if the borrowing authority is of the opinion that any of the penalties specified in clauses (vii) to (x) of Rule 9 should be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry and thereupon, the lending authority may, if it is disciplinary authority, pass such orders thereon as it may deem necessary or if it is not disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary] [Substituted for Clause (i) and (ii) by G.O.Ms. 20, G.A.D., 20-1-2000]. (iii) Where a Government servant whose services are placed at the disposal of

any company, corporation, organisation or a local or other authority has, at any time before his services were so placed, committed an act or omission which renders him liable to any penalty specified in Rule 9 or Rule 10, the authority competent to impose any such penalty on such Government servant shall alone be competent to institute disciplinary proceeding against him and to impose on him such penalty specified in Rule 9 or Rule 10 as it thinks fit and the borrowing authority under whom he is serving at the time of the institution of such proceeding, shall be bound to render all reasonable facilities to such competent authority instituting and conducting such proceeding.

### **31. Provisions regarding officers borrowed from Government of India, etc.:**

(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed by one department from another department or from the Government of India or the Government of another State or a Company or Corporation or Organisation or a Local or other Authority lending the services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be. (2) In the light of the findings in the disciplinary proceeding conducted against the Government servant : (i) [ If the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 9 or in rule 10 should be imposed on him / her it may, subject to the provisions of sub-rule (3) of Rule 21 pass such order as it may deem necessary : [Substituted for Clause (i) and (ii) by G.O.Ms. 20, G.A.D., 20-1-2000] Provided that the borrowing authority shall intimate the fact of imposing the penalty on Government Servant, to the lending authority. (ii) If the borrowing authority is of the opinion that the penalty specified in clause (vi) of Rule 9 should be imposed on Government Servant, it may pass such orders as it may deem necessary, duly following the procedure prescribed in Rule 20: Provided that the borrowing authority is of the opinion that any of the penalties specified in clauses (vii) to (x) of Rule 9 should be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the enquiry and thereupon the lending authority may, if it is disciplinary authority, pass such orders thereon as it may deem necessary or if it is not disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary] [Substituted by G.O. Ms. No. 353 G.A (Ser.C) Department , dated 18-11-2003] Part - VI Appeals

### **32. Orders against which no appeal lies:**

- Notwithstanding anything contained in this part, no appeal shall lie against (i) any order made by the Governor; (ii) any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension; (iii) any order passed by an inquiring authority in the course of an inquiry under Rule 20.

### **33. Orders against which appeal lies:**

(1) Subject to the provisions of Rule 32 a Government servant may prefer an appeal, as hereinafter provided against all or any of the following orders, namely : (i) an order of suspension made or deemed to have been made under Rule 8; (ii) an order imposing any of the penalties specified in Rule 9 or Rule 10 whether made by the disciplinary authority or by an appellate or revising authority; (iii) an order enhancing any penalty imposed under Rule 9 or Rule 10; (iv) an order discharging him in accordance with the terms of his contract, if he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract, continuous service for a period exceeding five years at the time when his services are so discharged; and (v) an order reducing or withholding the maximum pension, including an additional pension, admissible to him under the rules governing pension. (2) Subject to the provisions of Rule 32, a member of a subordinate service may, as here-in-after provided, prefer an appeal against an order passed by an authority subordinate to the Government (i) varying to his disadvantage his conditions of service, pay, allowances or pension as regulated in rules or in a contract of service, and (ii) interpreting to his disadvantage the provisions of any rules or contract of service whereby his conditions of service, pay, allowance or pension are regulated. Explanation : - In this rule, the expressions 'Government Servant' and 'Member of a Subordinate Service' include a person who has ceased to be in Government Service.

### **34. Appellate Authorities:**

(1) A Government servant, including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in Rule 33 to the authorities as follows : (i) An appeal from an order passed by the High Court shall lie to the Governor. (ii) An appeal from an order imposing on a member of a State any of the penalties specified in Rule 9 or placing such member under suspension under Rule 8 passed by the Head of the Department shall lie to the Government and an appeal from an order passed by a lower authority shall lie to the Head of the Department : Provided that an appeal from an order imposing the penalties specified in clauses (i) to (iv) of Rule 9 on all types of Inspectors of Police by the Superintendent of Police or an officer of the corresponding rank shall lie to the Special Inspector-General of Police (Law and Order). (iii) An appeal from an order imposing on a member of a Subordinate Service any of the penalties specified in Rule 9 or Rule 10 or placing such member under suspension under Rule 8 passed by any authority lower than the Government shall lie to the next higher authority to whom the former authority is administratively subordinate : Provided that in respect of the members of Subordinate Services working in the Habitual Offenders Settlements in the Police Department, the appellate authority shall be the Superintendent of Police concerned in respect of orders passed by the Manager of the Settlement; Provided further that in the case of a member of the Andhra Pradesh Police Subordinate Service or the Andhra Pradesh Special Armed Police Service, the appellate authority shall be as specified against each of the categories in Appendix IV; Provided also that in the case of a member of the Andhra Pradesh Police Subordinate Service or the Andhra Pradesh Special Armed Police Service, an officer superior to the competent authority may, for reasons to be recorded in writing, transfer an appeal from the competent authority to any other authority holding the same rank for disposal. (iv) An appeal against an order referred to in sub-rule (2) of Rule 33 shall lie to the

Government.(2)Notwithstanding anything contained in sub-rule (1)(i)an appeal against an order in a common proceeding held under Rule 24 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate ;(ii)where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate and, if there is no such authority, by an authority appointed by the Government.Executive InstructionAppellate Authorities - Clarification on the appellate authorities[Circular Memo. No. 7486/CRP/E2/86, dated 11-4-1992]Order: - All the District Development Officer of the Z.P.Ps. in the State are informed that consequent on the provincialisation of services of Panchayat Raj Employees the District Development Officer is made the appointing authority.As appointing authority the District Development Officers are issuing orders on the disciplinary cases. A question was raised as to whether the Chairman Z.P.P. who was earlier appointing authority continues to receive appeals on the orders and disciplinary cases decided by the District Development Officers.The CCA Rules applicable to State Government Employees are applicable to Panchayati Raj Employees also. As per the provision contained in CCA Rules the first appeal on the orders of the District Development Officer in disciplinary cases shall be to the Head of the Department, who is the Commissioner, Panchayat Raj & Rural Development in the case of Panchayat Raj Bodies.All the District Development Officers are requested to forward the appeals on their orders in disciplinary cases to the Commissioner, P.R. & R.D. Necessary amendments to Statutory Rules are being issued separately by Government.

### **35. Period of limitation for appeals:**

- No appeal preferred under these rules shall be entertained unless such appeal is preferred within a period of three months from the date on which a copy of the order appealed against is delivered to the appellant :[Proviso Omitted by G.O.Ms.No. 64 Gent. Administrator (Ser. C), dated 27-2-1998]

### **36. Form and contents of appeal:**

(1)Every person preferring an appeal shall do so separately and in his own name.(2)The appeal shall contain all material statements and arguments relied on by the appellant and shall be complete in itself, and shall not contain any disrespectful or improper language, It shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.(3)The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority, without any avoidable delay and without waiting for any direction from the appellate authority.

