GOVERNMENT OF ANDHRA PRADESH

GENERAL ADMINISTRATION (SER-C) DEPARTMENT

ANDHRA PRADESH CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1991

ABSTRACT

Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Issued.

GENERAL ADMINISTRATION (Services-C) DEPARTMENT

G.O.Ms.No.487 **Dt. 14-9-1992**

Read the following:

1. G.O.Ms.No.1376, G.A. (Rules) Department, dt.28-11-63.
2. G.O.Ms.No.490, G.A. (Ser.C) Department, dt.8-8-91.
3. Published in Part I No.235 Extraordinary A.P. Gazette, dt.1-7-92.

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ORDER:

The Officer on Special Duty appointed by the Government to examine whether any amendments are required to various Acts and Rules relating to the conduct and discipline of Government servants has examined the provisions of the Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1963, keeping in view of the suggestions made by the Commissioner for departmental enquiries and also of the Government, and then submitted a report to the Government. The Government after careful consideration of the suggestions made by him have decided to issue the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, in super-session of the rules issued in the G.O, first read above as amended from time to time.

2. The following Notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

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 Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1963 issued in G.O.Ms.No.1376, G,A. (Rules) Dept. dated the 28th November, 1963 and published in supplement to Part-I of the Andhra Pradesh Gazette, dated the 30th January, 1964.

RULES

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.

Interpretation.

(2) 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 proceeding, 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 Civil 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 Government;

(iii) is in the service of a local or other authority and whose services are temporarily placed at the disposal of Government;

(f) 'Governor' means Governor of Andhra Pradesh;

(g) 'major penalty' means any of the penalties specified in clauses (vi) to (x) (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.

Application.

(3) (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.

Power to exclude from operation

(4) Notwithstanding any thing 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 declares 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

Classification of Services:

(5) (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.

Constitution of State Services

(6) 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.

Constitution of Subordinate Services

(7) 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.

(G.O.Ms.No. 516, G:A. (Ser. C) Dept., Dt. 6-12-99)

PART III - SUSPENSION

Suspension

(8) (1) A member of a Service may be placed under suspension from service.

(a) where 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:

The proviso omitted, (G.O.Ms.No.417, GA (Ser,C) Dept., dt: 24-08-94)

"(d) A Government Servant 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".

(G. O. Ms. No. 27, G.A. (Ser. C) Dept., Dt. 24-1-2002.)

(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 cease 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",

(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 end 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.

PART IV - PENALTIES AND DISCIPLINARY AUTHORITIES

Penalties

9. 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) deleted vide G.O.Ms.No. 335, G.A.(Ser.C) Dept., dt: 4.8.2005.

(iv) withholding of increments of pay without cumulative effect (G. O. Ms. No. 205, GA (Ser. C) Dept., dt. 5-6-98);

(v) (a) suspension, where a person has already been suspended under rule 8 to the extent considered necessary;

(v) (b) Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension;

(G.O. Ms. No. 373, G.A. (Ser.C) Dept., dt: 6.12.2003)

Major Penalties

(vi) withholding of increments of pay with cumulative effect (G.O.Ms.No. 205, GA (Ser.C) Dept., dt. 5-6-98);

(vii)(a)save as provided for a in clause (v) (b), 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;"

(vii)(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;"

(G.O. Ms. No. 373, G.A. (Ser.C) Dept., dt: 6.12.2003)

(viii) compulsory retirement;

(ix) removal from service which shall not be a disqualification for future employment under the Government;

(x) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Provided that, in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forebearing to do any official act is established, the penalty mentioned in clause (ix) or clause (x) shall be imposed.

Provided further that in any exceptional case and for special reasons to be recorded in writing, any other penalty may be imposed.

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 the 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 Service 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 of 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 expiration of the period of the 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 293A of the Hyderabad Civil Services Rules or under the Andhra Pradesh Government Servant's Premature Retirement Rules, 1975 or under Article 465(2) or under Note I to Article 465A 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.

Other penalties

10. 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 Fireman, Driver-Mechanics, Driver-Operators, Firemen-Machanlcs, 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.

Disciplinary Authorities in respect of State Services

11. (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) 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 Mandal Revenue Officer, 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 Mandal Revenue Officers 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.

(b) 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.

"(3-A) 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 (i) to (v) of rule:9".

(G.O.Ms.No. 382, GA (Ser.C) Dept., dt.15-9-2001.)

(4)The Director of Treasuries and Accounts may impose on the Accounts Officers, District Treasury Officers, Assistant Directors, Pension Payment Officers and other Officers of equivalent cadre in Treasuries and

Accounts Department, the penalties specified In clauses (i) and (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) of rule 9.

(6) The Commissioner, Endowments Department may impose on the Deputy Commissioner and Assistant Commissioners, Endowments Department, the penalties specified in clauses (i) and (iv) of rule 9.

Sub-rule (7) omitted.

(G.O.Ms.No. 246, GA (Ser.C) Department, dt. 13-06-1997).

(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), (iv) of rule 9.

(11) The Director, Commerce and Export Promotion may impose on Assistant Directors and Section Officers in categories II and III of the Andhra Pradesh Central Store Purchase Service, any of the penalties specified in clauses (i) to (iv) of rule 9.

(12) The Commissioner of Labour may impose on Assistant Commissioners of labour, any of the penalties specified in clauses (i), (ii), (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), (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 Officers in Class II of the Andhra Pradesh Educational Service, any of the penalties specified in clauses (i), (ii), (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), (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 Specialties any of the penalties specified in clauses (i), (ii), (iv) of rule 9.

(iii) The Superintendents of General Hospitals attached to Medical Colleges may impose on Civil Assistant Surgeons of Clinical Specialties and Civil Assistant Surgeons belonging to the Specialties of Bio-Chemistry, Pathology and Micro-Biology, any of the penalties specified in clauses (i). (ii), (iv) of rule 9.

(iv) The Superintendents 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), (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) 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, the penalties specified in clauses (i) to (iv) of rule 9.

(20) (i) The Superintendent of 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).

