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**VIGILANCE MANUAL
VOLUME IV**

ACTS, RULES, REGULATIONS ETC

**ANDHRA PRADESH VIGILANCE COMMISSION
HYDERABAD**

**VIGILANCE MANUAL
VOLUME-IV**

COPIES OF / EXTRACTS FROM ACTS, RULES, REGULATIONS ETC

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**THE
PREVENTION OF CORRUPTION
ACT, 1988
(Act No. 49 of 1988*)**

[September 9, 1988]

An Act to consolidate and amend the law relating to the prevention of corruption and for matters connected therewith.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

1. Short title and extent :-

- (1) This Act may be called the Prevention of Corruption Act, 1988.
- (2) It extends to the whole of India except the State of Jammu and Kashmir and it applies also to all citizens of India outside India.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "election" means any election, by whatever means held under any law for the purpose of selecting members of Parliament or of any Legislature, local authority or other public authority;
- (b) "public duty" means a duty in the discharge of which the State, the public or the community at large has an interest;

* Received the assent of the President of India on September 9, 1988

Explanation :-

In this clause "State" includes a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);

(c) "public servant" means--

- (i) any person in the service or pay of the Government or remunerated by the Government by fees or commission for the performance of any public duty;
- (ii) any person in the service or pay of a local authority;
- (iii) any person in the service or pay of a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);
- (iv) any Judge, including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;
- (v) any person authorized by a court of justice to perform any duty, in connection with the administration

of justice, including a liquidator, receiver or commissioner appointed by such court;

(vi) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a court of justice or by a competent public authority;

(vii) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

(viii) any person who holds an office by virtue of which he is authorized or required to perform any public duty;

(ix) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or a State Government or from any corporation established by or under a Central, Provincial or State Act, or any authority or body owned or controlled or aided by the Government or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);

(x) any person who is a chairman, member or employee of any Service Commission or Board, by whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination, or making any selection on behalf of such Commission or Board;

(xi) any person who is a Vice-Chancellor or member of any governing body, professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University and any person whose services have been availed of by a University or any other public authority in connection with holding or conducting examinations;

(xii) any person who is an office-bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the Central Government or any State Government, or local or other public authority.

Explanation 1:-

Persons falling under any of the above sub-clauses are public servants, whether appointed by the Government or not.

Explanation 2:-

Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

CHAPTER II
APPOINTMENT OF SPECIAL JUDGES

3. Power to appoint special Judges:-

(1) The Central Government or the State Government may, by notification in the Official Gazette, appoint as many special Judges as may be necessary for such area or areas or for such case or group of cases as may be specified in the notification to try the following offences, namely:-

- (a) any offence punishable under this Act; and
- (b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (a).

(2) A person shall not be qualified for appointment as a special Judge under this Act unless he is or has been a Sessions Judge or an Additional Sessions Judge or an Assistant Sessions Judge under the code of Criminal Procedure, 1973 (2 of 1974).

4. Cases triable by special Judges :-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law for the time being in force, the offences specified in sub-section (1) of section 3 shall be tried by special Judges only.

(2) Every offence specified in sub-section (1) of section 3 shall be tried by the special Judge for the area within which it was committed, or, as the case may be, by the special Judge appointed for the case, or where there are more special Judges than one for such area, by such one of them as may be specified in this behalf by the Central Government.

(3) When trying any case, a special Judge may also try any offence, other than an offence specified in section 3, with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a special Judge shall, as far as practicable, hold the trial of an offence on day-to-day basis.

5. Procedure and powers of special Judge :-

(1) A special Judge may take cognizance of offences without the accused being committed to him for trial and, in trying the accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1973 (2 of 1974), for the trial of warrant cases by Magistrates.

(2) A special Judge may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor, in the commission thereof and any pardon so tendered shall, for the purposes of sub-sections (1) to (5) of section 308 of the Code of Criminal Procedure, 1973 (2 of 1974), be deemed to have been tendered under section 307 of that Code.

(3) Save as provided in sub-section (1) or sub-section (2), the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as they are not inconsistent with this Act, apply to the proceedings before a special Judge; and for the purposes of the said provisions, the Court of the special Judge shall be deemed to be a Court of Session and the person conducting a prosecution before a special Judge shall be deemed to be a public prosecutor.

(4) In particular and without prejudice to the generality of the provisions contained in sub-section (3), the provisions of sections 326 and 475 of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be apply to the proceedings before a special Judge and for the purposes of the said provisions, a special Judge shall be deemed to be a Magistrate.

(5) A special Judge may pass upon any person convicted by him any sentence authorised by law for the punishment of the offence of which such person is convicted.

(6) A special Judge, while trying an offence punishable under this Act, shall exercise all the powers and functions exercisable by a District Judge under the Criminal Law Amendment Ordinance, 1944 (Ordinance 38 of 1944).

6. Power to try summarily :-

(1) Where a special Judge tries any offence specified in sub-section (1) of section 3, alleged to have been committed by a public servant in relation to the contravention of any special order referred to in sub-section (1) of section 12A of the Essential Commodities Act, 1955 (10 of 1955), or of an order referred to in clause (a) of sub-section (2) of that section, then, notwithstanding anything contained in sub-section (1) of section 5 of this Act or section 260 of the Code of Criminal Procedure, 1973 (2 of 1974), the special Judge shall try the offence in a summary way, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the special Judge to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the special Judge that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the special Judge shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in accordance with the procedure prescribed by the said Code for the trial of warrant cases by Magistrates.

(2) Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), there shall be no appeal by a convicted person in any case tried summarily under this section in which the special Judge passes a sentence of imprisonment not exceeding one month, and of fine not exceeding two thousand rupees whether or not any order under Section 452 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence in excess of the aforesaid limits is passed by the special Judge.

CHAPTER III
OFFENCES AND PENALTIES

7. Public servant taking gratification other than legal remuneration in respect of an official act :-

Whoever, being; or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.

Explanations :-

- (a) "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.
- (b) "Gratification." The word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money.
- (c) "Legal remuneration." The word "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the organisation, which he serves, to accept.
- (d) "A motive or reward for doing." A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do, or has not done, comes within this expression.
- (e) Where a public servant induces a person erroneously to believe that his influence with the Government has obtained a title for that person and thus induces that person to give the public servant, money or any other gratification as a reward for this service, the public servant has committed an offence under this section.

8. Taking gratification, in order, by corrupt or illegal means, to influence public servant :-

Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant, whether named or otherwise, to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

9. Taking gratification, for exercise of personal influence with public servant :-

Whoever accepts or obtains or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant whether named or otherwise to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

10. Punishment for abetment by public servant of offences defined in section 8 or 9:-

Whoever, being a public servant, in respect of whom either of the offences defined in section 8 or section 9 is committed, abets the offence, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

11. Public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant:-

Whoever, being a public servant, accepts or obtains or agrees to accept or attempts to obtain for himself, or for any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

12. Punishment for abetment of offences defined in section 7 or 11:-

Whoever abets any offence punishable under section 7 or section 11 whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

13. Criminal misconduct by a public servant:-

(1) A public servant is said to commit the offence of criminal misconduct,-

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 7; or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or

(d) if he,-

(i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or

(e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation:-

(1) For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.

14. Habitual committing of offence under sections 8,9,and 12:-

Whoever habitually commits -

- (a) an offence punishable under section 8 or section 9;or
- (b) an offence punishable under section 12,

shall be punishable with imprisonment for a term which shall be not less than two years but which may extend to seven years and shall also be liable to fine.

15. Punishment for attempt:-

Whoever attempts to commit an offence referred to in clause (c) or clause (d) of sub-section (1) of section 13 shall be punishable with imprisonment for a term which may extend to three years and with fine.

16. Matters to be taken into consideration for fixing fine:-

Where sentence of fine is imposed under sub-section (2) of section 13 or section 14, the court in fixing the amount of the fine shall take into consideration the amount or the value of the property, if any, which the accused person has obtained by committing the offence or where the conviction is for an offence referred to in clause (e) of sub-section (1) of section 13, the pecuniary resources or property referred to in that clause for which the accused person is unable to account satisfactorily.

CHAPTER IV
INVESTIGATION INTO CASES UNDER THE ACT

17. Persons authorised to investigate:-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no police officer below the rank,-

(a) in the case of the Delhi Special Police Establishment, of an Inspector of Police;

(b) in the metropolitan areas of Bombay, Calcutta, Madras and Ahmedabad and in any other metropolitan area notified as such under sub-section (l) of section 8 of the Code of Criminal Procedure, 1973 (2 of 1974), of an Assistant Commissioner of Police;

(c) elsewhere, of a Deputy Superintendent of Police or a police officer of equivalent rank, shall investigate any offence punishable under this Act without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make any arrest therefor without a warrant; Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make arrest therefor without a warrant;

Provided further that an offence referred to in clause (e) of sub-section (l) of section 13 shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police.

18. Power to inspect bankers' books:-

If from information received or otherwise, a police officer has reason to suspect the commission of an offence which he is empowered to investigate under section 17 and considers that for the purpose of investigation or inquiry into such offence, it is necessary to inspect any bankers' books, then, notwithstanding anything contained in any law for the time being in force, he may inspect any bankers' books in so far as they relate to the accounts of the persons suspected to have committed that offence or of any other person suspected to be holding money on behalf of such person, and take or cause to be taken certified copies of the relevant entries therefrom, and the bank concerned shall be bound to assist the police officer in the exercise of his powers under this section:

Provided that no power under this section in relation to the accounts of any person shall be exercised by a police officer below the rank of a Superintendent of Police, unless he is specially authorised in this behalf by a police officer of or above the rank of a Superintendent of Police.

Explanation:-

In this section, the expressions "bank" and "bankers' books" shall have the meanings respectively assigned to them in the Bankers' Books Evidence Act, 1891 (18 of 1891).

CHAPTER V
SANCTION FOR PROSECUTION AND OTHER
MISCELLANEOUS PROVISIONS

19. Previous sanction necessary for prosecution:-

(1) No court shall take cognizance of an offence punishable under section 7, 10, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction,-

(a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;

(b) in the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office.

(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

(3) Notwithstanding anything contained in the Code of Criminal procedure, 1973 (2 of 1974),-

(a) no finding, sentence or order passed by a special Judge shall be reversed or altered by a Court in appeal, confirmation or revision on the ground of the absence of, or any error,

omission or irregularity in, the sanction required under sub-section (l), unless in the opinion of that court, a failure of justice has in fact been occasioned thereby;

(b) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;

(c) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial, appeal or other proceedings.

(4) In determining under sub-section (3) whether the absence of, or any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.

Explanation:- For the purposes of this section,-

(a) error includes competency of the authority to grant sanction;

(b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

20. Presumption where public servant accepts gratification other than legal remuneration:-

(1) Where, in any trial of an offence punishable under section 7 or section 11 or clause (a) or clause (b) of sub-section (1) of section 13 it is proved that an accused person has accepted or obtained or has agreed to accept or attempted to obtain for himself, or for any other person, any gratification (other than legal remuneration) or any valuable thing from any person, it shall be presumed, unless the contrary is proved, that he accepted or obtained or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 7 or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(2) Where in any trial of an offence punishable under section 12 or under clause (b) of section 14, it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed, unless the contrary is proved, that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 7, or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the court may decline to draw the presumption referred to in either of the said sub-sections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn.

21. Accused person to be a competent witness :-

Any person charged with an offence punishable under this Act, shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that -

- (a) he shall not be called as a witness except at his own request;
- (b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;
- (c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless -
 - (i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or
 - (ii) he has personally or by his pleader asked any question of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or
 - (iii) he has given evidence against any other person charged with the same offence.

22. The Code of Criminal Procedure, 1973 to apply subject to certain modifications:-

The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall in their application to any proceeding in relation to an offence punishable under this Act have effect as if,-

(a) in sub-section (1) of section 243, for the words "The accused shall then be called upon" the words "The accused shall then be required to give in writing at once or within such time as the Court may allow, a list of the persons (if any) whom he proposes to examine as his witnesses and of the documents (if any) on which he proposes to rely and he shall then be called upon" had been substituted;

(b) in sub-section (2) of section 309, after the third proviso, the following proviso had been inserted, namely:-

"Provided also that the proceeding shall not be adjourned or postponed merely on the ground that an application under section 397 has been made by a party to the proceeding";

(c) after sub-section (2) of section 317, the following sub-section had been inserted, namely:-

"(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judge may, if he thinks fit and for reasons to be recorded by him, proceed with inquiry or trial in the absence of the accused or his pleader and record the evidence of any witness subject to the right of the accused to recall the witness for cross - examination".

(d) in sub-section (1) of section 397, before the *Explanation*, the following proviso had been inserted, namely:-

"Provided that where the powers under this section are exercised by a Court on an application

made by a party to such proceedings, the court shall not ordinarily call for the record of the proceedings:-

(a) without giving the other party an opportunity of showing cause why the record should not be called for; or

(b) if it is satisfied that an examination of the record of the proceedings may be made from the certified copies”.

23. Particulars in a charge in relation to an offence under section 13 (1) (c):-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), when an accused is charged with an offence under clause (c) of sub-section (1) of section 13, it shall be sufficient to describe in the charge the property in respect of which the offence is alleged to have been committed and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 219 of the said Code:

Provided that the time included between the first and last of such dates shall not exceed one year.

24. Statement by bribe giver not to subject him to prosecution:-

Notwithstanding anything contained in any law for the time being in force, a statement made by a person in any proceeding against a public servant for an offence under sections 7 to 11 or under section 13 or section 15, that he offered or agreed to offer any gratification (other than legal remuneration) or any valuable thing to the public servant, shall not subject such person to a prosecution under section 12.

25. Military, Naval and Air force or other law not to be affected:-

(1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under the Army Act, 1950 (45 of 1950), the Air Force Act, 1950 (46 of 1950), the Navy Act, 1957, (62 of 1957), the Border Security Force Act, 1968 (47 of 1968), the Coast Guard Act, 1978 (30 of 1978), and the National Security Guard Act, 1986 (47 of 1986).

(2) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), the court of a special Judge shall be deemed to be a court of ordinary criminal justice.