### **37. Consideration of appeal:**

- In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of Rule 8 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.(2)In the case

of an appeal against an order imposing any of the penalties specified in Rule 9 or Rule 10 or enhancing any penalty imposed under the said rules, the appellate authority shall consider :

-(a)whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in failure of justice : (b)whether the findings of the disciplinary authority are warranted by the evidence on the record; and (c)whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe and pass orders : (i)confirming, enhancing, reducing or setting aside the penalty; or (ii)remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case : Provided that

-(i)the Commission shall be consulted in all cases where such consultation is necessary ; (ii)if the enhanced penalty which the appellate authority proposed to impose is one of the penalties specified in [clauses (vi) to (x)] [Substituted by G.O.Ms. 205, G.A.D., dated 5-6-1998] Rule 9 and an inquiry under rule 20 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 25, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 20 and, thereafter, on consideration of the proceedings of such inquiry, make such orders as it may deem fit. (iii)if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in [clauses (vi) to (x)] [Added by G.O. Ms. 480, G.A.D. dated 20-12-2001] Rule 9 and an inquiry under rule 20 has already been held in the case, the appellate authority shall make such orders as it may deemed fit, [after the appellant has been given a reasonable opportunity of making a representation] [Substituted by G.O.Ms. 205, G.A.D., dated 5-6-1998]; (iv)subject to the provisions of Rule 25, the appellate authority (a)where the enhanced penalty which the appellate authority proposes to impose, is the one specified in clause (iv) of Rule 9 and falls within the scope of the provisions contained in sub-rule (2) of Rule 22; and (b)where an inquiry in the manner laid down in Rule 20 has not already been held in the case. itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 20 and thereafter on a consideration of the proceedings of such inquiry, pass such order as it may deem fit; and (v)no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of Rule 22, of making a representation against such enhanced penalty. (3)In an appeal against any other order specified in Rule 33 the appellate authority shall consider all the circumstances of the case the make such orders as it may deem just and equitable.

### **38. Review of original orders passed by Government, in lieu of appeal:**

(a)Every member of a State Service, or a member of a Subordinate Service in whose case the Government have passed original orders, shall not be entitled to appeal but shall be entitled to make separately and in his own name, within a period of three months from the date on which the order was communicated to him, a petition to the Government for review of the order passed by them on any of the following grounds, namely (i)that the order against which the petition for review is made was not passed by the competent authority; (ii)that a reasonable opportunity was not given to the petitioner for defending himself; (iii)that the punishment is excessive or unjust; (iv)that the petitioner has made a discovery of new matter or evidence which he proves to the satisfaction of the Government, was not within his knowledge or could not be adduced by him before the order imposing the penalty was passed; and (v)that there is an evident error or omission in the order such



as failure to apply the law of limitation or an error of procedure apparent on the face of record.(b)Any petition for review which does not satisfy any of the above grounds shall be summarily rejected.(c)The Government shall pass such orders as they think proper in respect of any petition for review that has been admitted under this rule.

### **39. Implementation of orders in appeal:**

- The authority which made the order appealed against shall give effect to the orders passed by the appellate authority. Part - VII Revision And Review

### **40. [ Revision: [Substituted by G.O.Ms. 455, G.A.D., 5-12-2001]**

(1)Notwithstanding anything contained in these rules(i)the Government, or(ii)in the case of a Government servant serving in a depart. office under the control of a head of department such head of the directly under the Government; or(iii)any appellate authority, or(iv)any other authority specified in this behalf by the Government by a general or special order and within such time as may be prescribed in such general or special order, may where a revision petition is preferred by the Government servant within one year of the date of receipt by him of the order sought to be revised, and in cases where no such revision petition is preferred within four years of the date of the order proposed to be revised, either suo motu or otherwise and after calling for the records of any inquiry and examination, revise and order of penalty made under these rules or under the rules repealed by Rule 45, after consultation with Commission where such consultation is necessary. The said authority may exercise the power suo motu within four years from the date of issue of order of penalty by the competent authority or within one year of the date of receipt of the petition either confirm or reduce or set aside the order of penalty or any other order already issued, and where it is proposed to enhance the penalty, such authority may exercise the power within four years from the date of receipt of the petition and revise any order made under Rule 45 after consultation with the Commission where such consultation is necessary, and(a)confirm, modify or set aside the order; or(b)confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed, or(c)remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or(d)pass such other orders as it may deem fit :Provided that the Special Inspector General of Police (Law and Order) or the Deputy Inspector General of Police or an officer of the corresponding rank may, of his own motion or otherwise, revise an order passed on appeal by the authority subordinate to him;Provided further that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the major penalties specified in Rule 9 or to enhance the minor penalty imposed by the order sought to be revised to any of the major penalties and if an inquiry under Rule 20 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Rule 20, subject to the provisions of Rule 25 and except after consultation with the Commission, where such consultation is necessary:Provided also that subject to the provisions of Rule 25, the revising authority shall:(a)where the enhanced penalty which the revising authority propose to impose, is the one specified in clause (iv) of Rule 9 and falls

within the scope of the provisions contained in sub-rule (2) of the Rule 22; and(b)where an inquiry in the manner laid down in Rule 20 has not already been held in the case.Itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 20, and thereafter, on a consideration of the proceedings of such inquiry, pass such orders as it may deem fit;Provided further that no power of revision shall be exercised by the head of department, unless(i)the authority which made the order in appeal, or(ii)the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.(2)No proceeding for revision shall be initiated or commenced until after(i)the expiry of the period of limitation for preferring an appeal, or(ii)the disposal of the appeal, where any such appeal has been preferred; the Government Servant may however prefer a revision petition for revising the order or penalty within a period of one year after the appeal petition to the prescribed appellate authority is disposed off.(3)An application for revision shall be dealtwith in the same manner as if it were an appeal under these rules.] [Substituted by G.O. Ms. No. 353 G.A (Ser.C) Department , dated 18-11-2003]

#### **41. [ Review: [Substituted by G.O.Ms. 64, G.A.D., dated 27-2-1998]**

- The Government may exercise the power to review any order passed under these rules only on the reference made by the Head of the Department when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to its notice :Provided that no order imposing or enhancing any penalty shall be made by the Government unless the Government servant concerned has been given reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in Rule 9 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under Rule 20 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Rule 20, subject to the provisions of Rule 25 and except after consultation with the Commission where such consultation is necessary] [G.O.Ms. No. 335, G.A.D.,Dt. 26-10-1998]. [Provided further that the Government shall exercise the power of review within a period of three years.] [G.O.Ms. 23. G.A.D., dated 23-I-1999w.e.f. 20/7/96]Part - VIII Miscellaneous

#### **42. Service of orders, notices etc.:**

- Every order, notice and other process made or issued under these rules shall(i)if he is on duty, be served on the Government servant by delivering or tendering it in person;(ii)if he is on leave or under suspension or otherwise absent be communicated to him by registered post to the address given by him, if any, or of his usual place of residence;(iii)if it cannot be so served or communicated, be published in Andhra Pradesh Gazette.

#### **43. Power to relax time-limit and to condone delay:**

- Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under the rules or condone any delay.

#### **44. Supply of copy of Commission's advice:**

- Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the Government servant concerned along with a copy of the order passed in the case, by the authority making the order.