(G.O.Ms.No. 353, G.A. (Ser.C) Dept., dt: 18.11.2003)

Earlier position

(20) The Engineer-in-Chief (Irrigation) may impose on-

(a) Assistant Engineers, Irrigation Department and Junior Superintendents, Public Works Workshop, the penalty 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) of rule 9.

(21) The Chief Engineer (Electricity) may impose on-

(a) Assistant Engineers, Store Superintendents, Chief Accountants and Deputy Chief Accountants under his control, the penalty 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) of rule 9.

(22) The Engineer-in-Chief (R&B) may impose on Deputy Executive Engineers (R&B), the penalty 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).

(G.O. Ms. No. 353, G.A. (Ser.C) Dept., dt: 18.11.2003)

Earlier position

(23) The Chief Engineer, Public Health may impose on Assistant Engineers and Municipal Engineers, Grade II and Municipal Engineers, Grade I (Telangana), the penalty specified in clause (i) of rule 9.

(24) (i) The Chief Engineer (General & Panchayati Raj) may impose on Deputy Executive Engineers of the Panchayati Raj Engineering Service, the penalties specified in clauses (i) and (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) to (iv) of rule 9.

(25) (i) The Deputy Inspector-General of Police or an officer of corresponding rank may impose on -

(a) Deputy Superintendent of Police, Assistant Commissioner of Police, Assistant Commandant, Andhra Pradesh Special Police, Deputy Superintendent, 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 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.

(a) The Principal Chief Conservator of Forests may impose on Assistant Conservator of Forests any of the penalties specified in clauses (i), (ii) and (iv) of rule 9.

(G.O.Ms.No. 496, GA (Ser.C) Dept., dt. 29-11-96)

(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 clauses (i) to (v) of rule 9.

(G.O.Ms.No. 247, GA (Ser.C) Dept., dated 16-06-1997)

(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.

(d) the Commissioner and Director, Handloom & Textiles may impose on Deputy Director (Handloom & Textiles) the penalties specified in clauses (i) and (iv) of Rule 9,"

(G.O.Ms.No. 359, GA (Ser.C) Dept., dt. 7-09-98).

(e) The Director of Prosecution may impose any of the penalties specified in clauses (i) to (v) of rule 9 on all categories of Andhra Pradesh Prosecution Services except Additional Director of Prosecution.

(G.O. Ms. No. 206, G.A. (Ser.C) Dept., dt: 16.7.2003)

(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 each 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.

(G.O.Ms.No. 428, GA (Ser.C) Dept., dt. 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 clause (x) of rule 9 on Mandal Revenue Officers",

(G.O.Ms.No.231, GA (Ser.C) Dept., dt. 7-6-2005).

Government's power to impose penalties on members of State Services

(12) Notwithstanding anything in rule 11, the Government may impose any of the penalties specified in rule 9 on members of the State Services.

Authorities competent to suspend members of State Service

(13) The authority which may place under suspension under rule 8 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	Authority which may place under suspension under rule 8.
(1)	(2)
1. Members of the State Judicial Service.	High Court of Judicature of Andhra Pradesh at Hyderabad
2. Mandal Revenue Officers (Tahsildars) (including Mandal Revenue Officers, Civil Supplies), Assistant Civil Supply Officers (Civil Supplies), Assistant Excise Superintendents (including Chemical Examiner) and Deputy Commercial Tax Officers.	Commissioners concerned.

(1)	(2)
"2-A.Mandal Parishad Development Officers, Divisional Panchayat Officers, Extension Officers (Panchayats), Extension Officers (Rural Development), Executive Officers (Gram Panchayats)	Collectors and District Magistrate.

The District Collectors are empowered to place the 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. (G.O.Ms.No. 533, GA (Ser.C) Dept., dated 06-12-1997).

3. Section Officers In the Departments of Secretariat and Governor's Secretariat.	Chief Secretary to Government, Principal Secretary to Government, Second Secretary to Government, Secretary to Government, Special Secretary to Government or the Secretary to Governor, as the case may be.
3(A). Private Secretaries to Secretaries to Government in the Departments of Secretariat and Governor's Secretariat.	Chief Secretary to Government, Principal Secretary to Government, Second Secretary to Government, Secretary to Government, Special Secretary to Government or the Secretary to Governor, as the case may be.

(G.O.Ms.No.382 GA (Ser,C) Department, dated: 15-9-2001)

"4. (i) The Assistant Executive Engineer, Irrigation	Executive Engineer Irrigation
(ii) The Deputy Executive Engineer, Irrigation	Superintendent Engineer (Irrigation)

(G.O. Ms. No. 353, G.A. (Ser.C) Dept., dt: 18.11.2003)

Earlier Position

4, Deputy Executive Engineers and Assistant Executive Engineers in Irrigation Department, and Junior Superintendents, Public Works	Engineer-in-Chief, Irrigation Department.

Workshops.

5. Asst. Research Officer In the Engineering Research Department.	Chief Engineer incharge of Engineering Research Department.
6. (i) Deputy Executive Engineers, Assistant Executive Engineers, Roads & Buildings Department.	i. Engineer-in-Chief (R & B).
(ii) Non-Technical Personal Asst. to the Chief Engineer (Roads & Buildings).	ii. Chief Engineer concerned to whom the Non-Technical Personal Assistant is attached.
7. (i) The Assistant Executive Engineer, Public Health	Executive Engineer (Public Health)
(ii) The Deputy Executive Engineer, Public Health	Superintendent Engineer Public Health

(G.O. Ms. No. 353, G.A. (Ser.C) Dept., dt: 18.11.2003)

Earlier Position

7. Deputy Executive Engineers (Public Health) Mechanical Expert Superintendent and Chemist, Drainage and Disposal work.	Chief Engineer (Public Health)
8. Deputy Executive Engineer of Panchayat Raj Engineering Department, Non-Technical Personal Assts. to the Chief Engineer (General. & P.R.)	Chief Engineers (General & PR.)
9. Civil Assistant Surgeons and Health Officers.	Director of Medical Education or Inspector General of Prisons if the misconduct relates to professional duties of jail discipline.
10. Statistical Officers and Medical Officers (Maternity and Child Health), Grade-II.	Director of Medical Education.
11. Lay Secretaries and Treasurers in Government Medical Institutions.	Director of Medical Education or Director of Indian Medicine and Homeopathy as the case may be.