26. Special Judges appointed under Act 46 of 1952 to be special Judges appointed under this Act:-

Every special Judge appointed under the Criminal Law Amendment Act, 1952, for any area or areas and is holding office on the commencement of this Act shall be deemed to be a special Judge appointed under section 3 of this Act for that area or areas and, accordingly, on and from such commencement, every such Judge shall continue to deal with all the proceedings pending before him on such commencement in accordance with the provisions of this Act.

27. Appeal and revision:-

Subject to the provisions of this Act, the High Court may exercise, so far as they may be applicable, all the powers of appeal and revision conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a High Court as if the court of the special Judge were a court of Session trying cases within the local limits of the High Court.

28. Act to be in addition to any other law:-

The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this Act, be instituted against him.

29. Amendment of the Ordinance 38 of 1944:-

In the Criminal Law Amendment Ordinance, 1944,-

(a) in sub-section (1) of section 3, sub-section (1) of section 9, clause (a) of section 10, sub-section (1) of section 11 and sub-section (1) of section 13, for the words "State Government", wherever they occur, the words "State Government or, as the case may be, the Central Government" shall be substituted;

(b) in section 10, in clause (a), for the words "three months", the words "one year" shall be substituted;

(c) in the Schedule,-

(i) paragraph 1 shall be omitted;

(ii) in paragraphs 2 and 4,-

(a) after the words " a local authority", the words and figures "or a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by Government or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956), or a society aided by such corporation, authority, body or Government company" shall be inserted;

(b) after the words "or authority", the words "or corporation or body or Government company or society" shall be inserted;

(iii) for paragraph 4-A, the following paragraph shall be substituted, namely:-
"4-A. An offence punishable under the Prevention of Corruption Act, 1988." ;

(iv) in paragraph 5, for the words and figures "items 2, 3 and 4", the words, figures and letter "items 2, 3, 4 and 4-A" shall be substituted.

30. Repeal and saving:-

(1) The Prevention of Corruption Act, 1947 (2 of 1947) and the Criminal Law Amendment Act, 1952 (46 of 1952) are hereby repealed.

(2) Notwithstanding such repeal, but without prejudice to the application of section 6 of the General Clauses Act, 1897 (10 of 1897), anything done or any action taken or purported to have been done or taken under or in pursuance of the Acts so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under or in pursuance of the corresponding provision of this Act.

31. Omission of certain sections of Act 45 of 1860:-

Sections 161 to 165-A (both inclusive) of the Indian Penal Code shall be omitted, and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply to such omission as if the said sections had been repealed by a Central Act.

(2)
ANDHRA PRADESH CIVIL SERVICES
(CONDUCT) RULES, 1964
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ANDHRA PRADESH CIVIL SERVICES (CONDUCT) RULES, 1964.

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Andhra Pradesh hereby makes the following rules to regulate the conduct of Government employees.

RULES

1. Short Title and Application:-

(1) These rules may be called the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(2) They shall apply to every person who is a member of a civil service of the State or holds any civil post under the State or in connection with the affairs of the State:

Provided that nothing in these rules shall apply to -

(a) the judges of the High Court of Andhra Pradesh;

(b) the members of the All India Services;

(c) persons who are not full-time employees but are engaged by Government to do certain work without prejudice to the regular practice by such persons of their professions in other respects, subject to the exception that rules 14, 15, 17, 18 and 19 shall apply to the Advocate-General, Government Pleaders, Public Prosecutors and Pleaders doing Government work;

(d) the members of the Village establishment;

(e) persons paid from contingencies

2. Definitions:-

In these rules, unless the context otherwise requires.

(i) "District" means a revenue district;

(ii) "Government" means the Government of Andhra Pradesh and includes any subordinate authority which may be declared by them, subject to such conditions as they think fit, to be Government for all or any of the purposes of these rules;

Provided that the powers and functions of Government under these rules shall, in relation to the members of the staff of the Governor's Secretariat, be exercised by the Governor of Andhra Pradesh.

(iii) "Government employee" means any person who is a member of a civil service of the State of Andhra Pradesh or holds any civil post under the State or in connection with the affairs of the State, whether he is on duty or under suspension or on leave or on foreign service either within or outside the State;

(iv) "Head of Department" means the authority declared as such in Appendix-I to the Andhra Pradesh Financial Code, Volume - II.

(v) "Member of the family" in relation to a Government employee, includes the spouse, son, daughter, step-son or step-daughter of such employee, whether residing with such employee or not, and any other person related to, and residing with, such employee and wholly dependent on such employee; but does not include a spouse legally separated from such employee, or a son, daughter, step-son or step-daughter who is no longer in any way dependent upon such employee, or of whose custody such employee is deprived by law;

(vi) "State" means the State of Andhra Pradesh.

3. General :-

(1) Every Government employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety.

(2) No Government employee shall behave in a manner which is unbecoming of such employee or derogatory to the prestige of Government.

(3) No Government employee shall act in a manner which will place his official position under any kind of embarrassment.

(4) No Government employee shall, in the performance of his official duties or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior, and shall where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing shall obtain written confirmation of the direction as soon thereafter as possible. It shall be incumbent on such official superior to confirm in writing the oral directions given by him, and in any event, he shall not refuse such written confirmation, where a request is made by the Government employee to whom such direction was given. (G.O.Ms.No. 1009, GA. (Ser.C) Dept., Dt.18-6-65.)

Explanation :

Nothing, in sub-rule (4) shall be construed as empowering a Government employee to evade his responsibilities by seeking instructions from or approval of, as official superior where, such instructions are not necessary under the scheme of distribution of powers and responsibilities.

(5) "Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority".

Explanation:- "A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devoting to duty.

(G.O.Ms.No.381, G.A.(Ser.C) Dept., Dt. 8-12-2003).

3-A : Joining of associations by Govt. Employees.

No Government employee shall join, or continue to be a member of, an association the object or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order.

3-B: "Promptness and courtesy -

No Government Servant shall -

(a) in the performance of his official duties, act in a discourteous manner;

(b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him".(G.O.Ms.No.72,. G.A. (Ser.C) Dept., Dt.3-3-98.)

3-C : Prohibition of sexual harrassment of working women:-

No Government servant shall in the performance of his official duties act in a discourteous and discriminate manner with any working women or indulge in sexual harrassment either directly or by implication.

Explanation:-

For the purpose of this rule, "sexual harrassment" includes such unwelcome activities either directly or by implication have -

(a) physical contact and advances;

(b) a demand or request for sexual favours;

(c) sexually coloured remarks;

(d) showing pornography; and

(e) any other unwelcome physical, verbal or non verbal conduct of sexual nature,

such conduct which amounts to a special offence under the IPC, 1860 or under any other law for the time being in force.

4. Strikes:-

No Government employee shall participate in any strike or similar activities or incitement thereto.

Explanation:-

The expression "Similar activities" shall be deemed to include-

(i) absence from duty or work without permission.

(ii) neglect of duty with the object of compelling any superior officer or Government to take or omit to take any official action;

(iii) any demonstrative fast, like "hunger strike" with the object mentioned in item (ii); or

(iv) concerted or organised refusal on the part of Government employees to receive their pay.

5. Demonstrations:-

No Government employee shall participate in any demonstration which is against the interests of the sovereignty and integrity of India or public order. (G.O.Ms.No. 1009, G.A. (Ser. C) Dept., Dt. 18-6-65.)

6. Gifts, Service, entertainments, addresses, and other forms of felicitation :-

(1) No Government employee shall:-

(i) accept, or permit any member of his family to accept from any person any gift, the receipt of which, or any service the performance of which will place such employee under any kind of official obligation or embarrassment in relation to any person if, however, the offer of a gift cannot be refused without giving undue offence to the donor, it may be accepted and the matter reported to the Government for decision as not its disposal ; or

(ii) receive any address or accept any felicitation or entertainment held in his honour;

Provided that nothing in this sub-rule shall apply to -

(a) gifts of flowers or fruits of trifling value.

(b) gifts of a value, reasonable in all circumstances of the case, from relations, and gifts of a value of less than two hundred rupees from personal friends presented to a Government employee or to any member of his family on ceremonial occasions such as weddings;

(c) the performance of an occasional service of a trifling character;

(d) the sitting for a group photo with officers and the members of the staff of his office.

(iii) stay in any Guest House owned by a private person and enjoy his hospitality. (G.O.Ms.No. 1093, G.A.(Ser.C) Dept., dt.30-9-64.)

(2) If any question arises whether the receipt of a gift or the performance of a service places the Government employee under any kind of official obligation or embarrassment, the decision of Government thereon shall be final.

(3) No Government employee shall receive any towel, key, scissors, or other similar article offered to him in connection with any ceremonial function such as the laying of foundation stone or the opening of a building.

“6-A: Foreign Currency / Goods -

Every Government employee shall intimate to the Competent Authority within fifteen days from the date of receipt of any foreign currency or foreign goods of value of more than Rs.10,000/-from any person by him or by any person of his family or by any person on their behalf, in the form given in the Annexure III to these rules”. (G.O.Ms.No. 354, G.A. (Ser.C) Dept., Dt- 8-8-1996.)

7. Subscriptions -

No Government employee shall, except with the previous sanction of Government, ask for, or accept, or in any way participate in the raising of, any subscriptions or other pecuniary assistance in pursuance of any object whatsoever.

8. Lending, borrowing and insolvency:-

(1) No Government employee shall, save in the ordinary course of business with a bank or a public limited company, himself or through any member of his family or any person acting on his behalf - (G.O. Ms.No.224, G.A. (Ser.C) Dept., Dt.23-3-74.)

(a) lend or borrow or deposit money as a principal or agent, to, or from, or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself, under pecuniary obligation to such person or firm; or

(b) lend money to any person at interest or in manner whereby return in money or kind is charged or paid;

Provided that a Government employee may give to, or accept from a relative or a personal friend a purely temporary loan of small amount free of interest or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee;

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government employee with the previous sanction of the Government.

(1-A) When a Government employee is appointed or transferred to a post of such nature as would embarrass or influence him in the discharge of his official duties or involve him in the breach of any of the provisions of sub-rule (1), he shall forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be made by the Government.

(2) The prohibition in sub-rule (1) shall not apply to.-

(i) any transaction of a Government employee with a co-operative society registered or deemed to have been registered under the law relating to co-operative societies for the time being in force in the State;

(ii) a Government employee who lends money while acting as an executor, administrator or a trustee without profit or advantage to himself;

(iii) a Government employee who belongs to a joint Hindu family carrying on the business of money

lending as an ancestral profession, provided the takes no active share in that business and is not employed in the district in which the said business of the family is carried on.

(3) A Government employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government employee who is involved in legal proceeding for insolvency shall forthwith report the full facts to Government.

9. Acquiring or disposing of immovable or movable property:-

(1) No Government employee shall, except after previous intimation to Government, acquire or dispose of, or permit any member of his family to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise either by himself or through others.

Note:- When a Government servant or a member of his family accepts “advance of rent” from a prospective tenant for the construction or completion of a building to be rented, it constitutes a transaction in immovable property and falls within the scope of the above sub-rule. (G.O.Ms.No. 807, G.A. (Ser.C) Dept., Dt.2-12-77.)

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall be with the previous sanction of Government.

“Provided that any such a transaction conducted otherwise than through a regular or reputed dealer
Viz.,

(i) Banking institutions, including Co-operative Banks;

(ii) Financial Corporations set up by the State Governments which provide loans for house construction;

(iii) Apex Co-operative Housing Finance Institutions such as Delhi Co-operative Housing Finance Society; and

(iv) Public Companies formed and registered in India with the main object of carrying on the business of providing long term finance for construction or purchase of houses in India for residential purposes like the Housing Development Finance Corporation Limited, LIC., CANFIN and Nationalised Banks,

shall be with the previous sanction of the Government.”

Provided further that no Government employee shall acquire or permit any member of his family to acquire any immovable property in any area in which land developmental schemes are under execution by or contemplation of, the Department in which the employee is employed.(G.O.Ms.No.602, G.A.(Ser.C) Dept, Dt.30-11-82) (G.O.Ms.No.105, G.A.(Ser.C) Dept, Dt.20-2-84)

Provided further that the Government employee shall submit the particulars giving prior intimation or seeking prior sanction, in the following format:

(1) Name and Designation :

(2) Scale of pay and present pay

(3) Purpose of application -sanction for transaction / prior

intimation or transaction.

- (4) Whether property is being acquired or disposed of.
- (5) Probable date of acquisition / disposal of property.
- (6) Mode of acquisition / disposal.
- (7)(a) Full details about location viz.,Municipal No. Street / Village, Mandal, District and State in which situated.
 - (b) Description of the property, in the case of cultivable land, dry or irrigated land.
 - (c) Whether free hold or leasehold.
 - (d) Whether the applicant's interest in the property is in full or part (in case of partial interest, the extent of such interest must be indicated).
 - (e) In case the transaction is not exclusively in the name of the Government Servant, particulars of ownership and share of each member.
- (8) Sale / Purchase price of the property (Market value in the case of gifts)
- (9) In cases of acquisition, source or sources from which financed / proposed to be financed :-
 - (a) Personal savings.
 - (b) Other sources giving details
- (10) In the case of disposal of property, was requisite sanction / intimation obtained / given for its acquisition. A copy of the sanction / acknowledgement should be attached.
- (11)(a) Name and address of the party with whom transaction is proposed to be made.
 - (b) Is the party related to the applicant? If so, state the relationship.
 - (c) Did the applicant have any dealings with the party in his official capacity at any time, or is the applicant likely to have any dealings with him in the near future?
 - (d) How was the transaction arranged? (Whether through any statutory body or a private agency through advertisement or through friends and relatives. Full particulars to be given).
- (12) Any other relevant fact which the applicant may like to mention.

DECLARATION

I, hereby declare that the particulars given above are true. I request that I may be given permission to acquire / dispose of property as described above from / to the party whose name is mentioned in item 11 above.

OR

I hereby intimate the proposed acquisition / disposal of property by me as detailed above. I declare that the particulars given above are true.

Station :

Signature:

Date:

Designation:

Note:-1. In the above form, different portions may be used according to requirement.

2. Where previous sanction is asked for, the application should be submitted atleast 30 days before the proposed date of the transaction.

Provided also that the Government employee shall submit the request to Government seeking prior permission duly obtaining acknowledgement of having made such a request and if no permission is received within one month, he / she may go ahead with the transaction”.