#### **45. Repeal and Saving:**

(1) The Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963, issued in G.O.Ms.No. 1376, General Administration (Rules) Department, dated the 28th November, 1963, in so far as they relate to the services specified in these rules, are hereby repealed : Provided that : (a) such repeal shall not affect the previous operation of the said rules, or any notification or order made, or anything done, or any action taken, thereunder; (b) any proceedings under the said rules, pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules. (2) Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before the commencement of these rules. An appeal pending at the time when, or preferred after these rules came into force shall be deemed to be an appeal under these rules, and Rule 37 shall apply as if the appeal were against an order appealable under these rules. (3) As from the commencement of these rules any appeal or application for revision or review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules : Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal, revision or review provided by any rule in force before the commencement of these rules.

#### **46. Removal of Doubts:**

- If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government, whose decision shall be final.

I

**1. The Andhra Pradesh Administrative Service.**

**2. The Andhra Pradesh Agriculture Service.**

**3. The Andhra Pradesh Animal Husbandry Service.**

- 4. The Andhra Pradesh Boiler Service.**
- 5. The Andhra Pradesh Central Stores Purchase Service.**
- 6. The Andhra Pradesh Civil Service (Executive Branch).**
- 7. The Andhra Pradesh Commercial Taxes Service.**
- 8. The Andhra Pradesh Co-operative Service.**
- 9. The Andhra Pradesh Economic and Statistical Service.**
- 10. The Andhra Pradesh Educational Service.**
- 11. The Andhra Pradesh Electrical Service.**
- 12. The Andhra Pradesh Employment Service.**
- 13. The Andhra Pradesh Engineering Service.**
- 14. The Andhra Pradesh Excise Service.**
- 15. The Andhra Pradesh Factory Service.**
- 16. The Andhra Pradesh Fire Service.**
- 17. The Andhra Pradesh Fisheries Service.**
- 18. The Andhra Pradesh Forest Service.**
- 19. The Andhra Pradesh General Service.**
- 20. The Andhra Pradesh Government Life Insurance Service.**
- 21. The Andhra Pradesh (R & B) Engineering Service.**
- 22. The A.P. Hindu Religious & Charitable Endowments (Administration) Service.**

- 23. The Andhra Pradesh Homeopathic Service.**
- 24. The Andhra Pradesh Indian Medicine Service.**
- 25. The Andhra Pradesh Industries Service.**
- 26. The Andhra Pradesh Information Service.**
- 27. The Andhra Pradesh Jail Service.**
- 28. The Andhra Pradesh Labour Service.**
- 29. The Andhra Pradesh Marketing Service.**
- 30. The Andhra Pradesh Medical Service.**
- 31. The Andhra Pradesh Mining Service.**
- 32. The Andhra Pradesh Municipal Commissioners Service.**
- 33. The Andhra Pradesh Panchayat Service.**
- 34. The Andhra Pradesh Panchayati Raj Engineering Service.**
- 35. The Andhra Pradesh Panchayati Raj Service. (Executive Branch)**
- 36. The Andhra Pradesh Pay and Accounts Service.**
- 37. The Andhra Pradesh Police Service.**
- 38. The Andhra Pradesh Port Service.**
- 39. The Andhra Pradesh Public Health Service.**
- 40. The Andhra Pradesh Public Health and Municipal Engineering Service.**
- 41. The Andhra Pradesh Printing Service.**

- 42. The Andhra Pradesh Registration Service.**
- 43. The Andhra Pradesh State Higher Judicial Service.**
- 44. The Andhra Pradesh State Judicial Service.**
- 45. The Andhra Pradesh State Legal Service.**
- 46. The Andhra Pradesh Survey and Land Records Service.**
- 47. The Andhra Pradesh Technical Education Service.**
- 48. The Andhra Pradesh Town Planning Service.**
- 49. The Andhra Pradesh Transport Service.**
- 50. The Andhra Pradesh Treasury and Accounts Service.**
- 51. The Andhra Pradesh Weights and Measures Service.**
- 52. The Andhra Pradesh Backward Classes Welfare Service.**
- 53. The Andhra Pradesh Horticulture Service.**
- 54. The Andhra Pradesh Handlooms & Textiles Service.**
- 55. The Andhra Pradesh Insurance Medical Service.**
- 56. The Andhra Pradesh Tribal Welfare Engineering Service**

[G.O.Ms.No. 315, G.A.D., dated 5-09-2000]

- 58. The Andhra Pradesh State Audit Service.**

[G.O.Ms.No. 71, G.A.D., dated 17-02-2009].

**II**

(Rule 7)

- 1. The Andhra Pradesh Agricultural Subordinate Service.**
- 2. The Andhra Pradesh Animal Husbandry Subordinate Service.**
- 3. The Andhra Pradesh Certified Schools Subordinate Service.**
- 4. The Andhra Pradesh Commercial Taxes Subordinate Service.**
- 5. The Andhra Pradesh Co-operative Service.**
- 6. The Andhra Pradesh Economics and Statistical Subordinate Service.**
- 7. The Andhra Pradesh School Educational Subordinate Service.**
- 8. The Andhra Pradesh Electrical Subordinate Service.**
- 9. The Andhra Pradesh Engineering Subordinate Service.**
- 10. The Andhra Pradesh Excise Subordinate Service.**
- 11. The Andhra Pradesh Fire Subordinate Service.**
- 12. The Andhra Pradesh Fisheries Subordinate Service.**
- 13. The Andhra Pradesh Forest Subordinate Service.**
- 14. The Andhra Pradesh General Subordinate Service.**
- 15. The Andhra Pradesh Government Press Subordinate Service.**
- 16. The Andhra Pradesh (R & B) Engineering Subordinate Service.**
- 17. The Andhra Pradesh Homeopathic Subordinate Service.**
- 18. The Andhra Pradesh Indian Medicine Subordinate Service.**
- 19. The Andhra Pradesh Industries Subordinate Service.**

- 20. The Andhra Pradesh Information Subordinate Service.**
- 21. The Andhra Pradesh Jail Subordinate Service.**
- 22. The Andhra Pradesh Judicial Ministerial Service.**
- 23. The Andhra Pradesh Last Grade Service.**
- 24. The Andhra Pradesh Labour Subordinate Service.**
- 25. The Andhra Pradesh Marketing Subordinate Service.**
- 26. The Andhra Pradesh Medical Subordinate Service.**
- 27. The Andhra Pradesh Ministerial Service.**
- 28. The Andhra Pradesh Mining Subordinate Service.**
- 29. The Andhra Pradesh Minor Irrigation Subordinate Service.**
- 30. The Andhra Pradesh Municipal Commissioners Subordinate Service.**
- 31. The Andhra Pradesh Panchayati Raj Executive Subordinate Service.**
- 32. The Andhra Pradesh Panchayati Raj Subordinate Engineering Service.**
- 33. The Andhra Pradesh Pay and Accounts Subordinate Service.**
- 34. The Andhra Pradesh Police Subordinate Service.**
- 35. The Andhra Pradesh Port Subordinate Service.**
- 36. The Andhra Pradesh Public Health Subordinate Service.**
- 37. The Andhra Pradesh Public Health & Municipal Engg.Subordinate Service.**