12. Members in Class IV of the Andhra Pradesh Animal Husbandry Service.	Director of Animal Husbandry.
13. Omitted (G.O.Ms.No. 246, G.A, (Ser.C) Dept., Dt.13-06-1997.)	
14. Inspector of Factories, Inspector of Boilers, District Inspector of Labour, Inspector of Evaluation and Implementation and Administrative Officers (Subsidised Housing Scheme).	Commissioner of Labour.
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, Inspector, of Women Police.	Deputy Inspector General of Police, Commissioner of Police or Officers of corresponding rank concerned.
16. Deputy Director working in the Departments of Printing and in its various wings.	Director of Printing, Stationery and stores Purchase, Hyderabad.
"16(a) Assistant Conservator of Forests working in the Forest Department.	Principal Chief Conservator of Forests.
17(a) Other members of the State services holding initial Gazetted post.	The Regional authority or where no regional authority exists the Head of the Department.
(b) Other members of the State services holding second level Gazetted post.	Head of the department concerned.

[G.O.Ms.No. 428, G.A. (Ser.C) Dept., dt. 13-10-1999

Disciplinary authorities and Authorities competent to suspend, in respect of Subordinate Services.

14. (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 and

(iii) The Executive Engineer (Public Health) may place the Assistant Engineer (Public Health) under suspension",

(G.O. Ms. No. 353, G.A. (Ser.C) Dept., dt: 18.11.2003)

(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;

(ii) The Executive Engineer (Irrigation) may impose minor penalties on Assistant Engineer (Irrigation) and

(iii) The Executive Engineer (Public Health) may impose minor penalties on Assistant Engineer (Public Health)

(G.O. Ms. No. 353, G.A. (Ser.C) Dept., dt: 18.11.2003)

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, M.R.Os. 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), (iii), (iv) of rule 9 or place under suspension under rule 8 shall be as specified thereof against each such category .

(2) (i) The authority which may impose on a member of a Subordinate Service, the penalties specified in clauses (ii), (v) to (x) of rule 9 shall be the appointing authority or any authority to which it is subordinate:

(ii) The Superintendent Engineer (Irrigation) may impose major penalties on Assistant Engineer (Irrigation)

(iii) The Superintendent Engineer (Public Health) may impose major penalties on Assistant Engineer (Public Health).

(G.O. Ms. No. 353, G.A. (Ser.C) Dept., dt: 18.11.2003)

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 Police 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;

(G.O.Ms.No. 284, G.A. (Ser.C) Department, Dated: 07-07-1997)

Provided also as that the Superintendent, Forest School, Yellandu, Forest

Utilisation Officer, State Sylviculturist, Working Plans 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 the 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 clauses (ii) of rule 10 on Government servants mentioned in sub-clause (c) thereof.

Power of appointing authority etc. to suspend members of State and Subordinate Services.

"Provided also that the Mandal Parishad Development Officer may impose the minor penalties and keep under suspension the Superintendent, Extension Officer (Panchayat Raj & Rural Development), Senior Assistant, Panchayat Secretaries, Junior Assistant, Typist, Class IV employees of Mandal Parishads as specified in clauses (i) to (v) of rule 9 of these rules".

(G.O. Ms. No. 53, G.A. (Ser.C) Dept., dt: 28.2.2004)

15. 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.

Disciplinary authority in case of promotion or transfer of a member of a service and on reversion or reduction there from.

16. (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.

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

17. 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 or 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 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.

Lower authority not to reopen case: higher authority can exercise power

18. (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 supercede any order passed by a lower authority in respect of the same case.

Authority to Institute proceedings

19. (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) of rule 9 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties .

PART - V PROCEDURE FOR IMPOSING PENALTIES

20. 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.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior 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 drawn up or cause to be drawn up.

(i) The substance of the imputations of misconduct or misbehavior into definite and distinct articles of charge.

(ii) A statement of the imputations of misconduct or misbehavior 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 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.

(2) 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 misbehavior 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 defense 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 defense. 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.

(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 consider 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.

(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 present the case in support of the articles of charge.

Provided that the disciplinary authority may if it considers necessary having regard to the facts and circumstances of the case, appoint a legal practitioner or a legally trained Government Servant as Presenting Officer.

(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.

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.

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.

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.

(e) 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.

(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.

(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.

(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

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 the disciplinary authority shall on being so informed communicate the information to the Government servant and withdrawn the requisition made by it for the production or discovery of such documents.

(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.

(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 misbehavior;

(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 j(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 sub-rule 5(h) 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 exceeds ten days.

(9) (a) The presenting Officer 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 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.

(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 discipl9inary 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 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 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.

(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 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 in 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 misbehavior.
(b) the defense 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.

(vii) 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 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.

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 I in the Andhra Pradesh Police Subordinate Service or Andhra Pradesh Special Armed Police Service.

(vide G.O. Ms. No. 383, G.A.(Ser.C) Dept., dt: 19.12.2003)

AMENDMENTS

In rule 20, - for sub-rules (3), (4), (5), (6), (7), (10) and (12) the following shall be substituted, namely:-

"(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) a list of documents by which, and a list of witnesses 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 charge, 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 the signature of the Government servant thereon and may decide to hold the inquiry itself or if it considers it 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 practitioner 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 clause (f) of this sub-rule, 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 of such documents would be against the public interest or security of the State, shall submit the fact to the Head of the 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 of such requisitioned documents shall produce the same before the disciplinary authority.

(6) Where the Government 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 disciplinary authority or otherwise fails or refuses to comply with the provisions of this rule, the disciplinary authority may decide to hold the inquiry exparte or if it considers it necessary so to do, appoint an inquiring 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.

(10) (a) On the date fixed for recording the evidence, 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.

(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.

(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 witnesses 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.

2. In the Explanation under clause (ii) of sub-rule (18), the word 'Armed' shall be omitted.

(G.O Ms. No. 337, G.A. (Ser-C) Dept., dt: 22.7.2006)

Earlier Position

Procedure for Imposing major penalties:-

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 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.