(2) A Government employee who enters into any transaction concerning any movable property exceeding rupees twenty thousand in value, whether by way of purchase, sale or otherwise, shall forth with report such transaction to Government;

G.O.Ms.No.705, G.A.(Ser.C) Dept, Dt.28-11-84

G.O.Ms.No.471, G.A.(Ser.C) Dept, Dt.17-9-94

Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall be with the previous sanction of Government.

(3) Nothing in sub-rule (2) shall apply to any purchases made by a Government employee for the performance of weddings, religious or special functions.

(4) No Government employee shall engage in any transaction which is of a speculative character relating to the purchase, sale or exchange of any immovable or movable property.

(5) The provisions of sub-rules (1) and (2) shall not apply to-

(i) the acquisition or possession of any property as trustee, executor or administrator;

(ii) any Government land which is sold or granted on lease to any Government employee, in accordance with the rules in force.

(6) Except with the sanction of Government, no Government employee shall purchase, directly or indirectly in a sale by auction or otherwise conducted by or under the orders of the Department in which he is employed, any immovable or movable property, owned or confiscated by Government.

(7) Every Government employee, other than a member of the Andhra Pradesh Last Grade Service and a Record Assistant in the Andhra Pradesh General Sub-ordinate Service, shall on first appointment to the Government service submit to Government a statement of all immovable property / properties irrespective of its value and movable property / properties whose value exceeds Rs.20,000/- owned, acquired, or inherited by him or held by him on lease or mortgage either in his own name or in the name of any member of his family, in the forms prescribed in Annexure - I and II separately. He shall also submit to Government before 15th January of each year, through the proper channel, a declaration in the forms given in the Annexure-I and II of all immovable / movable property / properties owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family. The declaration shall contain such further

information as Government may, by a general or special order require. If in any year, a Government employee has not acquired or disposed of any immovable or movable property or any interest therein, he shall submit declaration to that effect.

G.O.Ms.No.705, G.A.(Ser.C) Dept, Dt.28-11-84

G.O.Ms.No.52, G.A.(Ser.C) Dept, Dt.4-2-88

G.O.Ms.No.471, G.A.(Ser.C) Dept, Dt.17-9-94

Provided that every Head Constable, Police Constable and every person of the corresponding rank in the Armed Reserve and Special Police Battalions and every non-gazetted officers of equal rank in their branches of the Police Department, shall submit the statements in forms prescribed in Annexure - I and II and the declaration aforesaid to the Superintendent of Police or the Commandant concerned, as the case may be.

G.O.Ms.No.881, G.A.(Ser.C) Dept, Dt.11-11-70

(2) for the Annexure, the following Annexures shall be substituted, namely:-

ANNEXURE - I

Statement of immovable property possessed, acquired and disposed of by Sri or any other person on his behalf or any member of his family during year ending
(Sub-rule (7) of rule 9 of APCS (Conduct) Rules, 1964) -

Nature of Property	Situation of property (Survey Municipal No. with extent.	Held in whose name	Date and mode of acquisition / disposal.
(1)	(2)	(3)	(4)

1. House
2. Flat
3. Shop
4. House Plot
5. Agril.land
(dry or wet)
6. Any other immovable Property.

Price paid/ Obtained	Source of Payment	Whether information given or sanction obtained (with ref.no. & date)	Annual income from Property
(5)	(6)	(7)	(8)

Note: Details of acquisition of properties standing in the name of Hindu undivided family or partnership in which the officer holds a claim or share should be separately shown in the statement.

ANNEXURE - II

Statement of movable property possessed, acquired and disposed of by Sri or any other person on his behalf or by any member of his family during year ending

(Sub-rule (7) of rule 9 of APCS (Conduct) Rules, 1964) -

Nature of Property	Held in whose name	Date and mode of acquisition / disposal.	Name and address of person from whom acquired/	disposed of
(1)	(2)	(3)	(4)	

Movables (Whose value exceeds Rs. 20,000/-)

Vehicles :

Motor Car
 Motor Cycle / Scooter
 any other vehicle.

Electrical Goods:

Air Conditioner
 V.C.R./ Television.
 Refrigerator.
 Any other goods.

Jewellery:

Ornaments
 Vessels etc.

Investment & Cash

Bank deposits / Debentures/
 Shares / Bank Balances etc.

Furniture

Live Stock

Any other goods

Whether transaction done within the limits of Jurisdiction.	Price paid / obtained.	Source of Payment.
(5)	(6)	(7)

Note: Details of acquisition of properties standing in the name of Hindu undivided family or partnership in which the officer holds a claim or share should be separately shown in the statement.

(8) The Government, or any authority empowered by them in this behalf may, at any time, by general or special order, require a Government employee to submit, within a specified period, a full and complete statement of all immovable property and movable property, of the specified value, held or acquired by him or by any member of his family. Such statement shall, if so required by Government or by the authority so empowered, include particulars of the means by which or the sources from which, such property was acquired.

(8A) "The Government or any authority empowered by them in this behalf may, require a Government servant to render a full and true account of the cash found in his possession at any time and such account shall include particulars of the means by which and the sources from which such cash was acquired".

(G.O.Ms.No.7, G.A.(Ser.C) Dept., Dt.16.1.2004)

(8B) "The Government or any authority empowered by them in this behalf may, by general or special order require a Government servant on duty not to keep cash in his possession beyond a specified sum and to declare the cash in his possession in the manner prescribed".

(G.O.Ms.No.381,G.A.(Ser.C) Dept., Dt.18.12.2003)

(9) If a Government employee receives an order of transfer to a district in which he possesses, or has an interest in any immovable property, he shall forthwith report the fact to his immediate superior officer.

(10) For the purposes of this rule,-

(A) In respect of the Government employee serving under their control, the undermentioned authorities are declared to be Government for each of the categories of employees as specified below:

1. POSTS OUT-SIDE THE PURVIEW OF THE ANDHRA PRADESH PUBLIC EMPLOYMENT (ORGANISATION OF LOCAL CADRES AND REGULATION OF DIRECT RECRUITMENT) ORDER, 1975 (herein after referred to as Presidential Order).

(1) Heads of Departments and Government.
Offices holding equivalent posts in the Department.

(2) All second level Gazetted Head of the
posts and above except Department.
second level Gazetted posts,
included in Scheudule-III of .
the Presidential Order

(3) First level Gazetted posts which Head of the
do not fall within the purview of Department.
the Presidential Order.

G.O.Ms.No.567, G.A.(Ser.C) Dept, Dt.15-10-88

(4) Posts in Secretariat:

(a) Assistant Secretary to Govern- Chief Secretary
ment and above. to Government.

(b) Section Officers and Private Principal Secretary /
Secretaries to Secretaries Secretary/ Ex-Officio
Secretary concerned.

- (c) Asst. Section Officer and all other non-Gazetted categories concerned. Additional / Joint / Deputy Secretary to Government concerned.
- (5) Posts in the office of the Heads of Departments / State level Offices and other offices not covered by the Presidential Service Commission. Tribunal.
- (a) Head of the Department concerned.
- (b) Andhra Pradesh Public Order.
- (c) Secretary to Governor
- (d) Sales Tax Appellate
- (e) Labour Court.
- (f) Industrial Tribunal.
- (g) Andhra Pradesh Administrative Tribunal.
- (6) Non-Gazetted posts in the Offices, other than the Offices of the Heads of Departments and State Level Offices etc. Appointing Authority.

II. POSTS WHICH FALL WITHIN THE PURVIEW OF THE ANDHRA PRADESH PUBLIC EMPLOYMENT (OLC & RDR) ORDER, 1975 (hereinafter referred to as Presidential Order).

- (1) Second Level Gazetted Posts which have been organised into Zonal / Multi Zonal cadres in pursuance of the provisions of the Presidential Order. Heads of the Department
- (2) First Level Gazetted Posts which have been organised into Zonal/ Multi Zonal Cadres in pursuance of the provisions of the Presidential Order. Regional Officers having Jurisdiction over the respective Zones/Multi Zones in respect of the relevant local cadres, where regional setup exists or

the officer next below the Head of the Department in the Office of the Head of the Department where no regional set-up exists. of the

- (3) Non-Gazettd categories of posts which have been organised into Zonal/Multi Regional Officer or other Officers who administor the relevant Zonal /

Zonal cadres in pursuance of the Presidential Order. Multi Zonal Cadres.

- (4) Non-Gazetted categories which have been organised into district or less than district cadres in pursuance of the Presidential Order. Collectors and other District officers concerned or Officers who administer such District or less than District Cadres

(B) In respect of Government employees serving on deputation either under Central Government or any State Government the appropriate Government under which the Government employee is serving shall be deemed to be Government.

10. Private Trade, Business and as investment:

- (1) No Government employee shall engage directly or indirectly in any trade or business save in the course of his official duties.

Explanation:

Canvassing by a Government servant in support of the business of Insurance agency, Commission agency and the like owned or managed by his wife or any other member of his family shall be deemed to be breach of this sub-rule.

G.O.Ms.No.1025, G.A.(Ser.C) Dept, Dt.05-12-67

- (1-A) Every Government employee shall report to the Government if any member of his family is engaged in trade and business or owns or manages an insurance agency or Commission agency.
- (2) No Government employee shall speculate in any investment.
- (3) No Government employee shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.
- (4) The decision of Government shall be final in respect of any question arising under this rule.

11. Promotions and Management of companies in Private capacity :-

No Government employee shall in his private capacity, except with the previous sanction of Government, take part in the promotion, registration or management of any bank or other company registered under the relevant law for the time being in force:

Provided that a Government employee may, in accordance with the provisions of any general or special order of Government, take part in the promotion, registration or management of a co-operative society registered under any law relating to co-operative societies for the time being in force in the State:

Provided further that no Government employee shall, without the previous sanction of the Government except in the discharge of his official duties, take part in promotion, registration or management of any co-operative society for Commercial purpose.

12. Private Employment:-

No Government employee shall, except with the previous sanction of Government negotiate for or undertake any employment or work other than that connected with the official duties.

Provided that a Government employee may, without such sanction, participate in sports activities as an amateur, undertake honorary work of a special or charitable nature, or occasional work of literary artistic or scientific character or any examinership or remuneration, offered therefore by the Union Public Service Commission, Institute of Secretariat training and management of Government of India, the Andhra Pradesh Public Service Commission, the State Board of Technical Education and Training or the Board of Secondary Education, Andhra Pradesh or by any of the Universities in the State of Andhra Pradesh, the Board of Intermediate Education, Andhra Pradesh, subject to the condition that such work or examinership does not interfere with his official duties but he shall not undertake or shall discontinue such work; or examinership, if so directed by Government.

G.O.Ms.No.73, GA (Ser.C) Dept. Dt.12-2-1968, G.O.Ms.No. 542, GA (Ser.C) Dept. Dt.24-8-68, Proviso G.O.Ms.No.911, GA (Ser.C) Dept., Dt.8-10-1971, G.O.Ms.No.1074, GA (Ser.C) Dept. Dt.16-11-1971, G.O.Ms.No. 1219, GA(Ser.C) Dept., Dt.18-12-71.

13. Publications of Books.

No Government employee shall, without the previous permission of Government, publish any book, which is not purely of a literary, artistic or scientific character. While applying for permission to publish a book he shall submit to Government a manuscript copy thereof:

Provided that an employee who publishes a book with or without the previous permission of Government shall not canvass for its sale in any manner and it shall also be open to Government to insist on the sale of the copyright in any such book.

G.O.Ms.No.1591, G.A.(Ser.C) Dept, Dt.25-08-1965

14. Communication of Official documents or information:-

No Government employee shall, except in accordance with any general or special order of Government, communicate directly or indirectly any official document or any of its contents, or any official information, to any Government employee not authorised to receive the same, or to any non-official person or the press.

15. Connection with press:-

No Government employee shall, except with the previous sanction of Government, own wholly or in part, or conduct, or participate in the editing or the management of, any newspaper or non-government publication.

16. Participation in Radio Broadcast and contribution to newspapers and periodicals:-

(1) No Government employee shall, except with the previous sanction of Government or any authority empowered by them in this behalf or in the course of discharge of his official duties, participate in a radio broadcast or contribute any article or write any letter in his own name or anonymously, pseudonymously or in the name of any other person to a newspaper or periodical:

Provided that no such sanction is necessary if such broadcast article or letter is of a purely literary, artistic

or scientific character, or if such broadcast relates to a talk arranged under the general or special order of Government; and the Government employee may accept the remuneration prescribed for such broadcast, articles or letters.

(G.O.Ms.No.1880, G.A.(Ser.C) Dept, Dt.19-10-65)

(2) For the purpose of sub-rule (1), a Secretary to Government or a head of Department may exercise the power of Government in respect of Government employees under his control, and may refer any case to Government for orders if he considers such a course desirable.

17. Criticism of the policy or action of Government or any other State Government or Central Government :-

(1) No Government employee shall, by any public utterance, written or otherwise, criticise any policy or action of Government or any other State Government or the Central Government; nor shall he participate in any such criticism;

Provided that nothing in this rule shall be deemed to prohibit any Government employee from participating in discussions, at any private meeting solely of Government employees or of any association of Government employees of matters which effect the interest of such employees individually or generally;

(2) No Government employee shall, in any writing published by him, or in any communication made by him to the press, or in any public utterance delivered by him, make any statement of fact or opinion which is likely to embarrass.

(i) The relations between the Central Government or the Government of any State and the people of India or any section thereof.

(ii) the relations between the Central Government and the Government of any foreign State.

(3) A Government employee who intends to publish any document or to make any communication to the press or to deliver any public utterance containing statements in respect of which any doubt as to the application of the restrictions imposed by sub-rule (2) may arise, shall submit to Government the draft of such document, communication or utterance and shall, thereafter, act in accordance with such orders as may be passed by Government.

18. Evidence before any committee, commission or other authority :-

(1) No Government employee shall give evidence in connection with any inquiry conducted by any committee, Commission or other authority:-

(a) in India, except with the previous permission of Government;

(b) outside India, except with the previous sanction of the Central Government;

(2) Where any sanction is accorded under sub-rule (1), no Government employee giving such evidence shall criticise the policy of the Central Government or of a State Government.