- 38. The Andhra Pradesh Registration Subordinate Service.**
- 39. The Andhra Pradesh Revenue Subordinate Service.**
- 40. The Andhra Pradesh Secretariat Subordinate Service.**
- 41. The Andhra Pradesh Special Armed Police Service.**
- 42. The Andhra Pradesh Survey and Land Records Subordinate Service.**
- 43. The Andhra Pradesh Survey & Land Records Subordinate (Temporary)**
- 44. The Andhra Pradesh Technical Education Subordinate Service.**
- 45. The Andhra Pradesh Town Planning Subordinate Service.**
- 46. The Andhra Pradesh Treasury and Accounts Subordinate Service.**
- 47. The Andhra Pradesh Sericulture Subordinate Service.**
- 48. The Andhra Pradesh Backward Classes Subordinate Service.**
- 49. The Andhra Pradesh Horticulture Subordinate Service.**
- 50. The Andhra Pradesh Endowments Executive Officers Service.**
- 51. The Andhra Pradesh Handlooms & Textiles Subordinate Service.**
- 52. The Andhra Pradesh Insurance Medical Subordinate Service.**
- 53. The Andhra Pradesh Panchayat Raj Subordinate Service.**
- 54. The Andhra Pradesh Tribal Welfare Engineering Subordinate**

[G.O.Ms.No. 315, G.A.D., dated 5-09-2000]

- 55. The Andhra Pradesh State Audit Sub-ordinate Service.**

[G.O.Ms.No. 71, G.A.D., dated 17-02-2009]Appendix I[Rule 10(i)]Government Guest House DepartmentMembers of the Andhra Pradesh General Subordinate Service.(a)Government House Department, Hyderabad: - Stewards, Grades I and II, Butlers, Carpenters, Painters, Head Cooks,

Assistant Cooks, Drivers, Tailor and Electrician.(b)Hyderabad House, New Delhi: - Sanitary Fitter, Electrician, Drivers, Cooks and Butlers.(c)Jubilee Hall, Hyderabad: - Daroga.Government PressI. Office Establishment at Kurnool - AttendersII. Members of the Andhra Pradesh Government Press Subordinate Service.Jail DepartmentAndhra Pradesh Jail Subordinate ServiceBranch IICLASS I

### **1. Jailors in Sub-jails**

### **2. Gate-keepers (including Chief Head Warders, Jamedars, Grades I and II, Head Warders, and Dafedars).**

### **3. Warders (including Jawans) in Jails - Grades I and II**

CLASS IIFemale Warders - Grades I and IIBranch IICLASS I

### **1. Special Grade Prison Teachers and Instructors.**

### **2. Higher Elementary Grade Teachers and Instructors.**

CLASS II

### **1. Carpenter Instructors - Grades II and III**

### **2. Blacksmith Instructors**

### **3. Tailor Instructors - Grade II**

### **4. Weaving Instructors - Grade II and III**

### **5. Durrie-making Instructors - Grades II and III**

### **6. Carpet-making Instructors.**

### **7. Dyeing Instructors- Grades II and III**

### **8. Polisher.**

### **9. Fitter-Grades II and III**

## **10. Shoe-making Instructors,**

CLASS III Jamedar, Chauffers Temporary Posts. Branch IV

### **1. Wiremen.**

### **2. Packer clerks and Packers.**

Port Department I. Andhra Pradesh Port Subordinate Service : -

### **1. Assistant Light Keepers and Signallers.**

### **2. Flag Lascars.**

### **3. Tindals - Grade II.**

### **4. Boatmen.**

II. Andhra Pradesh General Subordinate Service : -

### **1. Serangs - Grade H**

### **2. Firemen - Grades I and II**

### **3. Welders**

### **4. Greasers.**

### **5. Lascars.**

### **6. Store Attender.**

### **7. Hammermen.**

Public Health And Municipal Engineering Department

### **1. Andhra Pradesh General Subordinate Service : -**

Attenders employed in the office of the Sanitary Engineer. Appendix II [Rule 14(1)(b) Third Proviso]

Authority Which May  
Impose The Penalty Of

Categories of Officers	Censure u/r. 9(i)	Recovery from pay u/r. 9(iii)	Withholding of increments u/r.9(iv)	Authority which may place undersuspension u/r. 8
(1)	(2)	(3)	(4)	(5)
Jailors in Central or District Jails.	Appointing Authority	Appointing Authority	Appointing Authority	Appointing Authority
School Assistants, Dy. Inspector of Schools, Assistant Lecturers, Tutors, Demonstrators, Upper Division Clerks, Head Clerks, Managers, etc.	Appointing Authority	Appointing Authority	Appointing Authority	Appointing Authority
Staff of Public Works Department(excluding Secretariat staff)	Immediate Superior Gazetted Officer	Authority next above the immediate superior Gazetted Officer	Authority next above the immediate superior Gazetted Officer	Authority next above the immediate superior Gazetted Officer
Supervisors in Engineering Department .				
Head Clerks and Managers in the Offices of Superintending Engineers.	Executive Engineer	Executive Engineer	Executive Engineer	Executive Engineer
Staff working under the administrative control of the Director, Industries and Commerce.	Immediate Superior Gazetted Officer	Immediate Superior Gazetted Officer	Immediate Superior Gazetted Officer	Appointing authority
Assistant Inspectors of Labour, Welfare Organisers, Health Visitors, Craft Instructress, Audio Visual Incharge, Upper Division Clerks.	Industrial Relations Officers and Labour Enforcement Officer concerned	Industrial Relations Officers and Labour Enforcement Officer concerned	Industrial Relations Officers and Labour Enforcement Officer concerned	Deputy Commissioner of Labour concerned.

[x x x]	[The entry pertaining to CooperativeSub-registrars omitted vide G.O.Ms.No. 321, G.A.D., dated 24-7-97]						
Dairy Assistants	Immediate Superior Gazetted Do. Officer.		Additional Joint Registrar	Additional Joint Registrar			
Appendix III[See 14(2) First Proviso]		Authority Which May Impose The Penalty Of					
Class of Subordinates	Fine u/r. 10(i)	Censure u/r. 9(i)	Withholding of promotion u/r. 9(ii)	Recovery from pay u/r. 9(iii)			
(1) Bureau Of Economics And Statistics I.Members of the A.P. Economics and StatisticalSubordinate Service :	(2)	(3)	(4)	(5)			
Taluk Statistical Assistants.	-	Tahsildar or District Statistical Officer	Director, Bureau of Economics & Statistics	Director, Bureau of Economics & Statistics			
Commercial Taxes Department I.Members of the A.P. Commercial Taxes SubordinateService	-	-	-				

Asst. Commercial Tax  
Officer-

Dy. Commn. of  
Commercial Taxes

II.Members of the A.P.  
Ministerial Service in  
theOffice of the-

(1) Dy. Commercial Tax  
Officer.- -

Deputy Commercial  
Tax Officer. - -

(2) Asst. Commercial Tax  
Officer- -

Assistant Commercial  
Tax Officer. - -

III.Members of the A.P.  
General Subordinate  
Service -Bill Collectors -

Dy. Commercial Tax  
Officer or - -

Assistant  
Commercial Tax  
Officer, as the case may  
be.

## CO-OPERTATIVE DEPARTMENT

I. Members of the A.P.  
Co-operative Subordinate  
Service :

1.Co-operative  
Sub-Registrars

(i) Working in O/o. the  
Addl.Commr. for Co-op. & Addl. Regr. I  
Regr. of Co-op. Societies.

Addl. Regr. I

Addl. Regr. I

Addl. Regr. I

(ii) Elsewhere

(a) In Administrator wing  
of Department . otherthan  
in officer of[District  
Co-operative Officer]  
[Amended by G.O.Ms.No.  
195, G.A.D., dated  
30-5-1998].