(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, is the case may be, 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 drawn up or cause to be drawn up.

(G.O.Ms.No. 33, GA (Ser.C) Department, dated 24-01-1998)

(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 witnesses 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 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.

(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 manner laid down in rule 21.

(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.

(c) 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.

(6) The disciplinary authority shall, where it is not 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) 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) 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 imputation 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.

(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 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 enquiry officer.

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:- (I) 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. (Further instructions issued vide Memo.No.657/Ser.C/94-4, G.A. (Ser. C) Dept., dated 9-3-95).

(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 those articles of charge to which the Government servant pleads guilty.

(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 in 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 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.

(13) On receipt of the requisition referred 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 at the instance of the Member of Service or by the inquiring authority suo-moto.

"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 of 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".

(G.O. Ms. No. 13, G.A.(Ser.C) Dept., dt: 10.1.2002)

Earlier position

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 of security of the State, it shall inform the inquiring authority accordingly 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.

Provided further that if such documents are not produced as evidence and if they are sent only for the perusal of inquiring authority, the inquiring authority shall have the power to take it to a higher authority stating that on a perusal of a particular document it finds nothing in it to warrant claiming privilege.

(14) On the date fixed for the inquiry, the oral and documentary evidance 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.

(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 is 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 any 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 lacunae 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 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.

(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-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

(18) 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.

(19) 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.

(20) If the Government 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 or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry exparte.

(21) (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 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.

(22) Whenever an inquiring aurhority, 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.

(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 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.

(e) Omitted.

(G.O.Ms.No.270, G.A. (Ser.C) Dept., dated 18-06-1999).

(e) to recommend the penalty proposed to be imposed on the delinquent officer, keeping in view the rule 9 of these rules.

(G.O.Ms.No.229, G.A. (Ser.C) Dept., dated 22-05-2002).

(e) Omitted.

(G.O.Ms.No.454, G.A. (Ser.C) Dept., dated 7-11-2002).

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 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.

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.

Action on the inquiry report:

"21 (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 or 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 Govt. servant and record its findings before proceeding further in the matter as specified in the subrules (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 Govt. 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 Govt. servant".

(G.O. Ms. No. 22, G.A.(Ser.C) Dept., dt: 30.1.2004)

Earlier Position

21. (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, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) 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 and in rule 10 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.

(4) 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 after furnishing a copy of the report of the inquiring authority to the Government Servant and after taking into consideration any representation made by him thereto within a reasonable time ordinarily not exceeding one month. 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.

(G.O. Ms No. 179, G.A. (Ser.C) Dept., dt: 11.4.2002)

In rule 21 after subrule (1) the following shall be inserted namely:-

"(1A) 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 to the Government Servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the Government Servant:

Provided that where the disciplinary authority disagrees with the whole or any part of the findings of the inquiring authority, the point or points of disagreement together with a brief statement of the grounds therefore shall, in case where it affects the Government Servant charged adversely or prejudicially, be communicated along with the report of the inquiry.

(1B) The disciplinary authority shall consider the representation, if any, submitted by the Government Servant before proceeding further in the matter specified in sub-rules (2) to (4)".

(G.O. Ms No. 515, G.A. (Ser.C) Dept., dt: 2112.2002)

In rule 21 (i) after subrule (1) sub rules (1A) and (1B) shall be omitted.

(ii) for sub rules (3) and (4) and provisos there under, the following shall be substituted, namely:-

"(3) 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 inquiry authority to the Government Servant who shall be required to submit, if he / she so desires, his / her written representation or submission to the disciplinary authority within a reasonable time ordinarily not exceeding one month. It shall not be necessary to give the Government Servant opportunity of making representation on the penalty proposed to be imposed:

(i) Provided that, where the disciplinary authority disagrees with the whole or any part of the findings of the inquiring authority, the point or points of disagreement together with a brief statement of the grounds therefore shall be communicated along with the report of the inquiry.

(ii) Provided further 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."

22. Procedure for imposing minor penalties:-

(1) Subject to the provisions of sub-rule (4) of rule 21, no 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-rule (3) to (23) 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 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 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 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.

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.

Common Proceedings :-

24. (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 proceeding ..

Special procedure in certain cases:

25. Notwithstanding anything contained in rule 20 to rule 24 -

(i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

(ii) where 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 there on as it deems fit:

First Proviso deleted

(G.O.Rt.No. 6421, GA (Ser.C) Dept., dt. 29-12-1993)

Provided that the Commission shall be consulted, where such consultation 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".

(G.O.Ms.No.240, G.A.(Ser.C) Dept., dt: 14.8.2003)

Waiver of Procedure in certain cases:

26 (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) 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 rule 20 or rule 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 the 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 rule 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.

(G.O. Ms. No. 350, G.A.(Ser.C) Dept., dt: 8.8.2002)

"(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 taken 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 rule10".

(G.O. Ms. No. 557, G.A.(Ser. C) Dept., dated: 14.12.2005)

Earlier Position

Action on report of Lokayukta and Upa-Lokayukta:

27. Not withstanding anything contained in rule 20 or rule 22, the disciplinary authority on receipt of a report from the Lokayukta or Upalokayukta under sub-section (1) of Section 12 of the A P. Lokayukta and Upalokayukta Act, 1983 and on the basis of the findings and recommendations made by the Andhra Pradesh Lokayukta or Upa-Lokayukta as the case may be the disciplinary authority shall take action against the employees under the relevant rules governing such employee and dispose of the case duly following the relevant procedure prescribed and duly considering the report of the Lokayukta or Upalokayukta as the case may be and shall arrive at independent of his judgement on the findings and recommendations at the conclusion.

Provided that the disciplinary authority for the purpose of this rule shall be the authority specified under clause (c) of section 2 of the AP. Lokayukta and Upa-Lokayukta Act, 1983 or the authority competent under

the rules governing such employee whichever authority is higher.

[G.O.Ms.No. 457, G.A (Ser.C) Dept., dt. 5-12-2001]

Rules not to affect provisions relating to Andhra Pradesh Survey and Land Records Subordinate Service:

28. Nothing in these rules shall affect the rule of 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 outturn of work.