(3) Nothing in sub-rule (1) shall apply to -

(a) evidence given before a statutory committee, commission or other authority which has power to compel attendance and the giving of answers;

- (b) evidence given in judicial inquiries;
- (c) evidence given at any departmental inquiry ordered by Government or any authority subordinate to them.

19. Taking part in politics and elections:-

(1) No Government employee shall be a member of, or be otherwise associated with, any political party or any organisation in respect of which there is slightest reason to think that the organisation has a political aspect and takes part in politics; nor shall he participate in, subscribe in aid of, or assist in any other manner, any political movement or activity.

Amendment to G.O.Ms.No.77, G.A.(Ser.C) Dept, Dt.8-2-90

(2) It shall be the duty of every Government employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any manner any movement or activity which is, or tends directly or indirectly to be, sub-versive of the Central Government or of a State Government, being prejudicial to national security; and where a Government employee is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to Government.

(3) Nothing in sub-rule (2) shall apply in respect of any member of the family of a Government employee standing for an election to Parliament or any House of a State Legislature or local authority or body or canvassing for other candidates in any such election.

(4) If any question arises as to whether any movement or activity falls within the scope of this rule, the decision of Government thereon shall be final.

(5) No Government employee shall canvass or otherwise interfere or use his influence, in connection with, or take part in, an election to Parliament or any House of a State Legislature or any local authority or body:

Provided that :-

(i) A Government employee qualified to vote at such election may cast his vote but, where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) A Government employee shall not be deemed to have contravened the provisions of this rule by reason only that he has assisted in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

(6) the display by a Government employee on his person, vehicle, residence or any of his property, of any election symbol shall amount to using his influence in connection with an election within the meaning of sub-rule (5).

(7) The provisions of sub-rules (5) and (6) shall not apply to a Government employee required or permitted by or under any law or order of Government to be a candidate at an election to a local authority or body.

20. Vindication of acts and character of a Government employee as such.

(1) No Government employee shall, except with the previous sanction of Government, have recourse to the press or any court for the vindication of his official act which has been the subject matter of adverse criticism or an attack of a defamatory character in public.

(2) Nothing in sub-rule (1) shall be deemed to prohibit a Government employee from vindicating his private character or an act done by him in his private capacity.

(3) No Government employee shall, except with the previous sanction of Government, accept from any person or body compensation of any kind for malicious prosecution or defamatory attack in respect of his official act unless such compensation has been awarded by a competent court of law.

21. Working with or under, near relatives in Government Service.

(1) Every member of a State Service shall inform his immediate official superior if a member of a State or Subordinate Service, who is his near relative is to work under him.

(2) Every member of a State or Subordinate Service shall inform his immediate official superior if he is to work under a member of an All India Service or a State Service who is his near relative.

22. Employment of a member of the family in a private firm.

Whenever a member of the family of a Government employee who is solely dependent on him wishes to accept employment under any person, or with any firm or company, having official connection with such Government employee or Government, the Government employee shall obtain the prior sanction of Government for such employment.

23. Government employee not to deal in his official capacity with matters concerning himself, his relatives or dependents.

No Government employee shall deal, in his official capacity, with any matter which directly or indirectly concerns himself or any of his relatives or dependents.

24. Influencing the authorities for furtherance of interests.

(1) No Government employee shall bring or attempt to bring any extraneous influence to bear upon any authority for the furtherance of his interests.

(2) A Government employee causing his own case to be made the subject of an interpellation in either House of Parliament or State Legislature or of discussion in the Andhra Pradesh Regional Committee shall be deemed to have contravened the provisions of sub-rule (1).

(3) It will be improper for a Government employee who makes any representation to the competent authority through the proper channel, to bother the higher authorities with advance copies thereof:

(G.O.Ms.No.1481, GA(Ser. C) Dept Dated. 06-08-65)

Provided that a Government employee may send a copy of any representation made to the competent authority through the proper channel, direct to the higher authorities if the representation is made after exhausting such of the statutory remedies as were open to him and after receiving intimation that his representation has been withheld.

25. Bigamous marriage.

(1) No Government employee who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him. (G.O.Ms.No.1009 G.A. (Ser. C) Dept., dt. 10-06-65.)

Provided that where the personal law provides for second or subsequent marriage, the Government employee shall while seeking permission to contract another marriage, produce documentary evidence in support of "Divorce or Talaq" in respect of previous marriage and the manner in which the same was secured or pronounced and intimated to the first or former wife.

(2) "No female Government Servant, whether unmarried or widow or divorced, as the case may be, shall marry any person who has a wife living without first obtaining the permission of the Government, though the parties are governed by the personal law which otherwise permits contracting more than one marriage while the prior marriage is subsisting."

25A. Dowry.

No Government servant shall --

- (1) give or take or abet in giving or taking of dowry; or
- (2) demand, directly or indirectly, from the parents or guardian or a bride or bridegroom as the case may be; any dowry.

Explanation:-

For the purpose of this rule "dowry" has the same meaning as in the Dowry Prohibition Act, 1961. (A Central Act 28 of 1961).

G.O.Ms.No.1009 G.A. (Ser. C) Dept., dt. 10-06-65.

26. Drinking :

Notwithstanding anything contained in the provisions of any Law relating to intoxicating drinks or drugs for the time being in force in any area, no Government employee shall --

- (i) while on duty, be under the influence of such drinks or drugs to such an extent as to render him incapable of discharging his duty properly and efficiently : or
- (ii) appear in a public place in a state of intoxication : or
- (iii) consume such drinks or drugs in excess.

Substituted by G.O.Ms.No.513 G.A. (Ser. C) Dept., dt. 19-12-2002.

27. Interpretation.

If any question arises relating to the interpretation of these rules, the decision of Government thereon shall be final.

28. Repeal.

The Government Servants Conduct Rules, 1958, are hereby repealed :

Provided that such repeal shall not affect the previous operation of any action taken or orders or instructions issued thereunder, and subject thereto, anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under these rules.

29 Saving of other Laws.

The provisions of these rules shall be in addition to, and not in derogation of, any other law or order of any competent authority, for the time being in force, regulating the conduct of Government employees in the State.

ANNEXURE - III

(See Rule 6A)

Intimation of Foreign Currency/Goods received by the Government employee Sri under rule 6-A of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

1. Name of the Government Servant :
2. Designation and Official Address :
3. Department to which he belongs :
4. Date of receiving / accepting of Foreign Currency / Goods.
5. Nature of the Foreign Currency/Goods received/accepted.
6. Sources from which received/accepted.
7. Reason/Purpose for which the foreign currency/goods were received/accepted.
8. The relationship of the sender to the recipient and name, occupation and full address of the sender :
9. Whether the foreign currency/goods received/accepted were intimated to the concerned authorities and customs or to the appropriate authority :
10. Whether the foreign currency/goods received/accepted were declared to Income Tax Department. If so, details to be furnished.
11. Mode and method of receipt / acceptance of the foreign currency/goods by the government employee or his dependents.
12. Whether the Government employee having any official dealings from whom the foreign currency / goods were received / accepted;
13. Details of any expenditure incurred by the Government Employee in receipt/acceptance of the foreign currency/ goods.

Station

Signature of the
Government Employee.

Date :

Note : Annexure prescribed by G.O.Ms.No.354 G.A. (Ser. C) Dept., dt. 8-8-1996.

(3)
THE ANDHRA PRADESH CIVIL SERVICES
(C.C.&A.) RULES, 1991.

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The Andhra Pradesh Civil Services (Classification, Control and Appeal) Rule, 1991.

ORDER :

Dt : 14.9.1992

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 supersession 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, dated the 1st July 1992.

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.

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.

2. Interpretation.

In these rules, unless the context otherwise requires ---

- (a) 'appointing authority' in relation to a Government servant means ---
 - (i) the authority which actually made the temporary or officiating or substantive appointment as the case may be, of the Government servant to the post held by him at the time of initiation of disciplinary 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.

3. Application.

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

- (a) whether these rules apply to any person, or
- (b) whether a person to whom these rules apply belongs to a particular service, or as to which of the two or more services is the Service to which such person belongs, the matter shall be referred to the Government whose decision shall be final.

4. Power to exclude from operation

Notwithstanding 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

5. Classification of Services

(1) The Civil Services of the State, the members of which are subject to these rules, shall be classified as follows:

- (a) the State Services; and
- (b) the Subordinate Services.

(2) A member of the civil service of the State and every person holding a civil post under the State whose service are placed at the disposal of any company, corporation, organisation or local authority by the Government or by any competent authority shall, for the purposes of these rules, be deemed to be a member of such civil service or be deemed to hold such civil post, notwithstanding that his salary is drawn from a source other than the Consolidated Fund of the State.

6. Constitution of State Services

The State Services shall consist of the services specified in Schedule I to these rules and includes any other service that may be notified or as the case may be constituted by Government from time to time. (Substituted by G.O.Ms.No. 516 G.A. (Ser. C) Dept., dt.6-12-1999.)

7. Constitution of Subordinate Services

The Subordinate Services shall consist of the services specified in Schedule II to these rules and include any other service that may be notified or as the case may be constituted by Government from time to time. (Substituted by G.O.Ms.No. 516 G.A.(Ser. C) Dept., dt.6-12-1999.)

PART III - SUSPENSION

8. Suspension

- (1) A Government Servant may be placed under suspension from service ---
 - (a) where a disciplinary proceeding against him is contemplated or is pending, or

(b) where in the opinion of the authority competent to place the Government servant under suspension, he has engaged himself in activities prejudicial to the interest of the security of the State; or

(c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial ;

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

Provisio omitted (G.O.Ms.No. 417 G.A(Ser. C) Dept., dt.24-08-94.)

(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.

(c) the order of suspension ceases to be operative as soon as the criminal proceedings, on the basis of which the Government servant was arrested and released on bail, are terminated.(Added by G.O.Ms.No. 27 G.A (Ser. C) Dept., dt.24-1-2002.)

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.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on revision or review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal, or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void, in consequence of or by a decision of a court of law and the authority competent to impose the penalty, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the authority competent to impose the suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

(5)(a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority which made or is deemed to have made the order or by an authority to which that authority is subordinate.

(b) Where a Government servant is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may, at any time, be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

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

PART IV - PENALTIES AND DISCIPLINARY AUTHORITIES

9. Penalties

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely --

Minor Penalties

- (i) Censure;
- (ii) withholding of promotion;
- (iii) recovery from any pay of the whole or part of any pecuniary loss caused by him to the State Government or the Central Government or to a local authority or to a corporation owned or controlled by the State or the Central Government, by negligence or breach of orders, while working in any department of the State or the Central Government, local authority or corporation concerned;
- (iv) withholding of increments of pay without cumulative effect(G.O.Ms.No. 205, G.A.(Ser. C) Dept., dt.5-6-98).
- (v) suspension, where a person has already been suspended under rule 8 to the extent considered necessary;

Major Penalties

- (vi) withholding of increments of pay with cumulative effect (G.O.Ms.No. 205, G.A. (Ser. C) Dept., dt.5-6-98).
- (vii) reduction to a lower rank in the seniority list or to a lower stage in the time-scale of pay or to a lower time-scale of pay not being lower than that to which he was directly recruited or to a lower grade or post not being lower than that to which he was directly recruited, whether in the same Service or in another Service, State or Subordinate;
- (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 dis-qualification 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 forbearing 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 Servants' Premature Retirement Rules, 1975 or under Article 465(2) or under Note I to Article 465A of the Civil Service 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 member 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.

10. Other Penalties

In addition to the penalties specified in rule 9 and notwithstanding anything therein, the following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed, namely --

(i) fine, on a member of the Andhra Pradesh Last Grade Service and on a person holding any of the posts specified in Appendix - I to these rules;

(ii) suspension for a period not exceeding fifteen days -

(a) on Forest Guards;

(b) on directly recruited members of the Andhra Pradesh Police Subordinate Service and the Andhra Pradesh Special Police Service;

(c) on Station Officers, Engineer Sub-Officers, Leading Fire-man, Driver-Mechanics, Driver-Operators, Firemen-Mechanics, Firemen and equivalent ranks of the Andhra Pradesh Fire Subordinate Service:

Provided that the penalty may be imposed on Government servants mentioned in sub-clauses (b) and (c) only if the penalty of reduction to a lower grade, post or time-scale or to a lower stage in the same time-scale cannot be imposed.

11. Disciplinary Authorities in respect of State Services

(1) The High Court of Andhra Pradesh may impose on members of the Andhra Pradesh State Judicial service, any of the penalties specified in clauses (i) to (vii) 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 Account 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) (i) The District Treasury Officer may impose on Sub-Treasury Officer the penalties specified in clause (i) to (iv) of rule 9.

(ii) The Joint Directors/Regional Joint Directors, Treasuries and Accounts Department may impose on Assistant Treasury Officer/Assistant Accounts Officer and District Treasury Officer/Accounts Officer/ Pension Payment Officer/Assistant Director and other officers of equivalent cadre in treasuries and Accounts Department the penalties specified in clause (i) of rule 9.

(iii) The Director of Treasuries and Accounts Department may impose on Deputy Director/Chief Accounts Officer and other Officers of equivalent cadre in Treasuries and Accounts Department the penalties specified in clause (i) to (iv) of rule 9.

(substituted by G.O. Ms.No.335 GA(Ser-C) Dept. dt.4-8-1995)

(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) Dept., dt. 13-6-1997.)

(8) The Director of Municipal Administration may impose on Municipal Commissioners of the Andhra Pradesh Municipal Commissioners Subordinate Service any of the penalties specified in clause (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 Specialities, 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 Specialities and Civil Assistant Surgeons belonging to the Specialities of Bio-Chemistry, Pathology and Micro-Biology, any of the penalties specified in clauses (i), (ii), (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) 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) 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, short hand 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).

(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).

12. Government's Power to impose penalties on members of State Services

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

13. Authorities competent to suspend members of State Services.

The authority which may place under suspension under rule 8 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 Andhra Judicial Service.	High Court of Judicature of 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.
“2-A Mandal Parishad Development Collectors and District Officers, Divisional Panchayat Officers, Extension Officers (Panchayats), Extension Officers (Rural Development), Executive Officers (Gram Panchayats).	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).