Immediate  
superior  
Gazetted  
Officer.

Addl Regr. I

[District Co-op.  
Officer]

[Amended by Immediate superior  
G.O.Ms.No. 195, Gazetted Officer.  
G.A.D., dated  
30-5-1998]

(b) Working in Officer  
of[District Co-op. Officer]  
[Amended by G.O.Ms.No.  
195, G.A.D., dated  
30-5-1998].

Immediate  
superior  
Gazetted  
Officer.

Add. Regr. I

Addl. Regr. I

Immediate superior  
Gazetted Officer

(iii) Working in Audit  
Wing.

Immediate  
superior  
Gazetted  
Officer.

Addl. Regr. I

Addl. REgr.  
I/Cheif Auditor

Immediate superior  
Gazetted Officer.

## 2. Senior Inspector :

### (i) Working in O/o the

Commr. for Co-op. & Regr. Addl. Regr. I Addl. Regr. I Addl. Regr. I Addl. Regr. I  
of Co-op. Societies.

### (ii) "Elsewhere

#### (a) In Administrator wing other than in office

of [District Co-operative Officer] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998]. Immediate superior Gazetted Officer. Addl. Regr. I [District Co-op. Officer] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998]. Immediate superior Gazetted Officer.

#### (b) "those working in [District Co-op. Officer.] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998]

Immediate superior Gazetted Officer. Addl. Regr. I

Addl. Regr. I/Chief Auditor Immediate superior Gazetted Officer.

### (iii) in Audit Wing.

Immediate superior Gazetted Officer. Addl. Regr. I

Addl. Regr. I/Chief Auditor Immediate superior Gazetted Officer.

## 3. Junior Inspectors :

### (i) Working in O/o the

Commr. for Co-op. & Regr. Addl. Regr. I Addl. Regr. I Addl. Regr. I Addl. Regr. I  
of Co-op. Societies.

### (ii) "Elsewhere in

#### (a) Administrator wing other than in office

of [District Co-operative Officer] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998]. Immediate superior Gazetted Officer. Addl. Regr. I [District Co-op. Officer] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998]. Immediate superior Gazetted Officer.

#### (b) Working in O/o. the [District Co-op. Officer] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998].

Immediate superior Gazetted Officer. Addl. Regr. I

Addl. Regr. I Immediate superior Gazetted Officer

### (iii) in Audit Wing

Immediate superior Gazetted Officer. Addl. Regr. I

Addl. Regr. I/Chief Auditor Immediate superior Gazetted Officer.

## II. A.P. Ministerial

### Service Jr. Assistants Typists

:

(i) Working in O/o. the

Addl. Commr. for Co-op. & Addl. Regr. I	Addl. Regr. I	Addl. Regr. I	Addl. Regr. I
Regr. of Co-op. Societies.			

(ii) "Elsewhere in

Administrator Wing. [District Co-op. Officer] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998].	Immediate superior Gazetted Officer.	Collector (Co.-opn)	Collector (Co.-opn)	Immediate superior Gazetted Officer.
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(iii) in Audit Wing

Immediate superior Gazetted Officer.

Collector (Co.-opn)

Collector (Co.-opn)

Immediate superior Gazetted Officer.

III. Members of A.P. Last Grade Service :

(i) Attenders working in O/o. Commr. for Co-op. & Regr. of Co-op. Societies.

Joint Regr. ( Administrator )

Joint Regr. ( Administrator )

Joint Regr. ( Administrator )

Joint Regr. ( Administrator )

(ii) Working elsewhere

Immediate superior Gazetted Officer.

Immediate superior Gazetted Officer.

Collector (Co.-opn.)

[District Co-operative Officer] [Amended by G.O.Ms.No. 195, G.A.D., dated 30-5-1998]

## EDUCATION

## DEPARTMENT

I. Members of the A.P. General Subordinate Service :

(1) Attenders in the offices in the Agency area.

-

Head Master or Deputy Inspector of Schools concerned.

-

-

II. Members working in the office of the Director, N.C.C., A.P., N.C.C., Group Head Quarters and N.C.C. Units.

1. Superintendents  
2. Accountants  
3. U.D.Cs.  
4. L.D.Cs.  
5. Steno-grapher  
6. Steno  
7. Typist

Group and Unit Commander for civilian staff working in

Director, N.C.C. in respect of the posts at S1.Nos. 1 to 11 under Column (1) Establishment officer

Commander, N.C.C. Group Headquarters for the Civilian staff working in

Group and Unit Commander for civilian staff working in NCC Group Head-quarters and in N.C.C. Unit



Typists8.Ship-Modelling Mechanic-cum-Store Keepers9.Agro-Modelling Keepers10. Saddlers11. Farriers12.Drivers13. Record Assistants14. Attendees15.Lascars16. Chowkidars	NCC Group Head-quarters Unit Officesrespectively, Establishment Officer for the Civilian staffworking in N.C.C. Directorate.	in respect ofthe posts at SI.No. 12 to 16 under N.C.C. Unit Offices. Dy. Director,N.C.C. for the civilian staff working in N.C.C. GroupHeadquarters in the N.C.C. Directorate.	Officesrespectively, Establishment Officer for the Civilian staffworking in N.C.C. Directorate.
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## EXCISE DEPARTMENT

### I.A.P. Excise Subordinate Service :

1. Circle Inspectors and Sub-Inspectors of Excise.	-	Excise Superintendent	Deputy Commnr. of Excise.	Deputy Commnr. of Excise.
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## FISHERIES DEPARTMENT

### I.Motor Drivers, Electricians and Fieldmen attached tothe Head Office.-

### II.Members of the Last Grade Service-

Under the members of the Fisheries Subordinate Service	Pisciculturist, Botanist, Research Assistant,Inspector of Fisheries or Laboratory Assistant, as the case my be	Pisciculturist, Botanist, Research Assistant,Inspector of Fisheries or Laboratory Assistant, as the case mybe.	Pisciculturist, Botanist, Research Assistant,Inspector of Fisheries or Laboratory Assistant, as the case mybe.	Pisciculturist, Botanist, Research Assistant,Inspector of Fisheries or Laboratory Assistant, as the mybe.
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## FOREST DEPARTMENT

### I.A.P. Forest Sub-ordinate Service

1. Artist Photographer-	-	-	Conservator of Forests in the	Divisional Forest Officer/StateSilvicultur
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			case of those under State Silviculturist and Forest Utilisation Officer and Conservator of Forests in the case of other.	Utilisation Officer.
2. Dy. Range Officers (those appointed by Chief Conservator of Forests upto 31-8-76 (inclusive)	-	-	Divisional Forest Officer	Divisional Forest Officer
3. Dy. Range Officers (those appointed by Conservator of Forests on or after 1-9-1976).	-	-	Divisional Forest Officer	Divisional Forest Officer
4. Forester	-	Forest Range Officer.	-	-
5. Forest Guards	-	Forest Range	-	-
6. Draughtman-I	-	-	Conservator of Forests	Conservator of Forests in the case of those under Conservator of Forests and Divisional Forest Officer in the case of those under Divisional Forest Officer.
7. Draughtman-II	-	-	Divisional Forest Officer	Divisional Forest Officer
8. Categories of Class I, II and III under A.P. Subordinate Establishment Rules as Approved in G.O.Ms.No. 1518, Food and Agriculture, dated 9-8-1969. [Sl.No. 1 and 2 Omitted and Sl.Nos. 3 to 10 renumbered as 1 to 8 by G.O.Ms.No. 250, General Administrator (Ser.-C), dated 23-6-1995].	-	Forest Range Officer	-	-

II. Andhra Pradesh

Sub-ordinate Service :

Zoological Park

Establishment Service.