CLASS I

CATEGORY 3

Town Surveyor

panchayat Surveyor

CATEGORY 4

Deputy Surveyor

Taluk Surveyor

CATEGORY 5

Field Surveyor

Class II

CATEGORY 7

Junior Computer

CATEGORY 8

Junior Draftman

Rules not to affect provisions in Andhra Pradesh Stationery manual

29. 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.

Provisions regarding officers lent to Government of India, etc.

30. (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 "the 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.

(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 tile 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".

[G.O.Ms.No.20, G.A. (Ser.C) Dept., Dt. 20-1-2000)

Provided that before passing any such order, the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 21:

Explanation: The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as may be in accordance with rule 20.

Provided further that the provision in clauses (i) and (ii) requiring the replacement of the services of the Government Servant at the disposal of the lending authority shall not apply where the Government servant has been lent by one department to another and both the departments are under the same administrative authority.

(3) For the purpose of this rule, an Assistant or an Assistant Section Officer of the Secretariat or an Assistant or a Senior Assistant 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 Mandal Revenue Officer in the districts, shall be deemed to be a Government servant lent.

(4) "(i) Where the borrowing authority, is a Company or Corporation or Organisation 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".

[G.O.Ms.No. 20 G.A. (Ser.C) Dept., Dt. 20-1-2000]

(ii) 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 any 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.

Provisions regarding officers borrowed from Government of India etc.

31. (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 the 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 orders as it may deem necessary:

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 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" .

(G.O.Ms.No. 20, G.A. (Ser.C) Dept., Dt. 20-1-2000)

PART VI - APPEALS

Orders against which no appeal lies

32. 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 the inquiry under rule 20.

Orders against which appeal lies

33. (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 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, allowances 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.

Appellate authorities :

34. (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 service 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 (v) 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;

(G.O.Ms.No. 284, GA (Ser.C) Dept. Dated: 07-07-1997)

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.

Period of limitation for appeals

35. 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 deleted.

(G.O.Ms.No. 64, GA (Ser.C) Dept., Dt. 27-2-1998)

Form and contents of appeal

36. (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 appellate 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.

Consideration of appeal

37. (1) 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) of 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) of 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 deem fit; after the appellant has been given a reasonable opportunity of making a representation [G.O.Ms.No. 480, G.A. (Ser.C) Dept., dt. 20-12-2001]

(iv) subject to the provisions of rule 25, the appellate authority shall.-

(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 consideration of the proceedings of such inquiry, pass such orders 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 and make such orders as it may deem just and equitable.

Review of original orders passed by Government, in lieu of appeal

38. (a) Every member of 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 order as they think proper in respect of any petition for review that has been admitted under this rule.

IMPLEMENTATION OF ORDERS IN APPEAL

39. The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VII - REVISION AND REVIEW

Revision;

40. (1) Notwithstanding anything contained in these rules.

(i) the Government, or

(ii) in the case of a Government servant serving in a department or office under the control of a head of department such head of the department 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 orders 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 any order of penalty made under these rules or under the rules repealed by the rule 45, after consultation with the 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 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 of 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 dealt with in the same manner as if it were appeal under these rules.

[G.O.Ms.No. 455, G.A. (Ser.C) Dept., dated 5-12-2001]

Review:

41. 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.

(G.O.Ms.No. 64 GA (Ser.C) Dept., dated: 27-02-1998)

Provided that no order imposing or enhancing any penalty shall be made by the Government unless the Government servant concerned has been given a 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.

Provided further that the Government shall exercise the power of review within a period of three years.

(G.O.Ms.No. 408, GA (Ser.C) Dept., dated: 20-09-1996)

PART VIII - MISCELLANEOUS

Service of orders, notices etc.,

42. 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 the Andhra Pradesh Gazette.

Power to relax time limit and to condone delay:

43. 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.

Supply of copy of Commissions's advice:

44. 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.

Repeal and Saving:

45. (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.

Removal of Doubts:

46. 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. .

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.V. NATARAJAN,

CHIEF SECRETARV TO GOVERNMENT.

To

The Director, Printing, Stationery & Stores Purchase (Printing Wing) Department, Hyderabad,

(for publication of the notification in the Andhra Pradesh Gazette and to supply three thousand printed copies to this Department).

All Departments of Secretariat (10 copies) All Heads of Departments.

All Collectors & District Judges.

The Registrar, High Court of Andhra Pradesh, Hyderabad.

The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Chairman, Tribunal for Disciplinary Proceedings, Hyderabad.

The General Administration (SC.D)/(Vigilance & Enforcement) Department. All Administrative Sections in General Administration Department.

Copy to the Law (E) Department.

S.F./S.C.

P.T.O. for Schedules I&II and Appendicles 1 to 4

SCHEDULE-I

[Rule· 6]

1. The Andhra Pradesh Administrative Service.
2. The Andhra Pradesh Agricultural 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 Andhra Pradesh Hindu Religious and 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 Panchayat Raj Engineering Service.
35. The Andhra Pradesh Panchayat 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 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 Class Welfare Service.
53. The Andhra Pradesh Horticulture Service.
54. The Andhra Pradesh Handlooms & Textiles Service. [G.O.Ms.No. 525, G.A. (Ser.C) Dept., Dt. 30-11-98]
55. The Andhra Pradesh Insurance Medical Service. [G.O.Ms.No. 19, G.A. (Ser.C) Dept., Dt. 13-1-99]
56. The Andhra Pradesh Tribal Welfare Engineering Service [G.O.Ms.No. 315, G.A. (Ser.C) Dept., Dt. 5-9-2000]
57. Andhra Pradesh State Prosecution Service.