(1)	(2)
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. Deputy Executive Engineers and Assistant Executive Engineers in Irrigation Department, and Junior Superintendents, Public Works Workshops.	Engineer - in - Chief, Irrigation Department.
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.	Engineer - in - Chief (R & B).

(1)	(2)
(ii) Non-Technical Personal Asst. to the Chief Engineer (Roads & Buildings).	i i. Chief Engineer concerned to whom the Non-Technical Personal Assistant is attached.
7. Deputy Executive Engineers (Public Health), Mechanical Export, Superintendent and Chemist, Drainage and Disposal work.	Chief Engineer (Public Health).
8. Deputy Executive Engineer (P.R.) of Panchayati Raj Engineering Dept, Non-Technical Personal Assistants to the Chief Engineer (General & P.R.)	Chief Engineers (General & P.R.)
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 Treasures 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.

(1)	(2)
13. Omitted (G.O.Ms.No. 246, GA, (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 posts.	The Regional authority or where no regional authority exists the Head of the Department.

(b) Other members of the State Head of the department Services holding Second level concerned. Gazetted post.
[G.O.Ms.No.428, G.A.(Ser.C) Dept.,Dt. 13-10-1999]

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

(1)(a) 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;

(b) The authority which may impose, on a member of a Subordinate Service, the penalty specified in clause (iii) of rule 9 shall be the officer next above the immediate superior gazetted officer:

Provided that the appointing authority or any authority to which it is subordinate may also impose the aforesaid penalty:

Provided further that the Assistant Excise Superintendent, 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 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) The authority which may impose on a member of a Subordinate Services 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:

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 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 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.

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

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

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

(1) Where, on promotion or transfer, a member of a service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another service, State or Subordinate, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by authority competent to impose the penalty upon a member of the service in the latter class, category, grade or service, as the case may be. This provision shall apply also to cases of transfer or promotion of a person from a post under the jurisdiction of one authority to that of another authority within the same class, category or grade:

Provided that the authority which may impose any of the penalties on a member of the Andhra Pradesh Police Subordinate Service or the Andhra Pradesh Special Police Service or the Deputy Superintendent Police or Assistant Commissioner of Police in category 2 and the Inspector of Police in category 4 of the Andhra Pradesh Police Service in cases not involving promotion or appointment by transfer, shall be the competent authority having jurisdiction over such member at the time of commission of such act or omission, as the case may be or any authority to which it is subordinate:

Provided further that in case of a member of the Andhra Pradesh Police Subordinate Service or the Andhra Pradesh Special Armed Police Service, an Officer superior to the competent authority may, for reasons to be recorded in writing, transfer a record of enquiry in a disciplinary case from the competent authority to any other authority holding the same rank for disposal.

(2) Where a person has been reverted or reduced from a State Service to a Subordinate Service, or from one service to another or from one class, category or grade of a service to another class, category or grade thereof, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service, class, category or grade, as the case may be, from which he was reverted or reduced, except by an authority competent to impose the penalty upon a member of such service, class, category or grade.

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

No member of the Andhra Pradesh Police Subordinate Service or an Inspector of Police employed in the Anti-Corruption Bureau, the Department of Vigilance and Enforcement, General Administration Department or under the Lokayukta and Upa-Lokayukta shall be compulsorily retired, removed or dismissed from service during the period of his employment in the Anti-Corruption Bureau, the Department of Vigilance and Enforcement, General Administration Department or under the Lokayukta and Upa-Lokayukta 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 said service or an Inspector of police employed in the Anti-Corruption Bureau, the Department of Vigilance and Enforcement, General Administration Department or under the Lokayukta and Upa-Lokayukta, for any act done by him prior to his employment therein.

18. Lower authority not to reopen case; higher authority can exercise power

(1) Where in any case a higher authority has imposed or declined to impose a penalty under rule 11, 12 or 14 a lower authority shall have no jurisdiction to proceed under these rules in respect of the same case.

(2) Where in any case a lower authority has imposed a penalty or exonerated a member of a service, it shall not debar a higher authority from exercising his powers under these rules in respect of the same case. The order of such higher authority shall supercede any order passed by a lower authority in respect of the same case.

19. Authority to Institute proceedings

(1) The Government or any other authority empowered by it by general or special order may -

(a) institute disciplinary proceedings against any Government servant;

(b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 9 or rule 10.

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (v) of rule 9 or in rule 10 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (vi) to (x) 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. Procedure for imposing major penalties

(1) No order imposing any of the penalties specified in clauses (vi) to (x) of rule 9 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 21 or in the manner provided by the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 or the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983, where such inquiry is held under the said Acts.

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

Explanation:

Where the disciplinary authority itself holds the inquiry, any reference to the inquiring authority shall be construed as a reference to the disciplinary authority.

(3) Where it is proposed to hold an inquiry against a Government servant under this rule and rule 21, the disciplinary authority or the cadre controlling authority who is not designated as disciplinary authority and who is subordinate to the appointing authority can drawn up or cause to be drawn up.

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

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the Government servant.

(b) Copies of documents by which, and copies of statements of witnesses by whom, the articles of charge are proposed to be sustained.

Note :- Where the documents are voluminous relevant extracts of the documents may be furnished to the Government servant.

(4) The disciplinary authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and copies of the statements of witnesses by which each article of charge is proposed to be sustained and shall require the Government servant to appear before the disciplinary authority on such day and 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. 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 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 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 withdraw 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) 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 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 witnesses 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 disciplinary authority.
- (14) The inquiring authority may after the Government servant closes his case and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.
- (15) The inquiring authority may, after the completion of the production of evidence, hear the presenting officer, if any appointed, and the Government Servant, or permit them to file written briefs of their respective cases, if they so desire.
- (16)(a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (v) of rule 9 and in rule 10 but not competent to impose any of the penalties specified in clauses (vi) to (x) of rule 9, has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it is of the opinion that the penalties specified in clauses (vi) to (x), of rule 9 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last-mentioned penalties.
- (b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may if it is of the opinion that further examination of any of the witnesses is necessary in the interests of 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 inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before provided.

- 18 (i) After the conclusion of the inquiry a report shall be prepared and it shall contain
- (a) the articles of charge and the statement of the imputation of misconduct or misbehaviour.
 - (b) the 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.

- (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 Sub-ordinate Service or Andhra Pradesh Special Police Service. (Rule 20 Substituted by G.O.Ms.No.383 G.A.(Ser.C) Dept., Dt.19.12.2003)

21. Action on the inquiry report:

- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 20 as far as may be.
- (2) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the disciplinary authority is not the inquiring Authority, a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge to the Government servant who shall be required to submit, if he so desires, his written representation of submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the Government servant.

(3) The Disciplinary Authority shall consider the representation, if any, submitted by the Government servant and record its findings before proceeding further in the manner as specified in Sub-rules (4) and (5)

(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 and 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.

(5) If the disciplinary Authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (vi) to (x) of Rule 9 should be imposed on the Government servant, it shall make an order imposing such penalty and it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed:

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the Government servant.

(Sub-rules (2) to (5) substituted by Amendment)

22. Procedure for imposing minor penalties

(1) Subject to the provisions of sub-rule (3) 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-rules (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 the Government servant any such penalty.

(3) The record of the proceedings in such cases shall include--

- (i) a copy of the intimation to the Government servant of the proposal to take action against him;

- (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
- (iii) his representation, if any;
- (iv) the evidence produced during the inquiry, if any;
- (v) the advice of the Commission, if any;
- (vi) the findings on each imputation of misconduct or misbehaviour; and
- (vii) the orders on the case together with the reasons therefor.

23. Communication of Orders

Orders made by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or, where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority and a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission and, where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

24. Common Proceedings

(1) Where two or more Government servants of the same service or different services are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceedings:

Provided that if the authorities competent to impose the penalty of dismissal on such Government servants are different, such authorities not being the Government, an order for holding such inquiry in a common proceeding may be made by the highest of such authorities with the consent of the other authorities competent to impose the said penalty on the others.

- (2) Subject to the other provisions of these rules, every such order shall specify:
- (i) the authority which may function as the disciplinary authority for the purpose of such common proceedings :
 - (ii) the penalties specified in rule 9 and rule 10 which such disciplinary authority shall be competent to impose :
 - (iii) whether the procedure laid down in rule 20 and rule 21 or rule 22 shall be followed in the proceeding.

25. Special procedure in certain cases:

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 is necessary, before any orders are made in any case under this rule.

“Provided further that no such consultation with the Commission is necessary before any orders are made under clause (i) of this rule”. (Added by G.O.Ms.No. 240 GA (Ser.C) Dept. dt.14.8.2003)

26. Waiver of Procedure in certain cases

(1) All or any of the provisions of rules 20 to 24 may, in exceptional cases and for special and sufficient reasons to be recorded by the disciplinary authority in writing, be waived where there is a difficulty in observing fully the requirements of these rules and those requirements can be waived without causing any injustice to the Government servant charged.

(2) If, in respect of any Government servant charged, a question arises whether it is reasonably practicable to hold such inquiry or give such opportunity as is referred to in rules 20 to 24, the decision thereon of the disciplinary authority competent to impose any of the penalties specified in clauses (vii) to (x) of rule 9 on the Government servant concerned shall be final.

27. Action on report of Lokayukta and Upa-Lokayukta:

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)

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

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 out-turn 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 Draftsman

29. Rules not to affect provisions in Andhra Pradesh Stationery Manual:

Nothing in these rules shall affect the operation of the instructions contained in the Andhra Pradesh Stationery Manual, Volume I relating to the recovery from the pay of warehousemen, packers in the office of the Director of Stationery of the value of the short receipts reported by the indenting officers.

30. Provisions regarding officers lent to Government of India, etc.

(1) Where the services of a Government servant are lent by one department to another department or to the Government of India or the Government of another State (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him:

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this rule referred to as "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 the enquiry and the 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 commission which renders him liable to any penalty specified in rule 9 or rule 10, the authority competent to impose any such penalty on such Government servant shall alone be competent to institute disciplinary proceeding against him and to impose on him such penalty specified in rule 9 or rule 10 as it thinks fit and the borrowing authority under whom he is serving at the time of the institution of such proceeding, shall be bound to render all reasonable facilities to such competent authority instituting and conducting such proceeding.

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

(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed by one department from another department or from the Government of India or the Government of another State or a company or corporation or organisation or a local or other authority the authority lending the services (herein after 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 clause (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

32. Orders against which no appeal lies

Notwithstanding anything contained in this part, no appeal shall lie against--

- (i) any order made by the Governor.
- (ii) any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension.
- (iii) any order passed by an inquiring authority in the course of the inquiry under rule 20.

33.Orders against which appeal lies

- (1) Subject to the provisions of rule 32 a Government servant may prefer an appeal, as herein-after 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.

34. Appellate Authorities

(1) A Government servant, including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in rule 33 to the authorities as follows:-

- (i) An appeal from an order passed by the High Court shall lie to the Governor.
- (ii) An appeal from an order imposing on a member of a state 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 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.

35. Period of limitation for appeals

No appeal preferred under these rules shall be entertained unless such appeal is preferred within a period of three months from the date on which a copy of the order appealed against is delivered to the appellant;

Proviso deleted.

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

36. Form and contents of appeal

- (1) Every person preferring an appeal shall do so separately and in his own name.
- (2) The appeal shall contain all material statements and arguments relied on by the appellant and shall be complete in itself, and shall not contain any disrespectful or improper language. It shall be presented to the authority to whom the appeal lies, a copy being forwarded by the 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.

37. Consideration of appeal

- (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 proposes 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 not 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.

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

- (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.

39. Implementation of Orders in Appeal

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

PART VII - REVISION AND REVIEW

40. Revision:

- (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 order,

may where a revision petition is preferred by the Government servant within one year of the date of receipt by him of the order sought to be revised, and in cases where no such revision petition is preferred within four years of the date of the order proposed to be revised, either suo-motu or otherwise and after calling for the records of any inquiry and examination, revise 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 the 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)

41. Review

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.

(Re-inserted by G.O.Ms.No.23 G.A.(Ser.C) Dept.,
Dated 23-1-1999 w.e.f. 20.9.96)

PART VIII - MISCELLANEOUS

42. Service of orders, notices etc.,

Every Order, notice and other process made or issued under these rules shall--

- (i) if he is on duty be served on the Government servant by delivering or tendering it in person;
- (ii) if he is on leave or under suspension or otherwise absent be communicated to him by registered post to the address given by him, if any, or of his usual place of residence;
- (iii) if it cannot be so served or communicated, be published in the Andhra Pradesh Gazette.

43. Power to relax time limit and to condone delay

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under the rules or condone any delay.

44. Supply of copy of Commissions's advice

Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the Government servant concerned along with a copy of the order passed in the case, by the authority making the order.

45. Repeal and Saving

(1) The Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963 issued in G.O.Ms.No. 1376, General Administration (Rules) Department, dated the 28th November, 1963 in so far as they relate to the services specified in these rules hereby repealed.

Provided that--

(a) such repeal shall not affect the previous operation of the said rules, or any notification or order made, or anything done, or any action taken thereunder;

(b) any proceedings under the said rules, pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

(2) Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before the commencement of these rules. An appeal pending at the time when, or preferred after these rules came into force shall be deemed to be an appeal under these rules, and rule 37 shall apply as if the appeal were against an order appealable under these rules.

(3) As from the commencement of these rules any appeal or application for revision or review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules;

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal, revision or review provided by any rule in force before the commencement of these rules.

46. Removal of Doubts

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government, whose decision shall be final.

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

K.V.NATARAJAN,

CHIEF SECRETARY TO GOVERNMENT

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]

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 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]

APPENDIX - I
[Rule 10 (i)]

GOVERNMENT GUEST HOUSE DEPARTMENT :

Members of the Andhra Pradesh General Subordinate Service.

- (a) Government House Department, Hyderabad :- Stewards, Grades I and II, Butlers, Carpenters, Painters, Head Cooks, Assistant Cooks, Drivers, Tailor and Electrician.
- (b) Hyderabad House, New Delhi : - Sanitary Fitter, Electrician, Drivers, Cooks and Butlers.
- (c) Jubilee Hall, Hyderabad :- Daroga.

GOVERNMENT 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 II, Head Warders and Dafedars.
 3. Warders (including Jawans) in Jails - Grades I and II

Class II :

Woman Warders - Grades I and II

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.