Category of Class A.

1. Assistant Curator	-	-	Conservator of Forests	Curator
2. Artist-cum-Curator of Museum.				

Category of Class B.

III.A.P. Subordinate

Service (As Approved

in G.O. Ms. No. 157, Food

and Agriculture

Department, dated

5-3-1973).

Categories 1 to 12 for

those the Conservator of

Forests are the appointing

authorities.

IV. The A.P. Ministerial

Service :

1. Managers	-	-	Conservator of Forests	Conservator of Forests
2. Circle Accountants				
3. Superintendents working in Divisional Officers.	-	-	Do.	Divisional Forest Officer.
4. Head Clerks working in Circle Offices.	-	-	Do.	Conservator of Forests
5. Head Clerks working in Divisional Offices.	-	-	Divisional Forest Officer (in case of those working under Divl. Forest Officer).	Divisional Forest Officer (in case of those working under Divl. Forest Officer).
6. U.D. Clerks	-	-	Do.	Do.

GOVERNMENT HOUSE  
DEPARTMENT

Head Office :

Clerks, Accountants,  
Stenographers, Typists,  
Assistant Accountant,  
Store Clerks, Stewards,  
Grade I and II,  
Butlers, Carpenters,  
Painters, Head  
Cooks, Cooks and  
Electrician.

Assistant  
Comptroller.

Assistant Comptroller.

Assistant  
Comptroller.

Assistant Comptroller.

A.P. Government Guest  
House, New Delhi:

(1) Members of A.P.  
Ministerial Service and  
A.P. Genl. Subordinate  
Service exclusively  
attached to the A.P.  
Government Guest House,  
New Delhi.

Agent to  
Government of  
A.P. at New  
Delhi.

Agent to Government  
of A.P. at New Delhi.

Agent to  
Government of  
A.P. at New  
Delhi.

Agent to Government  
of A.P. at New Delhi.

(2) Members of A.P.  
Ministerial Service and  
A.P. Genl. Subordinate  
Service exclusively  
attached to the  
Hyderabad Palace, Delhi.

Do.

Do.

Do.

Do.

(2) Members of A.P.  
Ministerial Service and  
A.P. Genl. Subordinate  
Service common to  
Hyderabad Palace and  
A.P. Government Guest  
House at New Delhi.

Do.

Do.

Do.

Do.

## INDIAN MEDICINE DEPARTMENT

I.A.P. Indian Medicine  
Subordinate Service :

(I) Inspector (Tabeeb)  
Board of Indian Medicine  
and Inspecting Medical  
Officer.

-

Head of the  
Department.

Head of the  
Department.

Head of the  
Department.

(2) Tabeebs, Vaid, Asst.  
Professors, Lecturers,  
Supdt., for Lady Students,  
Dentists, Demonstrators,

-

Head of the Office or  
Institution.

Gazetted Head  
of the Office or  
Institution, if  
no Gazetted

Do.

Senior Nurses, Junior Nurses and Staff Nurses.			Head, then Head of the Department.	
(3) Technicians, Chemist, Compounders, Asst. Compounders, Jarrahas, - Dayas, Register Writers, Stewards.		Do.	Do.	Head of the Department.
II.A.P. Ministerial Service				
(1) Suptds. in the Office of the Spl. Officer, Indian Medicine. -		Head of the Department.	Head of the Department.	Do.
(2) Accountants, Clerks, Steno-Typists, Typists in the offices under the - control of Special Officer, Indian Medicine.		Head of the Office or Institution	Gazetted Head of the Office or Inst. if no Gazetted Head, then Head of the Department.	Do.
(3) Accountants Clerks Steno-Typists, Typists in the Office of Spl. Officer, - Indian Medicine.		Head of Department.	Head of the Department.	Do.
(4) Daftardars Books-Keepers, Field - Men, Oil Engine Driver		Head of the Office or Institution	Gazetted head of the Office or Inst., if no Gazetted Head, then Head of the Department Do.	Head of the Office or Institution
III.A.P. Last Grade Service :				
(1) Last Grade Service in the offices under the control of the Special Officer, Indian Medicine.	Head of the Office or Institution.	Head of the Officer or Institution.	Gazetted Head for the Office or Inst., if no Gazetted Head then Head of the Department.	Head of the Department.
(2) Last Grade Servants in the Office of the Special Officer Indian Medicine.	Head of the Department.	Head of the Department.	Head of the Department.	Do.

**SOCIAL WELFARE  
DEPARTMENT**

I.A.P. Minor Irrigation  
Subordinate Service :

Special Overseers in the Districts.	-	District Welfare Officer.	-	-
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II.A.P. Ministerial Service :

Clerks and Typists in District Welfare Offices.	-	Do.	-	-
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**MEDICAL  
DEPARTMENT**

I. Members of the A.P. Ministerial Service holding posts in the scale of Rs. 80-110 and above in offices and institutions other than the office of the Director of Medical Service.

Head of the Office or Institution concerned not below the rank of a Civil Surgeon.

Head of the Office or Institution concerned not below the rank of a Civil Surgeon.

Head of the Office or Institution concerned not below the rank of a Civil Surgeon.

**POLICE DEPARTMENT**

I.A.P. Ministerial Service :

Clerks & Accountants in Habitual Offenders Settlement	-	Manager concerned	Suptd. of Police concerned.	Suptd. of Police concerned.
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**PUBLIC HEALTH  
DEPARTMENT**

I. A.P. Public Health Subordinate Service

(1) Staff in the City :

(i) Statistical Asst. (ii) Laboratory Assts., Field Assts. & Research Laboratory Attendants.

Director of Public Health, Health Officer in-charge of the Central Malaria Laboratory, Research Health Officer or Assistant Director of Public Health as the case may be.

Health Officer in-charge of the Central Malaria Laboratory, Research Health Officer or Assistant Director of Public Health as the case may be.

(iii) Other members.	-	Assistant Director of Public Health(Establishment)	-	Assistant Director of Public Health(Establishment)
(2) Staff in the office of the Regional Asst. Director of Public Health.	-	Regional Assistant Director of Public Health	Regional Assistant Director of Public Health	Director of Public Health
(3) Staff in Moffusil	-	Health Officer.	Health Officer.	Health Officer.
II.Members of the A.P. Ministerial Service employed in:				
(1) Office of the Director of Public Health	-	Director of Public Health	-	Director of Public Health.
(2) Other Offices	-	Health Officer concerned.	Health Officer concerned.	Health Officer concerned.
III.A.P. General Sub-ordinate Service :				
(1) Attenders employed in the office of the Director of PublicHealth.	-	Director of Public Health.	-	Director of Public Health.
(2) Attenders employed in the Office of the Regional Asst.Director of Public Health.	-	Regional Assistant Director of Public Health.	Regional Assistant Director of Public Health.	Regional Assistant Director of Public Health.
REGISTRATION DEPARTMENT				
I.Members of the A.P. Registration SubordinateService.				
	-	-	-	-
II.A.P. Ministerial Service and Last Grade Service :				
(1) Establishment in the Office of District Registrars :				
(i) Upper Division Clerks LowerDivision Clerks and Copyists.	-	Joint Registrar or where there are more than oneJoint Sub-Registrar, the Senor of them.	-	-
(ii) Member of Last Grade Service.	Joint Sub-Registrar	Joint Sub-Registrar or where there are more	-	-

or where there thanone Joint  
are more Sub-Registrar, the  
thanone Joint Senor of them.  
Sub-Registrar,  
the Senior of  
them (upto a  
limit of  
oneday's pay).