(G.O. Ms. No. 206, G.A. (Ser.C) Dept., dt: 16.7.2003)

58. Andhra Pradesh State Audit Service.

(G.O. Ms. No. 71, G.A. (Ser.C) Dept., dt: 17.02.2009)

SCHEDULE -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 Subordinate Service.
6. The Andhra Pradesh Economics and Statistical Subordinate Service.
7. The Andhra Pradesh School Education 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 Panchayat Raj Executive Subordinate

Service,

32. The Andhra Pradesh Panchayat 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 and Municipal Engineering 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 and Land Records Subordinate (Temporary) Service.
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 Welfare Subordinate Service.
49. The Andhra Pradesh Horticulture Subordinate Service.
50. The Andhra Pradesh Endowments Executive Officers Subordinate Officers Service.
51. The Andhra Pradesh Handlooms & Textiles Subordinate Service. [G.O.Ms.No.525, G.A. (Ser.C) Dept., Dt. 30-11-98]
52. The Andhra Pradesh Insurance Medical Subordinate Service. [G.O.Ms.No.19, G.A.(Ser.C) Dept., Dt. 13-1-99]
53. The Andhra Pradesh Panchayat Raj Subordinate Service. [G.O.Ms.No.79, G.A. (Ser.C) Dept., Dt. 1-3-99]
54. The Andhra Pradesh Tribal Welfare Engineering Subordinate Service. [G.O.Ms.No. 315, G.A. (Ser.C) Dept., Dt. 5-9-2000]
55. Andhra Pradesh State Audit Subordinate Service.

(G.O. Ms. No. 71, G.A. (Ser.C) Dept., dt: 17.02.2009)

APPENDIX -1

[Rule 10 (i)]

GOVERNMENT GUEST HOUSE DEPARTMENT :

Members of the Andhra Pradesh General Subordinate Service.

(a) Government House Department, Hyderabad :-Stewards, Grades 1 and 11, 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 PRESS:

i. Office Establishment at Kurnool--Attenders.

ii. Members of the Andhra Pradesh Government Press Subordinate Service.

JAIL DEPARTMENT :

I. Andhra Pradesh Jail Subordinate Service

Branch I-Class I.

1. Jailors in Sub-Jails.
2. Gate-Keepers (including Chief Head Warders, Jamedars, Grades I and 11, Head Warders and Dafedars.
3. Warders (including Jawans) in Jails--Grades 1 and 11.

Class II :

Woman Warders - Grades I and 11.

Branch II-Class 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 -- Grades 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 II
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.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES -Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Departmental Proceedings arising out of caught red handed cases undertaken by the Anti - Corruption Bureau – New Timeline of 100 days prescribed for concluding the disciplinary proceedings by all Government Departments - Orders – Issued.

GENERAL ADMINISTRATION (Ser.C) DEPARTMENT

G.O.MS.No. 41 **Dated: 18-04-2021.**

Read the following:-

1. AP Civil Services (CC & A) Rules, 1991 issued vide G.O.Ms.No.487, G.A.(Ser.C) Dept., dt.14.9.1992.
2. G.O.Ms.No.421, G.A. (SC-D) Dept., dt.3.8.1993.
3. Memo.No.35676/Ser.C/98, G.A. (Ser.C) Dept. dt.1.7.1998.
4. Memo.No.177/SPl.C./2003-1, G.A. (Spl.C) Dept., dt.13.5.2003.
5. Memo.No.77/Spl.C/A1/2011, G.A. (Spl.C) Dept., dt.10.3.2011.

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ORDER

The Government of Andhra Pradesh have taken up several welfare and development initiatives on a massive scale for the betterment of all the sections of people in the State. A number of programmes on an unprecedented scale have been taken up under "Navaratnalu" to deliver the required services at the doorsteps of the people in a transparent and corruption free manner. Gram / Ward Volunteers and Village / Ward Secretariat system in the State has been established to play the role of an accessible and transparent delivery mechanism for all the services required at the village/ward level. The Hon'ble Chief Minister has reiterated the government's commitment to corruption-free administration on a number of occasions and accordingly a number of initiatives have been launched towards this goal.

2. The Anti-Corruption Bureau in Andhra Pradesh came into existence on 2.1.1961 as a separate Department to check effectively the evil of corruption in the services and to improve the moral tone of the administration in the State. However, this laudable objective does not seem to have been fulfilled completely. The status of cases pending in ACB since 1995 is as follows:

Sl.No.	Years	Caught red handed cases-numbers	Total including caught red handed cases
1	1991-1995	3	30
2	1996-2000	2	36
3	2001-2005	1	5
4	2006-2010	158	378
5	2011-2015	161	740
6	2016-2020	151	497
	Total	476	1686

3. In the above mentioned context, it has been noticed that disciplinary proceedings arising out of caught red handed cases by Anti-Corruption Bureau(ACB) are taking unduly long time for their conclusion. As a result, a large number of such cases are found to be pending and the time taken for disposal of these disciplinary cases is unduly long in almost all cases. Such unacceptable delay in finalisation of the disciplinary cases results in a large number of employees remaining under suspension and drawing full/part salaries without turning out any work-thus proving to be a burden on the public exchequer. Such undue delay also

(PTO)

leads to dilution of fear of quick punishment in the minds of the officials indulging in corrupt practices. Entire purpose of having a deterrent tool in the shape of Anti-Corruption Bureau gets defeated. Therefore, there is a need to reduce the time period for finalisation of Disciplinary cases, in order to ensure that there is a deterrent fear of law amongst the Government officials and the tendency of indulging into corrupt practices is nipped in the bud.

4. The present timelines prescribed in the APCS (CC & A) Rules, 1991 and other instructions of the Government issued from time to time, from the stage of initiation to conclusion of disciplinary proceedings arising out of caught red handed cases is as follows:-