APPENDIX II
(Rule 14(1)(b) Third Proviso)

AUTHORITY WHICH MAY IMPOSE THE PENALTY OF				
Categories of Officers	Censure u/r.9(i)	Recovery from pay u/r.9(iii)	Withholding of increments. u/r.9(iv)	Authority which may place under suspension. u/r.8
1	2	3	4	5
Jailors in Central or District Jails.	Appointing Authority	Appointing Authority	Appointing Authority	Appointing Authority
School Assistants, Deputy Inspector of Schools, Assistant Lecturers, Tutors, Demonstrators, Upper Division Clerks, Head Clerks, Managers, etc.	-Do-	-Do-	-Do-	-Do-

1	2	3	4	5
Staff of Public Works Department (excluding Secretariat staff).	Immediate Superior Gazetted Officer	Authority next above	Authority next above	Authority
Supervisors in Engineering Departments. Head Clerks and Managers in the Offices of Superintending Engineers.	Executive Engineer	Executive Engineer	Executive Engineer	Executive Engineer
Staff working under the Administrative Appointing Control of the Director, Industries and Commerce.	Immediate Superior Gazetted Officer	Immediate Superior Gazetted Officer	Immediate Superior Gazetted Officer	Immediate Authority
Assistant Inspectors of Labour, Welfare Organisers, Health Visitors, Craft Instructress, Audio Visual Incharge, Upper Division Clerks.	Industrial Relations Officer and Labour Enforcement officer concerned.	Industrial Relations Officer and Labour Enforcement officer concerned.	Industrial Relations Officer and Labour Enforcement officer concerned.	Deputy Commissioner of Labour concerned

1	2	3	4	5
Dairy Assistants	Immediate Superior Gazetted Officer	Joint Registrar	Additional Joint Registrar	Additional Joint Registrar.

APPENDIX - III
(Rule 14(2) First Proviso)

AUTHORITY WHICH MAY IMPOSE THE PENALTY OF

Class of Subordi- nates	Fine u/r.10(i)	Censure u/r.9(i)	Withholding of promotion u/r.9(ii)	Recovery from pay u/r.9(iii)	Withholding of increments. u/r.9(iv)	Suspension u/r.9(v)	Reduction u/r.9(vii)	Compulsory retirement or dismissal u/ r.9	
removal or	1	2	3	4	5	6	7	8	9 (viii) (ix) (x)

BUREAU OF ECONOMICS AND STATISTICS

1. Members of the
Andhra Pradesh
Economics and
Statistical Sub-ordi-
nate Service. Taluk
Statistical Assistants.

Tahsildar or Director,
District Sta- Bureau of
tistical Of- Economics
ficer. and
Statistics.

	1	2	3	4	5	6	7	8	9
(2) Assistant Commercial Tax Officer.		Assistant Commercial Tax Officer.		....		....	....	....
III. Members of the Andhra Pradesh General Subordinate Service Bill Collectors			Deputy Commercial Tax Officer or Assistant Commercial Tax Officer, as the case may be.			....		....	....

APPENDIX - III
(Rule - 14 (2) First Proviso)

CO-OPERATIVE DEPARTMENT

AUTHORITY WHICH MAY IMPOSE THE PENALTY

Class of Subordinate	Fine	Censure	Withholding	Recovery from	Withholding of	Suspension	Reduction
Compulsory retirement or		u/r.19 (i)	u/r.9(i)	of promotion	pay	increments.	u/r.9(iv)
r.9(vi)		u/r.9(ii)	u/r.9(ii)	u/r.9(iii)			removal or dismissal u/
r.9 1	2	3	4	5	6	7	8 9 (vii) (viii)

(ix)

Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I

1	2	3	4	5	6	7	8	9
(ii) Elsewhere -								
(a) In Admn. wing. of Depatt. other than in office of District Co-operative Officer.			Add. Regr-I	District Co- op. Officer	Immediate Superior Gazetted Officer.	Add. Regr-I	Add. Regr-I	Add. Regr-I
(b) Working in Office of District Co-operative Officer.		Immediate Superior Gazetted Officer	Add. Regr-I	Add. Regr-I	Immediate Superior Gazetted Officer	Add. Regr-I	Add. Regr-I	Add. Regr-I
(iii) Working in Audit Wing.		- do- -do-	Add.	-do- Regr-I Chief Auditor	-do-	-do-	-do-	-do-

1	2	3	4	5	6	7	8	9
(2) SENIOR INSPECTORS :								
(i) Working in Office of Commissioner for Co-op. & Regr. of Co-op. Societies.			Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I
(ii) Elsewhere - (a) in Admn.Wing other than in Office of District Co-operative Officer.			Addl. Regr-I	Addl. Regr-I	Immediate Superior Gazetted Officer	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I
(b) those working in District. Co-op. Officer.			Addl. Regr-I	Addl. Regr-I	Immediate Superior Gazetted Officer	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I

	1	2	3	4	5	6	7	8	9
(iii) In Audit Wing.			Immediate Superior Gazetted Officer	Addl. Regr-I	Addl. Regr-I/ Chief Auditor	Immediate Superior Gazetted Officer	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I
3. Junior Inspectors									
(i) Working in O/o. Commissioner for Co- op. & Regr. of Co-op. Societies.			Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I
(ii) Elsewhere in									
(a) Admn.Wing. other than in Officer of Dist. Co-op. Officer.			Immediate Superior Gazetted Officer.	Addl. Regr-I	District Co- op. Officer	Immediate Superior Gazetted Officer	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I

1	2	3	4	5	6	7	8	9
(b) Working in O/o. the Dist. Co-op. Officer.			Addl. Regr-I	Addl. Regr-I	Immediate Superior Gazetted Officer	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I
(iii) in Audit Wing.			Addl. Regr-I	Addl. Regr-I/ -do- Chief Auditor		Addl. Regr-I	Addl. Regr-I	Addl. Regr-I
II. A.P. Ministerial Services :								
Jr. Assistants / Typists :								
(i) Working in Office of Commr. for Co-op. & Regr. of Co-op. Societies.			Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I	Addl. Regr-I
(ii) Elsewhere in Admn. Wing.			Collector (Co-opn.)	Collector (Co-opn.)	Immediate Superior Gazetted Officer	Collector (Co-opn.)	Collector (Co-opn.)	Collector (Co-opn.)

(ii) In Audit Wing.	Immediate Superior Gazetted Officer	Collector (Co-opn.)	Collector (Co-opn.)	Immediate Superior Gazetted Officer	Collector (Co-opn.)	Collector (Co-opn.)	Collector (Co-opn.)
III. Members of A.P.Last Grade Ser- vice :							
(i) Attenders working in O/o. Commr. for Co- opn. & Regr. of Co-op. Societies.	Joint Regr. (Admn.)	Joint Regr. (Admn.)	Joint Regr. (Admn.)	Joint Regr. (Admn.)	Joint Regr. (Admn.)	Joint Regr. (Admn.)	Joint Regr. (Admn.)
(ii) Working else- where.	Immediate Superior Gazetted Officer	Collector (Co-opn.)	Dist. Co-op. Officer.	Immediate Superior Gazetted Officer	Collector (Co-opn.)	Collector (Co-opn.)	Collector (Co-opn.)

1	2	3	4	5	6	7	8	9
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EDUCATION DEPARTMENT

1. Members of the Andhra Pradesh General Sub-ordinate Service.
(1) Attenders in the Offices in the Agency areas.	Head Master or Deputy Inspector of Schools concerned.							
(ii) Members working in the Office of the Director, N.C.C., A.P., N.C.C. Group-Head Quarters and N.C.C. Units.	Group and Unit Commander for civilian staff working in N.C.C.	Director N.C.C. in respect of the posts at SI.Nos. 1 to	Commander, Group and N . C . C . Unit Group Head-Commander for civilian staff working in the Civilian	Establishment Officer in the case of Drivers , Record Assistants,	Director N.C.C. in respect of the posts at SI.Nos. 1 to	Establishment Officer in the case of Drivers , Record Assistants,	Director N.C.C. in respect of the posts at SI.Nos. 1 to	Establishment Officer in the case of Drivers , Record Assistants,
1. Superintendents								
2. Accountants								
3. U.D.Cs.								
4. L.D.Cs.								

1	2	3	4	5	6	7	8	9
5. Stenographer	Group Head	11 under	N.C.C. Group	Attenders, 11 under	Attenders, 11 under	Attenders, 11 under	Attenders, 11 under	Attenders, 11 under
6. Steno-typist	quarters and	Column (1)	Head quar-	Lascars and	Column (1)	Lascars and	Column (1)	Lascars and
7. Typists	in N.C.C. Unit	Establish-	ters and in	Chowkidars.D-	Establish-	Chowkidars.D-	Establish-	Chowkidars.D-
8. Ship -Modelling Mec-	Officers re-	ment officer	Unit	Deputy Di-	N.C.C. Unit	rector,N.C.C.in	ment officer	rector,N.C.C.in
hanic-cum-Store Keep-	spectively.	in respect of	Officers re-	pector, N.C.C.in	Officers re-	respect of all	in	respect of all
ers.	Establish-	the posts at	pector, N.C.C.in	Officers re-	Officers re-	members of	in	members of
9. Agro-Modelling In-	ment Officer	Sl.No. 12 to	Establish-	Civilian staff	Establish-	the posts at	the posts at	the posts at
structor-cum-store	for the Civil-	16 under	ment Officer	working in	ment Officer	in Ministerial	Sl.No. 12	of Ministerial
Keepers.	ian Staff	column (1)	column (1)	N . C . C .	for the Civil-	Service and	to 16 under	Service and
10. Saddlers.	working in		Group Head-	ian Staff	ian Staff	members of	column (1)	members of
11. Farmers.	N.C.C.		quarters in	working in	working in	the other cat-		other catego-
12. Drivers.	Directorate.		the N.C.C.	N.C.C.	N.C.C.	egories of Gen-		eries of General
13. Record Assistants.			Directorate	Directorate.	Directorate.	eral Sub ordi-		Subordinate
14. Attenders.						nate Service.		Service.
15. Lascars.								
16. Chowkidars.								
1. Andhra Pradesh Ex-								
cise Subordinate Ser-								
vice Circle Inspectors								
and Sub-Inspectors of								
Excise.								

EXCISE DEPARTMENT

Excise Deputy Excise Su- Deputy Deputy
 Superintendent Commissioner perintendent. Commissioner Commissioner
 of Excise of Excise of Excise of Excise

1	2	3	4	5	6	7	8	9
(those appointed by Conservator of Forests on or after 1-9-76)	Divisional Forest Officer.	Divisional Forest Officer.	.....	.....	Divisional Forest Officer.	.....
6. Foresters	F o r e s t Range Officer	.....	.....	.....	.....	.....	.....
7. Forest Guards
8. Draughtsman - I	Ranger	Conservator of Forests.	Conservator of Forests in the case of those under Conservator of Forests and Divisional Forest Officer in the case of those under Divisional Forest Officer.	.....	.....	Conservator of Forests.	.....

1	2	3	4	5	6	7	8	9
9. Draughtsman - II	Divisional Forest Officer.....	Divisional Forest Officer.....	.....	.....	Divisional Forest Officer.....	.....
10. Categories of Class I, II and III under Andhra Pradesh Sub-ordinate Establishment Rules as approved in G.O.Ms.No. 1518. Food and Agriculture, Dated, 9-8-1969.		F o r e s t Range Officer						
II. Andhra Pradesh Sub - ordinate Services. Zoological Park Establishment Services.	Conservator of Forests.	Curator	Conservator of Forests.	Conservator of Forests.	Conservator of Forests.	.....
Category of Class A	Curator	Curator	.....	.....	Curator	.....
1. Assistant Curator								
2. Artist-cum-Curator of Museum. Category of Class 8.								

1	2	3	4	5	6	7	8	9
	III. Andhra Pradesh Subordinate Services. (As approved in G.O.Ms.No.157, food and Agriculture Dept., dt.5-3-1973)							
	Categories 1 to 12 for those the Conservator of Forests are the appointing authorities.	.....	Divisional Forest Of-ficer.	Divisional Forest Of-ficer.	.....	.....	Divisional Forest Of-ficer.	.....
	IV. The Andhra Pradesh Ministerial Service.	.....	Conservator of Forests.	Conservator of Forests.	.....	.....	Conservator of Forests.	.....
	1. Managers							
	2. Circle Accountants							

1	2	3	4	5	6	7	8	9
3. Superintendents Working in Divisional Offices.	Conservator of Forests.	Divisional Forest Officer.	.....	.....	Conservator of Forests.	.....
4. Head Clerks working in Circle Offices.	Conservator of Forests.	Conservator of Forests.	.....	.....	Conservator of Forests.	.....
5. Head Clerks working in Divisional Offices.	Divisional Forest Officer (in case of those working under Divisional Forest Officer).	Divisional Forest Officer (in case of those working under Divisional Forest Officer).	.....	.....	Divisional Forest Officer (in case of those working under Divisional Forest Officer).	.....
6. U.D. Clerks.	Divisional Forest Officer.	Divisional Forest Officer.	.....	.....	Divisional Forest Officer.	.....

GOVERNMENT HOUSE DEPARTMENT

Head Office:

Assistant Assistant Comptroller. Comptroller. Comptroller. Comptroller. Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant Assistant assistant, Accountants, Stenographers, Typists, Assistant Accountant,

1	2	3	4	5	6	7	8	9
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Store Clerks, Stewards, Grade I and II, Butlers, Carpenters, Painters, Head Cooks, Cooks and Electrician.

Andhra Pradesh Government Guest House, New Delhi :

(1) Members of Andhra Pradesh Ministerial Service and Andhra Pradesh General Subordinate Service exclusively attached to the Andhra Pradesh Government Guest House, New Delhi.

Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.
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1	2	3	4	5	6	7	8	9
2. Members of Andhra Pradesh Ministerial Service and Andhra Pradesh General Sub-ordinate Service exclusively attached to the Hyderabad Palace, Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.
3. Members of Andhra Pradesh Ministerial service and Andhra Pradesh General Sub-ordinate Service common to Hyderabad Palace and Andhra Pradesh Government Guest House at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.	Agent to Government of Andhra Pradesh at New Delhi.