(2) Establishment in the  
Office of the  
Sub-Registrars :

(i) Lower Division Clerks - Sub-Registrar - -  
&Copyists.

(ii) Member of Last Grade Sub-Registrar  
Service (upto a limit of Sub-Registrar - -  
one day's pay)

#### REVENUE

#### DEPARTMENT

I.A.P. Ministerial Service :

(1) (a) Staff employed in  
the offices in division  
other thanthose in the - Head of the Office. - -  
offices of the Revenue  
Divl. Officers.

(b) Staff except Dy.  
Tahsildars employed in - Tahsildar - Secretary Board of  
offices ofTahsildars Revenue

(2) Members of the  
service in the Office of the - - -  
Board ofRevenue.

(3) Members of the  
Service in the Office of the - - - Additional or Joint  
Board ofRevenue (C.T. SEcretary, Board of  
Branch). Revenue(CT Branch).

(4) Members of the  
Service in the office of the - - - Additionla or Joint  
Board ofRevenue (Excise Secretary, Board of  
Branch). RevenueExcise  
Branch).



## II.A.P. General

### Subordinate Service :

Attenders in the offices in divisions excluding offices of the Revenue Divl. Officers.

Head of the office.

## TECHNICAL EDUCATION DEPARTMENT

### A.P. Technical Education

#### Sub-ordinate Service :

Assistant Lecturers, Instructors, Draughtsmen & Draughtsmen Instructors in Polytechnics and Mining Institutes.

Principal of the Institution.

Principal of the Institution.

## TREASURY AND ACCOUNTS DEPARTMENT

### I. Treasury & Accounts

Subordinate Service Staff working in the Sub-Treasuries.

Sub-Treasury Officer.

[Sub-Treasury Officer.

Sub-Treasury Officer.

Inserted by G.O.Ms.No. 335, G.A.D., dated 4-8-1995]

### II. Last Grade Service :

(1) Members working in the Sub-Treasuries.

Sub-Treasury Officer.

Sub-Treasury Officer.

(2) Members working under the Administrator control of the Dist. Inspectors of Local Fund Accounts.

District Inspector of Local Fund Accounts.

District Inspector of Local Fund Accounts.

## TRIBUNAL FOR DISCIPLINARY PROCEEDINGS

I. Members of the A.P. Ministerial Service employed in the Office of the Tribunal for

Chairman

Chairman

Disciplinary Proceedings.

II. Members of the A.P.

General Subordinate Service

employed in the

Office of the Tribunal for

Disciplinary Proceeding

(Attendees).

Chairman

Chairman

Appendix IV [Appendix IV Substituted by G.O.Ms., No. 284, GAD (Ser.-C), dated 7-7-97. Printed in A.P. Gazette, Part I, dated 4-9-97] [Rule 14(2) Second Proviso : Rule 34(i), (iii) Second Proviso] Competent Authority Which May Impose Penalties On Members Of The Andhra Pradesh Police Subordinate Service And Andhra Pradesh Special Armed Police Service

Sl. No.	Class of Subordinates	Censure u/r. 9(i)	Withholding of increments or promotion u/r. 9(ii), (iv)	Recovery from pay u/r. 9(iii)	Suspension
	(1)	(2)	(3)	(4)	(5)
<p>ANDHRA PRADESH POLICE SUBORDINATE SERVICE</p> <p>1. Sub-Inspectors of Police (including women S.Is.) :</p> <p>(a) Mofussil</p>					
(i) Districts	Addl. S.P. or D.S.P.	Addl. S.P. or D.S.P.	Addl. S.P. or D.S.P.	Addl. S.P. or D.S.P.	D.I.G. or officer of equivalent rank.
(ii) Police Training College/ Andhra Pradesh Police Academy	Vice-Principal Faculty Mem (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	Vice-Principal Faculty Mem (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	Vice-Principal Faculty Mem (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	Vice-Principal Faculty Mem (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	D.I.G. or Director of Inspection Officer Rank/

(b) (i) Intelligence Branch, Hyd.	Addl. S.P. or D.S.P. concerned.	Addl. S.P. or D.S.P. concerned.	Addl. S.P. or D.S.P. concerned.	Addl. S.P. or D.S.P. concerned.	D.I.G. Hyderabad
(ii) Crime Branch C.I.D., Hyd.	Addl. S.P. or D.S.P. concerned.	Addl. S.P. or D.S.P. concerned.	Addl. S.P. or D.S.P. concerned.	Addl. S.P. or D.S.P. concerned.	I.G.P. Hyderabad
(i) State Crime Records Bureau Finger Print Bureau(Including Sub-Inspt. Photographer).	Director or Dy. Supdt. of Police.	Director or Dy. Supdt. of Police.	Director or Dy. Supdt. of Police.	Director or Dy. Supdt. of Police.	Director or Dy. Supdt. of Police.
(i) Police Computers	Supdt. of Police.	Supdt. of Police.	Supdt. of Police.	Supdt. of Police.	Supdt. of Police.
(c) (i) Hyderabad.	Addl. D.C.P. or Assistant Commissioner of Police concerned	Addl. D.C.P. or Assistant Commissioner of Police concerned	Addl. D.C.P. or Assistant Commissioner of Police concerned	Addl. D.C.P. or Assistant Commissioner of Police concerned	Commr. of Police
(ii) Vijayawada City Police & Visakhapatnam City Police.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police in the rank of Dy. Supdt. of Police concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police in the rank of Dy. Supdt. of Police concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police in the rank of Dy. Supdt. of Police concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police in the rank of Dy. Supdt. of Police concerned.	Commr. of Police
2. Reserve Sub-Inspector :					
(a) Mofussil					
(i) Districts Addl.	Addl. S.P. or D.S.P. concerned or an officer of the corresponding rank.	Addl. S.P. or D.S.P. concerned or an officer of the corresponding rank.	Addl. S.P. or D.S.P. concerned or an officer of the corresponding rank.	Addl. S.P. or D.S.P. concerned or an officer of the corresponding rank.	D.I.G. or an officer of the corresponding rank.

(ii) S.A.R., C.P.L. Asst. Comdt. Asst. Comdt. Asst. Comdt. Asst. Comdt. Spl. I.C.