Table A

Sl. No.	Process	Timeline	Provision
1	Caught red handed by the Anti-Corruption Bureau	Day - 1	Chapter VII (78 to 107) of the ACB Manual
2	Arrest of the Officer caught red handed by the ACB and his production before ACB Court	within 24 hours. (Day - 2)	Sections 41,46,47,48,51,52,57 of the Cr.P.C., Article 22 of the Constitution of India
3	ACB to furnish the Radio Message to APVC and concerned HoD/ Government with intimation of the detention of the Accused Officer (AO) for suspension	within 24 hours of caught red handed	Memo.No.177/ Spl.C/2003-1, dt.13-5-2003, G.A. (Spl.C) Dept.
4	On receipt of the radio message of ACB arresting the officer, Accused Officer is suspended by the competent authority	Timeline not specified	Rule 8(1) of AP Civil Services (CC & A) Rules, 1991
5	Submission of final report by the ACB to Government Department.	3 months	Memo No.700/SC.D/88-4, Genl. Admn. (SC.D) Dept., dt.13.02.1989
6	The Department along with the remarks requests the APVC for its advice on the final report of the ACB	21 days	G.O.Ms.No.421, G.A. (SC.D) Dept., dt.03.08.1993.
7	APVC gives its advice to the Department on the final report of the ACB		
8	Based on the advice of the APVC, Prosecution is sanctioned by the Competent Authority or Departmental Acton is initiated or both actions are taken	45 days	Memo.No.77/Spl.C/A1/2011, G.A. (Spl.C) Dept., dt.10.03.2011
	• After sanction of Prosecution order issued by the Competent Authority, the criminal proceedings are taken up further by ACB • For Departmental action, the following procedure is further prescribed:		
9	For departmental action, department requests the ACB to furnish DRAFT Article of Charges	No timeline specified	
10	On receipt of the Article of charges from ACB, the Competent Authority serves the article of charges on the delinquent officer to submit his statement of defense	No timeline specified	Rule 20 of the AP CS(CC&A) Rules, 1991
11	Delinquent Officer has to submit his Statement of Defense to the Competent Authority	10 days	Rule 20(4) of the AP CS(CC&A) Rules, 1991.

Contd.P.3.

12	After examination of the statement of defense, the Competent Authority (CA) appoints Inquiry Authority (IA)	No timeline specified	Rule 20(2) of the AP CS(CC&A) Rules, 1991.
13	Inquiry Authority to complete the Inquiry and submit his report to CA	3 Months	Memo.No.35676/Ser.C/98, G.A. (Ser.C) Dept., dt.01.07.1998.
14	Report of the IA to be communicated to the Delinquent Officer by the Competent Authority to submit his Written Statement of Defense	No timeline specified	
15	Delinquent Officer to submit his Written Statement of Defense to Competent Authority	15 days	Rule 21(2) of the AP CS (CC&A) Rules, 1991.
16	Department furnishes the Inquiry Authority report to APVC for advice	No timeline specified	
17	APVC furnish advice to the Department		
18	Competent Authority after going through the Inquiry Authority report, written statement of defense and advice of the Vigilance Commission takes a decision to impose Minor/Major Penalty and conclude the proceedings. Imposition of Major Penalty consultation with APPSC	No timeline specified	Rule 22 of the AP CS(CC&A) Rules, 1991.
19	Advice of the Service Commission		
20	Communication of Order of the Competent Authority to the Delinquent Officer	No timeline specified	Rule 23 of AP CS(CC&A) Rules, 1991.

5. As can be seen from the above table (Table A), much of the delay caused in the present system can be attributed to the impractically / unwantedly long timelines prescribed for many processes along with prescribing no timeline at all for a few other processes.

6. A committee of officers consisting of Chief Commissioner of Land Administration, Principal Secretary to Government, Village & Ward Secretariat and Village / Ward Volunteers, Secretary to Government, MA&UD, Secretary to Government, PR&RD, Secretary to Government, G.A(Services) and DG, ACB have studied the subject and recommended a revised timeline for early completion of the disciplinary proceedings without diluting the principles of natural justice and fair play.

7. Government, after careful examination of the matter, prescribe the following revised timelines for speedy disposal of the disciplinary cases arising out of caught red handed cases undertaken by the ACB.

Table B

Sl. No	Process	Timeline	Provision
1	Caught red handed by the Anti-Corruption Bureau	Day - 1	Chapter VII (78 to 107) of the ACB Manual

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2	Arrest of the Officer caught red handed and his production before ACB Court. ACB to furnish the Radio Message to APVC and concerned HoD/ Government with intimation of the detention of the Accused Officer for suspension	within 24 hours. (Day - 2)	Sections 41,46,47,48,51,52,57 of the Cr.P.C., Article 22 of the Constitution of India Memo.No.177/ Spl.C/2003-1, G.A. (Spl.C) Dept., dt.13-5-2003.
3	On receipt of the radio message of ACB arresting the officer, the Accused Officer may be placed under suspension by the competent authority	2 days	Rule 8(1) of the AP Civil Services (CC&A) Rules, 1991
4	Submission of final report by ACB to Government Department along with Articles of Charges	30 days	Memo.No.177/ Spl.C/2003-1, G.A. (Spl.C) Dept, dt.13-5-2003.
5	The Department along with their remarks requests the APVC for its advice on the final report of the ACB	3 days	G.O.Ms.No.421, G.A. (SC.D) Dept., dt.03.08.1993. (Amendment is required to the above GO.)
6	APVC gives its advice to the Department on the final report of the ACB	3 days	
7	Based on the Advice of the APVC, Prosecution is sanctioned by the Competent Authority or Departmental Acton or Both.	4 days	Memo.No.77/Spl.C/A1/2011, G.A.(Spl.C) Dept, dt.10.03.2011 (Amendment is required to the above Memo.)
After sanction of Prosecution order issued by the Competent Authority, the criminal proceedings are taken up further by Anti-Corruption Bureau. For Departmental action, the following procedure is further prescribed:			
8	On receipt of the Article of charges, the Competent Authority serves the article of charges on the delinquent officer to submit his statement of defense	2 days	Rule 20 of the AP CS(CC&A) Rules, 1991.
9	Delinquent officer has to submit his Statement of Defense	7 days	Rule 20(4) of the AP CS(CC&A) Rules, 1991.
10	After examination of the Statement of Defense, the Competent Authority (CA) appoints Inquiry Authority (IA) and Presenting Officer	2 days	Rule 20(2) of the AP CS(CC&A) Rules, 1991 and Rule 20 (5) (c) of the AP CS(CC&A) Rules, 1991.
11	Inquiry Authority to complete the Inquiry and submit his report to Competent Authority	21 days	Memo.No. 35676/Ser.C/98, G.A.(Ser.C) Dept., dt.01.07.1998. (Amendment is required to the above Memo.)
12	Report of the Inquiry Authority to be communicated to the Delinquent Officer to submit his Written Statement of Defense	2 days	Rule 21(1 A) of the AP CS(CC&A) Rules, 1991.
13	Delinquent Officer to submit his Written Statement of Defense to Competent Authority	7 days	Rule 21(1 A) of the AP CS(CC&A) Rules, 1991. (Amendment is required to the above Rule.)
14	Department furnishes the Inquiry Authority report to APVC for remarks.	2 days	

Contd.P.5.