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INDIAN MEDICINE DEPARTMENT

I. Andhra Pradesh Indian Medicine Subordinate Service:								
(1) Inspector (Tabeeb) Board of Indian Medicine and Inspecting Medical Officer.	.....	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.
(2) Tabeebs, Vaid, Assistant Professors, Lecturers, Superintendent, for lady Students Dentists, Demonstrators, Senior Nurses, Junior Nurses and Staff Nurses.	.....	Head of the Office or Institution.	Gazetted Head of the Office or Institution, if no Gazetted Head, then head of the Department.	Head of the Department.	Head of the Office or Institution.	Head of the Department.	Head of the Department.	Head of the Department.

1	2	3	4	5	6	7	8	9
(3) Technicians, Chemist, Compounders, Assistant Compounders, jarrahs, Dayas, Register Writers, Stewards.	Head of the Office or Institution.	Gazetted Head of the Office or Institution, if no Gazetted Head, then head of the Department.	Head of the Department.	Head of the Office or Institution.	Head of the Department.	Head of the Department.	Head of the Department.
II. Andhra Pradesh								
Ministerial Service:								
(1) Superintendents in the Office of Special Officer, Indian Medicine.	Head of the Department.	Head of the Department.	-do-	Head of the Department.	-do-	-do-	-do-
(2) Accountants, Clerks, Steno Typists. Typists in the offices under the control of Special Officer: Indian Medicine.	Head of the Office or Institution.	Gazetted Head of the Office or Institution, if no Gazetted Head, then head of the Department.	-do-	Head of the Office or Institution.	-do-	-do-	-do-

1	2	3	4	5	6	7	8	9
(3) Accountants, Clerks, Steno-Typists, Typists in the office of Special Officers Indian Medicine.	.....	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.	Head of the Department.
(4) Daftar Dars, Book-Keepers, Field Men, Oil Engine Driver	.....	Head of the Office or Institution.	Gazetted Head of the Office or Institution, if no Gazetted Head, then head of the Department.	-do-	Head of the Office or Institution.	-do-	-do-	-do-
III. Andhra Pradesh								
Last Grade Service								
(1) Last Grade Servants in the offices under the control of the Special Officer, Indian Medicine.	Head of the Office or Institution.	-do-	-do-	-do-	-do-	-do-	Gazetted Head of the Office or Institution, if no Gazetted Head, then head of the Department.	-do-

1	2	3	4	5	6	7	8	9
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(2) Last Grade Ser- Head of the Head of the Head of the Head of the Head of the Head of the Head of the Head of the
 vants in the office of Department. Department. Department. Department. Department. Department. Department. Department.
 the Special Officer, In- dian Medicine.

SOCIAL WELFARE DEPARTMENT

Andhra Pradesh Minor
 Irrigation Subordinate
 service

Special Overseers in District Wel-
 the districts fare Officer.

II. Andhra Pradesh
 Ministerial Service.

Clerks and Typists in District Wel-
 District Welfare Of- fare Officer.

MEDICAL DEPARTMENT

I. Members of the
 Andhra Pradesh Mini-
 sterial Service holding

1	2	3	4	5	6	7	8	9
posts in the scale of Rs.80-110 and above in offices and institutions other than the office of the Director of Medical Services.	Head of the Office or Institution concerned below the rank of a Civil Surgeon	Head of the Office or Institution concerned below the rank of a Civil Surgeon	Head of the Office or Institution concerned below the rank of a Civil Surgeon	Head of the Office or Institution concerned below the rank of a Civil Surgeon	Head of the Office or Institution concerned below the rank of a Civil Surgeon	.....	.....
POLICE DEPARTMENT								
I. Andhra Pradesh Ministerial Service: Clerks and Accountants in Habitual Offenders Settlement.	Manager Concerned.	Superintendent of Police concerned.	Superintendent of Police concerned.	Superintendent of Police concerned.	Superintendent of Police concerned.	Superintendent of Police concerned.	.....
PUBLIC HEALTH DEPARTMENT								
Andhra Pradesh Public Health Subordinate Service:								

1 2 3 4 5 6 7 8 9

(1) Staff in the City -

(i) Statistical Assis- tants.	.....	Director of P u b l i c H e a l t h , H e a l t h O f- ficer in charge of the Central Ma- laria Labora- tory, Re- s e a r c h H e a l t h O f- ficer or Assis- tant Director	Health Of- ficer in charge of the Central Malaria Labora- tory Research Health Of- ficer or Assis- tant Director	Director of P u b l i c H e a l t h , H e a l t h O f- ficer in charge of the Central Ma- laria Labora- tory, Re- s e a r c h H e a l t h O f- ficer or Assis- tant Director	Director of P u b l i c H e a l t h , H e a l t h O f- ficer in charge of the Central Ma- laria Labora- tory, Re- s e a r c h H e a l t h O f- ficer or Assis- tant Director	.....	.....
(ii) Laboratory Assis- tants. Field Assis- tants and Research L a b o r a t o r y Attendents.		Director of P u b l i c H e a l t h , H e a l t h O f- ficer in charge of the Central Ma- laria Labora- tory, Re- s e a r c h H e a l t h O f- ficer or Assis- tant Director	Health Of- ficer in charge of the Central Malaria Labora- tory Research Health Of- ficer or Assis- tant Director	Director of P u b l i c H e a l t h , H e a l t h O f- ficer in charge of the Central Ma- laria Labora- tory, Re- s e a r c h H e a l t h O f- ficer or Assis- tant Director	Director of P u b l i c H e a l t h , H e a l t h O f- ficer in charge of the Central Ma- laria Labora- tory, Re- s e a r c h H e a l t h O f- ficer or Assis- tant Director	.....	.....
(iii) Other Members		Assistant Di- rector of Pu- blic Health (Establish- ment).	.....	Assistant Di- rector of Pu- blic Health (Establish- ment).	Assistant Di- rector of Pu- blic Health (Establish- ment).	.....	.....

1	2	3	4	5	6	7	8	9
(2) Staff in the office of the Regional Assistant Director of Public Health.	Regional Assistant Director of Public Health.	Regional Assistant Director of Public Health.	Director of Public Health.	Regional Assistant Director of Public Health.	Director of Public Health.	Director of Public Health.	.....
(3) Staff in Mofussil.	Health Officer	Health Officer	Health Officer	Health Officer	Health Officer	Health Officer	.....
II. Members of the Andhra Pradesh Ministerial Service employed in :								
(1) Office of the Director of Public Health	Director of Public Health	Director of Public Health	Director of Public Health	Director of Public Health	Director of Public Health	Director of Public Health	.....
(2) Other Offices.	Health Officer	Health Officer	Health Officer	Health Officer	Health Officer	Health Officer	.....
III. Andhra Pradesh General Subordinate Service.								

1	(1) Attenders employed in the office of the Director of Public Health.	2	.....	3	Director of Public Health	4	.....	5	Director of Public Health	6	Director of Public Health	7	Director of Public Health	8	.....	9	.....
2	(2) Attenders employed in the office of the Regional Assistant Director of Public Health.	3	.....	4	Regional Assistant Director of Public Health.	5	Regional Assistant Director of Public Health.	6	Regional Assistant Director of Public Health.	7	Regional Assistant Director of Public Health.	8	Regional Assistant Director of Public Health.	9	Regional Assistant Director of Public Health.	10	Regional Assistant Director of Public Health.
3	I. Members of the Andhra Pradesh Registration Subordinate Service.	4	.....	5	.....	6	.....	7	.....	8	Inspector General.	9	.....	10	.....	11	.....
4	II. Andhra Pradesh Ministerial Service and Last Grade Service.	5	.....	6	.....	7	.....	8	.....	9	.....	10	.....	11	.....	12	.....

1	2	3	4	5	6	7	8	9
	(2) Establishment in the office of the Sub-Registrars :							
	(i) Lower Division Clerks and Copyists.	.....	Sub-Registrar	.....	.....	.....	.....	.....
	(ii) Members of Last Grade Service	Last Sub-Registrar	Sub-Registrar	.....	.....	.....	.....	.....
	(upto a limit of one day's pay)							
REVENUE DEPARTMENT								
	I. Andhra Pradesh Ministerial Service - (1)(a) Staff employed in the offices in divisions other than those in the offices of the Revenue Divisional Officers -	.....	Head of the office.	.....	.....	.....	.....	.....

1	2	3	4	5	6	7	8	9
(b) Staff except Deputy Tahsildars employed in offices of Tahsildars.	Tahsildar	.....	Secretary Board of Revenue.	Tahsildar (up to a period of 3 months without cumulation)	.....	.....	.....
(2) Members of the service in the office of the Board of Revenue.	Secretary, Joint Secretary or Assistant Secretary, Board of Revenue as the case may be.	.....	.....	.....
(3) Members of the Service in the office of the Board of Revenue (C. T. Branch)	Additional or Joint Secretary, Board of Revenue (CT Branch)	Joint Secretary, Board of Revenue (CT Branch)	.....	.....	.....

1	2	3	4	5	6	7	8	9
(4) Member of the Service in the office of the Board of Revenue (Excise Branch)	Additional or Joint Secretary, Board of Revenue (Excise Branch)	Additional or Joint Secretary, Board of Revenue (Excise Branch)	.....	.....	.....
II. Andhra Pradesh General Subordinate Service-								
Attenders in the offices in divisions excluding offices of the Revenue Divisional Officers.	Head of the office.	.....	.....	.....	.....	.....	.....

TECHNICAL EDUCATION DEPARTMENT

Andhra Pradesh Technical Education Subordinate Service:

1	2	3	4	5	6	7	8	9
Assistant Lecturers, Instructors, Draftsmen and Draftsmen In- structors in Polytech- nics and Mining Institutes	.....	Principal of the Institu- tion.	Principal of the Institu- tion.	.....	Principal of the Institu- tion.	.....	.....	.....
TREASURY AND ACCOUNTS DEPARTMENT								
I. Treasury and Ac- counts Subordinate Service Staff working in the Sub-Treasuries	.....	Sub-Trea- sury Officer	.....	.....	.....	.....	.....	.....
II. Last Grade Service-	Sub-Trea- sury Officer	Sub-Trea- sury Officer	.....	.....	Sub-Trea- sury Officer	.....	.....	.....
(1) Members working in the Sub-Treasuries.	District Inspec- tor of Local Fund Ac- counts.	District Inspec- tor of Local Fund Ac- counts.	.....	.....	District Inspec- tor of Local Fund Ac- counts.	.....	.....	.....
(2) Members working under the Administra- tive	District Inspec- tor of Local Fund Ac- counts.	District Inspec- tor of Local Fund Ac- counts.	District Inspec- tor of Local Fund Ac- counts.

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9	<p>officer of equivalent /higher rank in respect of orders passed by the Addl. Supdt. of Police or Supdt. of police.</p> <p>(iii) The Special Insp. Genl. of Police or an officer of equivalent rank / higher rank dealing with administrative matters in respect of orders passed by the Dy. Insp. Genl. of Police or equivalent/higher rank</p>

1	2	3	4	5	6	7	8	9
(ii)	Police Training College/ Andhra Pradesh Police academy.	Vice - Principal Faculty Member (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	Vice - Principal Faculty Member (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	Vice - Principal Faculty Member (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	Vice - Principal Faculty Member (Dy. Supdt. of Police) or Asst. Director (Addl. Supdt. of Police)	D.I.G.(Trg.) Joint Director (Dy. In spr. Genl.) or an officer of Equivalent rank / higher rank.	D.I.G.(Trg.) Joint Director (Dy. In spr. Genl.) or an officer of Equivalent rank / higher rank.	The Principal in respect of orders passed by the Vice-Principal and Director, Police Academy and Inspector Genl. of Police, Training in respect of orders passed by the Dy. Inspector General Training/ Joint Director of (D.I.G.), Andhra Pradesh Police Academy or Director of equivalent or higher rank.

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(a) Intelligence Branch, Hyderabad.	Addl.Suptdt. of Police or Dy. Suptdt. of Police con- cerned.	Addl.Suptdt. of Police or Dy. Suptdt. of Police con- cerned.	Addl.Suptdt. of Police or Dy. Suptdt. of Police con- cerned.	Addl.Suptdt. of Police or Dy. Suptdt. of Police con- cerned.	Addl.Suptdt. of Police or Dy. Suptdt. of Police con- cerned.	Dy. Insp. General Intelligence, Hyderabad.	Dy. Insp. General Intelligence, Hyderabad.	The S.P. Intelligence in respect of orders passed by the Deputy Superintendent of Police, Intelligence and Inspector General of Police and Inspector General of Police Intelligence and Inspector General of Police Intelligence in respect of orders passed by the Dy. Inspector General of Police, Intelligence.
(ii) CRIME BRANCH Criminal Investigation Department	Addl.Suptdt. of Police or Dy. Suptdt. of Police	Addl.Suptdt. of Police or Dy. Suptdt. of Police	Addl.Suptdt. of Police or Dy. Suptdt. of Police	Addl.Suptdt. of Police or Dy. Suptdt. of Police	Addl.Suptdt. of Police or Dy. Suptdt. of Police	Insp. General of Police C.I.D., Hyderabad.	Insp. General of Police C.I.D., Hyderabad.	The Superintendent of Police C.I.D., in respect of orders passed by the Dy.Suptdt. of Police and Director General

	1	2	3	4	5	6	7	8	9
									of Police in respect of orders passed by the Inspector General of Police, C.I.D. Hyderabad or an Officer of Equivalent or higher rank.
(b)(i) State Crime Records Bureau		Director or Deputy Superintendent of Police	Director or Deputy Superintendent of Police	Director or Deputy Superintendent of Police	Director or Deputy Superintendent of Police	Director or Deputy Superintendent of Police	Director or S.C.R.B. or an Officer of equivalent/higher rank	Director or S.C.R.B. or an Officer of equivalent/higher rank	The Director, State Crime Records Bureau or officer of equivalent/higher rank in respect of orders passed by the Director, Fingerprint Bureau or Deputy Superintendent of Police.