(iii)[Police Training Colleges] [Errata

Issued vide G.O.Ms.No. Vice-Principal Vice-Principal Vice-Principal Vice-Principal D.I.G.,  
125, G.A.D., dated  
I-4-1998]

(b) (i) Hyderabad City Police Addl. D.C.P. or Assistant Commissioner of Policeconcerned Addl. D.C.P. or Assistant Commissioner of Policeconcerned Addl. D.C.P. or Assistant Commissioner of Policeconcerned Addl. D.C.P. or Assistant Commissioner of Policeconcerned Comm

(ii) Vijayawada City Police Dy. Commr. of Police (in the rank of Addl. Supdt.of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt.of Police) Dy. Commr. of Police (in the rank of Addl. Supdt.of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt.of Police) Dy. Commr. of Police (in the rank of Addl. Supdt.of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt.of Police) Dy. Commr. of Police (in the rank of Addl. Supdt.of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt.of Police) Comm

	concerned.	concerned.	concerned.	concerned.	
(iii) Visakhapatnam City Police.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Commr.
3.(i) Asst. Reserve Sub-Inspts, Armed Reserve.	Addl. S.P. or D.S.P. concerned	Addl. S.P. or D.S.P. concerned	Addl. S.P. or D.S.P. concerned	Addl. S.P. or D.S.P. concerned	DI.G. or equivalent
(ii) Hyderabad City Police	Addl. D.C.P. or Assistant Commissioner of Police concerned.	Addl. D.C.P. or Assistant Commissioner of Police concerned.	Addl. D.C.P. or Assistant Commissioner of Police concerned.	Addl. D.C.P. or Assistant Commissioner of Police concerned.	Commr.

(iii) Vijayawada City Police	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Commr.
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(v) Visakhapatnam City Police.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Dy. Commr. of Police (in the rank of Addl. Supdt. of Police) or Asst. Commr. of Police (in the rank of Dy. Supdt. of Police) concerned.	Commr.
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(v) Spl. Armed Reserve Central Police Lines	Asst. Comdt.	Asst. Comdt.	Asst. Comdt.	Asst. Comdt.	Sp. I.G.
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#### 4. Head Constables :

##### (a) Mufussil :

(i) Districts.	Inspector of Police concerned.	Inspector concerned.	Inspector concerned.	Inspector of Police concerned.	Supdt.
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(ii) S.A.R., C.P.L.	Reserve Inspector of Police.	Reserve Inspector of Police.	Reserve Inspector of Police.	Reserve Inspector of Police.	Comm
(iii)[Police Training Colleges] [Errata Issued vide G.O.Ms.No. 125, G.A.G., dated 1-4-1998].	Chief Law Inspr./C.D.I.	Chief Law Inspr./C.D.I.	Chief Law Inspr./C.D.I.	Chief Law Inspr./C.D.I.	Princip
(b) (i) Intelligence Branch Hyderabad.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt. Intellig
(ii) Crime Branch C.I.D., Hyd.	Inspector concerned	Inspector concerned	Inspector	Inspector	S.P., C
(iii)(a) S.C.R.B. Finger Print Bureau : ASIS(including ASI, Photographers) :	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Direct Officer equiva
(b) Police Computer	[Police Computer] [Errata Issued vide G.O.Ms.No. 125, G.A.D., dated 1-4-1998]	[Inspector concerned] [Errata Issued vide G.O.Ms.No. 125, G.A.D., dated	Inspector concerned	Inspector concerned	Supdt. Compu

1-4-1998]

(iv) Vijayawada City Police	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector Addl. C Police Supdt.
(v) Hyderabad City Police	Do.	Do.	Do.	Do.	Dy. Co concern
(vi) Visakhapatnam City Police	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Addl. C in the ofPolice

5. Constables  
(including Women PCs)

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(a) Mofussil :

(i) District.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt.
(ii) S.A.R., C.P.L.	Reserve Inspector.	Reserve Inspector.	Reserve Inspector.	Reserve Inspector.	Comm



(iii) P.T.Cs.	Chief Law Insp./C.D.I.	Chief Law Insp./C.D.I.	Chief Law Insp./C.D.I.	Chief Law Insp./C.D.I.	Princip
(b) (i) Intelligence Branch, Hyderabad.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt. Intellig
(ii) Crime Branch Hyderabad.	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	S.P., C
(iii) S.C.R.B., Police Computers.	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Supdt. Compu Police
(v) Vijayawada City Police	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Addl. C Police Supdt.

(vi) Visakhapatnam City Police	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Addl. C Police Supdt.
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ANDHRA PRADESH  
POLICE RADIO  
BRANCH

(i) (a) Radio Supervisors S.I. (Technical)	Dy. Supdt. of Police Communications.	Dy. Supdt. of Police Communications.	Dy. Supdt. of Police Communications.	Dy. Supdt. of Police Communications.	Addl. I Comm andOff or high
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(b) Draftsman.

(ii) Radio Technical A.S.I. (Technical)	Dy. Supdt. of Police Communications.	Dy. Supdt. of Police Communications.	Dy. Supdt. of Police Communications.	Dy. Supdt. of Police Communications.	Addl. I Comm anOffi or high
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(iii) (a) Grade-I Operators (HO Operators)(b)	Inspector, Police Communications concerned.	Inspector, Police Communications concerned.	Inspector, Police Communications concerned.	Inspector, Police Communications concerned.	Supdt. Comm Hyder
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Painter(c)Carpenter(d)  
Blacksmith(e)  
FitterElectrician

(iv) (a) Grade-II Operators. (PC Commns.)	Inspector, Police Communications concerned.	Inspector, Police Communications concerned.	Inspector, Police Communications concerned.	Inspector, Police Communications concerned.	Supdt. Comm Hyder
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POLICE TRANSPORT  
ORGANISATION

(i) Sub-Inspectors	Technical Assistant.	Technical Assistant.	Technical Assistant.	Technical Assistant.	Dir. P. Officer orhigh rank cl Transp Organ
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(ii) Head Constables	Inspector of Police	Inspector of Police	Inspector of Police	Inspector of Police	Direct Officer
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(iii) Police Constables ANDHRA PRADESH SPECIAL ARMED POLICE SERVICE	Do.	Do.	Do.	Do.	Do.
(i) Reserve Sub-Inspectors	Addl. Comdt. or Assistant Commandant	Addl. Comdt. or Assistant Commandant	Addl. Comdt. or Assistant Commandant	Addl. Comdt. or Assistant Commandant	D.I.G.
(ii) Assistant Reserve	Do.	Do.	Do.	Do.	Do.
(iii) Head Constables	Reserve Inspector	Reserve Inspector	Reserve Inspector	Reserve Inspector	Comm
(iv) Constables GREY HOUNDS (SPECIAL SECURITY FORCE)	Do.	Do.	Do.	Do.	Do.
I. Asst. Assault Commanders (including Women Asst.Assault Commanders)	Squadron Commanders (Addl. SP) or AssaultCommander (DSP) concerned.	Squadron Commanders (Addl. SP) or AssaultCommander (DSP) concerned.	Squadron Commanders (Addl. SP) or AssaultCommander (DSP) concerned.	Squadron Commanders (Addl. SP) or AssaultCommander (DSP) concerned.	Dy. Ins Police ofequi rank.

(S.Is./L.S.Is.)

II. Senior Commandos (Head Constables)	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Group (Supdt)
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III. Junior Commandos (Police Constables)	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Group (Suplt.)
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## RAILWAY POLICE

I. Sub-Inspector/Reserve Sub-Inspector.	Addl. Supdt. of Police or Dy. Supdt. of Policeconcerned.	Addl. Supdt. of Police or Dy. Supdt. of Policeconcerned.	Addl. Supdt. of Police or Dy. Supdt. of Policeconcerned.	Addl. Supdt. of Police or Dy. Supdt. of Policeconcerned.	DIG, R of equiva
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II. Head Constables	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt. Railwa
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III. Constables	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt. Railwa
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