15	APVC gives its advice on the enquiry authority report	3 days	
16	Competent Authority after going through the Inquiry Authority report, written statement of defense and advice of the Vigilance Commission takes a decision to impose Minor/Major Penalty and conclude the proceedings. For imposition of Major Penalty, consultation with APPSC is required.	3 days	Rule 22 of the AP CS(CC&A) Rules, 1991.
17	Department to consult the APPSC on the imposition of Major Penalty	2 days	As per Regulation 17 of Andhra Pradesh Public Service Commission Regulation 1963, before a major penalty on Delinquent Government employees in disciplinary cases.
18	APPSC forwards its advice to the Administrative Department	3 days	
19	Communication of Order of the Competent Authority to the Delinquent Officer	2 days	Rule 23 of the AP CS(CC&A) Rules, 1991.
	Total	100 days	

8. All the Departments of Secretariat/Heads of Departments and Director General, Anti-Corruption Bureau shall adhere to the timelines as stipulated above, while concluding the disciplinary proceedings arising out of caught red handed cases undertaken by the ACB. It is further reiterated that Disciplinary proceedings should be conducted in parallel/simultaneously with the criminal proceedings and it should not wait for the outcome of the criminal proceedings.

9. Failure to conclude the disciplinary proceedings within 100 days or failure to follow the above prescribed timelines by the Departments, competent authorities and Anti Corruption Bureau (ACB) shall be viewed seriously by the Government and disciplinary action shall be taken against the concerned, responsible for the delay.

10. Necessary amendments/modifications in rules and instructions shall be taken by the concerned department as shown below:

Department concerned	Action/Amendment
Prl. Secy. (Political), GAD	G.O.Ms.No.421, G.A.(SC-D) Dept., dt.03.08.1993. (Amendment is required to the above GO)
	Memo No.77/Spl.C/A1/2011, G.A.(Spl.C) Dept., dt.10.03.2011 (Amendment is required to the above Memo.)
Secretary (Services)	Rule 20, 20 (2), 20 (4), 21 (1) (A), 22 and 23 of AP CS(CC&A) Rules 1991
	Memo.No.35676/Ser.C/98, G.A.(Ser.C) Dept., dt. 01.07.1998. (Amendment is required to the above Memo.)

(PTO)

All Secretaries/Heads of Departments/and other Competent Authorities	To take action to notify the designation of officers to be appointed as Inquiry Officers & Presenting Officers in the event of caught red handed cases against officers holding different categories.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

To
All the Departments of Secretariat.
All the Heads of Departments in the State.
The Prl.Secretary to Govt. (Poll), GAD.
The Director General, ACB, Vijayawada.
All the District Collectors in the State.
The Vigilance Commissioner, APVC, AP Secretariat, Velagapudi.
The G.A.(SC.D/SC.F) Department.
Copy to:-
The PS to Chief Secretary.
The PS to the Principal Secretary to Chief Minister.
The PS to Prl.Secretary to Govt. (Services), GAD.
The Law (C) Department.
SF/SC.

// forwarded by order //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 –Rule 9 and 25 – Amendments – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES.C) DEPARTMENT

G.O.MS.No. 127 **Dated: 15-09-2017**

O R D E R:

The following notification will be published in the Andhra Pradesh Gazette:

NOTIFICATION

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 amendments to the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 issued in G.O.Ms.No.487, General Administration (Services-C) Department, Dated the 14th September, 1992 and published in Part-I, No.235, extraordinary issue of the Andhra Pradesh Gazette, dated the 1st July, 1992 as subsequently amended from time to time.

ADDENDA

I. After Clause (ix) of Rule 9 of said rules the following shall be incorporated;

Provided that a Government Servant shall be deemed to have been removed from service, if he / she:

(a) is 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 the Government Servant and his / her reply shall be considered before invoking the above said proviso.

II. In clause (i) of Rule 25 of the said rules the following shall be incorporated.

"Misconduct leads to a penalty imposed as per 1st proviso under Rule 9 (ix) of these rules, Or"

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SRIKANT NAGULAPALLI
SECRETARY TO GOVERNMENT (POLL.) &
SECRETARY TO GOVERNMENT (SER.) (FAC)

To
The Commissioner of Printing, Stationary & Stores Purchase, Hyderabad. (with a request to publish in the A.P. Gazette Extraordinary and supply 200 copies).
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to:
The Registrar, High Court of Judicature at Hyderabad for the State of Telangana and for the State of Andhra Pradesh.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
The Law (E) Department
All Service Sections in General Administration Department.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Finance(FR-I) Dept.,
SF /SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Disciplinary Cases – Violation of Andhra Pradesh Civil Services (Conduct) Rules – Initiation of disciplinary action as per Andhra Pradesh Civil Services (CCA) Rules – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No. 680

Dated:01-11-2008.

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 mis-conduct and for such mis-conduct 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 mis-conduct. 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 mis-conduct 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 mis-conduct 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 mis-conduct of the Government employees to ensure that the system of administration functions smoothly.

Contd. p..2.

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 mis-conduct 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.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.RAMAKANTH REDDY
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat.
All Heads of Departments / All District Collectors.
The Law (LSP) Departments.
The Director General, Anti Corruption Bureau, Hyd.
All Service Sections in Genl. Admn.Department.
The Secretary, A.P. Public Service Commission, Hyd.
The Secretary, A.P., Vigilance Commission, Secretariat, Hyd.
The Registrar, A.P. Administrative Tribunal, Hyderabad.
The Registrar, High Court of A.P., Hyderabad.
Copy to :
The P.S., to Prl.Secretary to C.M.,/The P.S., to C.S.
The P.S., to the Hon'ble Minister for Finance.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.