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								The Special Inspector General of Police or an officer of equivalent/ Higher rank dealing with administrative matters in respect of orders passed by the Director, S.C.R.B. or an officer of equivalent/ higher rank.
(ii) Police Computers	Supdt. of Police	Supdt. of Police	Supdt. of Police	Supdt. of Police	Supdt. of Police	Director S.C.R.B. or an Officer of equivalent/ higher rank	Director S.C.R.B. or an Officer of equivalent/ higher rank	The Director, State Crime Records Bureau or an officer of equivalent/ higher rank in respect of orders passed by the Superintendent of Police Computers.

1	2	3	4	5	6	7	8	9
								The Special Inspector General of Police or an officer of equivalent/ Higher rank dealing with administrative matters in respect of orders passed by the Director, or an officer of equivalent/ higher rank.
(c)(i)Hyderabad City Police		Addl. Dy. Commissioner or Assistant Commissioner of Police concerned.	Addl. Dy. Commissioner or Assistant Commissioner of Police concerned.	Addl. Dy. Commissioner or Assistant Commissioner of Police concerned.	Addl. Dy. Commissioner or Assistant Commissioner of Police concerned.	Commissioner of Police, Hyderabad.	Commissioner of Police, Hyderabad.	The Deputy Commissioner of Police concerned in respect of orders passed by the Asst. Commissioner of Police, Director General of Police in respect of orders passed by the Commissioner of Police, Hyderabad.

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(ii) Vijayawada City Police & Vishakhapatnam City Police	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. S.P.)	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police)	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police)	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police)	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police)	Commissioner of Police, or an Officer of equivalent rank	Commissioner of Police, or an Officer of equivalent rank	Assistant Commissioner of Police (in the rank of Dy.S.P.)
(2) RESERVE SUB-INSPECTORS								
(a) Mofussil								
(i) Districts								

1	2	3	4	5	6	7	8	9
	(ii) Special Armed Reserve Central Police Lines	Assistant Commndt.	Assistant Commndt.	Assistant Commndt.	Assistant Commndt.	Special In- spector Gen- eral of Police, A.P.S.P. Bns.	Special In- spector Gen- eral of Police, A.P.S.P. Bns.	of equivalent/higher rank in respect of orders passed by the Additional Supdt. of Police or Superintendent of Police. The Special I.G.P. or an Officer of equivalent/higher rank dealing with administrative matters in respect of orders passed by the D.I.G. or an Officer of equivalent/higher rank. Rank Commndt. SAR, CPL. in respect of orders passed by the Assistant Commndt.

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	(iii)Police Training College, Anantapur.	Vice-Principal	Vice-Principal	Vice-Principal	Vice-Principal	Dy. Insp. General Training	Dy. Insp. General Training	The Director General of Police in respect of orders passed by the Spl. Inspector General of Police, A.P.S.P. Bns. The Principal in respect of orders passed by the Vice-Principal, the Director, A.P. Police Academy and Insp. Genl. of Police, Training, in respect of orders passed by the Dy. Insp. General Training/Joint Director, Dy. Inspector General or an officer of equivalent/higher rank.

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(b)(i)Hyderabad City Police.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Commr. of Police.	Commr. of Police.	The Dy. Commis- sioner of Police CAR., Hqrs., Hyderabad in re- spect of orders passed by the As- sistant Commis- sioner of Police and D.G.P., A.P., Hyderabad in re- spect of orders passed by the Com- missioner of Police, Hyderabad.
(ii) Vijayawada City Police.	Dy. Commr. of Police (in the rank of Addi- tional Superin- tendent of Po- lice) or Assis- tant Commr. of	Dy. Commr. of Police (in the rank of Addi- tional Superin- tendent of Po- lice) or Assis- tant Commr. of	Dy. Commr. of Police (in the rank of Addi- tional Superin- tendent of Po- lice) or Assis- tant Commr. of	Dy. Commr. of Police (in the rank of Addi- tional Superin- tendent of Po- lice) or Assis- tant Commr. of	Dy. Commr. of Police (in the rank of Addi- tional Superin- tendent of Po- lice) or Assis- tant Commr. of	Commissioner of Police,	Commissioner of Police,	Additional Commr. of Police (in the rank of S.P.) in respect of orders passed by the A.C.P. (in the rank of D.S.P.).

1	2	3	4	5	6	7	8	9
		Police (in the rank of the Dy. Superintendent of Police) concerned.	Police (in the rank of the Dy. Superintendent of Police) concerned.	Police (in the rank of the Dy. Superintendent of Police) concerned.	Police (in the rank of the Dy. Superintendent of Police) concerned.			The Special I.G.P. or an Officer of equivalent/higher rank dealing with administrative matters in respect of orders passed by Commissioner of Police, Vijaya Andhra Commr.
	(iii) Vishakhapatnam City Police.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Commissioner of Police,	Commissioner of Police,	of Police (in the rank of Supdt. of Police) in respect of orders passed by the A.C.P. (in the rank of D.S.P.).

1	2	3	4	5	6	7	8	9
(i) Asst. Reserve Sub-Inspectors Armed Reserved.	Asst. Reserve Sub-Inspectors Armed Reserved.	Asst. Reserve Sub-Inspectors Armed Reserved.	Asst. Reserve Sub-Inspectors Armed Reserved.	Asst. Reserve Sub-Inspectors Armed Reserved.	Asst. Reserve Sub-Inspectors Armed Reserved.	Asst. Reserve Sub-Inspectors Armed Reserved.	Asst. Reserve Sub-Inspectors Armed Reserved.	The Spl I.G.P. or an Officer of equivalent/higher rank dealing with administrative matters in respect of orders passed by the Commr. of Police, the Superintendent of Police concerned in respect of orders passed by the Dy. Suptd. of Police. The Deputy Inspector General or an officer of equivalent/higher rank in respect of orders passed by the Additional Suptd. of Police or Superintendent

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								dent of Police. The Special I.G.P. or an Officer of equivalent/higher rank dealing with administrative matters in respect of orders passed by the D.I.G. or an Officer of equivalent/higher rank. Dy. Commr. of Police Hqrs., in respect of orders passed by the Assistant Commissioner of Police. The Director General of Police in respect of orders passed by the Commissioner of Police, Hyd.
(ii) Hyderabad City Police.		Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Addl.Dy.Commr. of Police or Asst. Commr. of Police con- cerned.	Commr. of Police.	Commr. of Police.	

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(iii) Vijayawada City Police.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police in the rank of Dy. Supdt of Police concerned	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police in the rank of Police concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police in the rank of Police concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police in the rank of Police concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police in the rank of Police concerned.	Commissioner of Police,	Commissioner of Police,	The Additional Commr. of Police (in the rank of S.P.) in respect of orders passed by the A.C.P. (in the rank of D.S.P.). The special I.G.P., or an officer of equivalent / higher ranks dealing with Administrative matters in respect of orders passed by the Commissioner of Police
(iv) Vishakhapatnam City Police.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Dy. Commr. of Police (in the rank of Additional Superintendent of Police) or Assistant Commr. of Police (in the rank of Dy. Superintendent of Police) concerned.	Commissioner of Police,	Commissioner of Police,	Vijayawada. The Addl. Commr. of Police (in the rank of Supdt. of Police) in respect of orders passed by the A.C.P. (in the rank of D.S.P.). The special I.G.P., or an officer of equivalent / higher ranks dealing with Administrative matters in respect of orders passed by the Commissioner of Police Vishakhapatnam.

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								The Spl I.G.P. or an Officer of equivalent/higher rank dealing with administrative matters in respect of orders passed by Commr of Police, Visakhapatnam.
(v)Special Reserve Central Police Lines	Armed Reserve Central Police Lines	Assistant Commandt.	Assistant Commandt.	Assistant Commandt.	Assistant Commandt.	Special Inspector of Police, A.P.S.P. Bns.	Special Inspector of Police, A.P.S.P. Bns.	The Spl. Inspr. General of Police in respect of orders passed by the Spl. Inspr. General of Police, A.P.S.P. Bns. Hyd.

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(4) HEAD CON-STABLES	Inspector of Police concerned.	Inspector of Police concerned.	Inspector of Police concerned.	Inspector of Police concerned.	Inspector of Police concerned.	Inspector of Police	Supdt. of Police	The Dy. Supdt. of Police concerned in respect of orders passed by the Inspector of Police.
(a) Mofussil								The Dy. Inspector General or an officer of equivalent/higher rank in respect of orders passed by the Superintendent of Police.
(i) District								The Dy. Inspector General or an officer of equivalent/higher rank in respect of orders passed by the Superintendent of Police.
(ii) Special Armed Reserve Central Police Lines	Reserve Inspector of Police.	Reserve Inspector of Police.	Reserve Inspector of Police.	Reserve Inspector of Police.	Reserve Inspector of Police.	Commandant	Commandant	The Asst. Commandant SAR. CPL. in respect of orders passed by the Reserve Inspectors. The Spl. Insp. Genl. of Police APSP Battalions in respect of orders passed by the Commandant.

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(iii) Police Training College.	Chief Inspr./Chief Drill Inspr.	Chief Inspr./Chief Drill Inspr.	Chief Inspr./Chief Drill Inspr.	Chief Inspr./Chief Drill Inspr.	Chief Inspr./Chief Drill Inspr.	Chief Inspr./Chief Drill Inspr.	Principal	The Vice-Principal in respect of orders passed by CLI/CDI. The Dy. Inspector General (Training) in respect of orders passed by Principal.
(b)(i)INTELLIGENCE BRANCH HYDERABAD	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Supdt. of Police Intelligence	Supdt. of Police Intelligence	The Dy. Suptd. of Police concerned in respect of orders passed by the Inspector. The Dy. Inspector Genl. Intelligence in respect of orders passed by the Suptd. of Police, Intelligence.

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(ii) CRIME BRANCH C. I. D. HYDERABAD	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Supdt. of Po- lice CID.	Supdt. of Po- lice CID.	The Dy. Supdt. of Police concerned in respect of orders passed by the Inspector. The Dy. Inspector Genl. of Police, CID., in respect of orders passed by the Supdt. of Police CID.
(ii) S. C. R. R. FINGER PRINT BUREAU ASTs (including ASI. Photographer)	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Director SCR B or an officer of equivalent/ higher rank.	Director SCR B or an officer of equivalent/ higher rank.	The Director Finger Print Bureau in re- spect of orders passed by the Inspector. The Director Genl. of Police, in respect of orders passed by the Dir. SCR B or an Officer of equiva- lent/higher rank.

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(b) POLICE COMPUTERS	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector Police Computers.	Supdt. of Police Computers.	Supdt. of The S.P. Computers in respect of orders passed by the Director.
(iv) VIJAYAWADA CITY POLICE	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Addl. Commr. of Police in the rank of Supdt. of Police.	Addl. Commr. of Police in the rank of Supdt. of Police.	The Dir. SCR or an officer of equivalent/ higher rank in respect of orders passed by the S.P. Supdt. of Police, the Asst. Commr. of Police (in the rank of DSP) concerned in respect of orders passed by the Inspector.

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(vi)VISAKHAPATNAM CITY POLICE	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Addl. Commr. of Police in the rank of Supdt. of Police.	Addl. Commr. of Police in the rank of Supdt. of Police.	The Asst. Commr. of Police (in the rank of DSP) concerned in respect of orders passed by the Inspector. The Commr. of Po- lice, Visakhapatnam in respect of orders passed by the Addl. Commr. of Police (in the rank of Supdt. of Police)
(b) CONSTABLES (including Women PCs) MOFFUSIL DISTRICTS	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt. of Po- lice	Supdt. of Po- lice	The Dy.Suptd. of Police concerned in respect of orders passed by the Inspectors.

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	(ii) Special Armed Reserve Central Police Lines	Reserve Inspector	Reserve Inspector	Reserve Inspector	Reserve Inspector	Commandant	Commandant	The Dy. Inspector Genl. or an officer of equivalent/higher rank in respect of orders passed by the Supdt. of Police.
		Reserve Inspector	Reserve Inspector	Reserve Inspector	Reserve Inspector	Commandant	Commandant	The Asst. Commandant SAR. CPL. in respect of orders passed by the Reserve Inspector.
		Reserve Inspector	Reserve Inspector	Reserve Inspector	Reserve Inspector	Commandant	Commandant	The Spl. Insp. Genl. of Police APSP in respect of orders passed by the Commandant. SAR. CPL.

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Police Training Colleges.	Chief Law Insp./Chief Drill Insp.	Chief Law Insp./Chief Drill Insp.	Chief Law Insp./Chief Drill Insp.	Chief Law Insp./Chief Drill Insp.	Chief Law Insp./Chief Drill Insp.	Principal	Principal	The Vice-Principal in respect of orders passed by CLI/CDI. The Dy. Inspector General (Training) in respect of orders passed by the Principal Dy. Supdt. of Police concerned in respect of orders passed by the Inspectors. The Dy. Inspector Genl. Intelligence in respect of orders passed by the Supdt. of Police, Intelligence.
INTELLIGENCE BRANCH HYDERABAD	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Supdt. of Police Intelligence	Supdt. of Police Intelligence	

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CRIME BRANCH	Inspector	Inspector	Inspector	Inspector	Inspector	Supdt. of Police CID.	Supdt. of Police CID.	The Dy. Supdt. of Police concerned in respect of orders passed by the Inspector.
C.I.D.HYDERABAD	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Supdt. of Police CID.	Supdt. of Police CID.	The Dy. Inspector Genl. of Police, CID., in respect of the orders by the Supdt.of Police,CID.
(iii)S.C.R.B. POLICE COMPUTERS	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Supdt. of Police Computers	Supdt. of Police Computers	The Supdt. of Police, Computers in respect of orders passed by the Inspector.
								The Director,SCRB, in respect of orders passed by the Supdt. of Police, Computers.

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(iv) HYDERABAD CITY POLICE	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Dy. Commr. of Police con- cerned	Dy. Commr. of Police con- cerned	The A. C. P. con- cerned in respect of orders passed by the Inspectors. The Commr. of Po- lice, Hyderabad in respect of orders passed by the Dy. Comms. of Police.
(v) VIJAYAWADA CITY POLICE	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Addl. Commr. of Police in the rank of Supdt. of Police.	Addl. Commr. of Police in the rank of Supdt. of Police.	The Asst. Commr. of Police (in the rank of DSP) concerned in respect of orders passed by the Inspectors.

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								The Commr. of Police, in the rank of D.I.G, Vijayawada in respect of orders passed by the Addl. Commr. of Police (in the rank of Supdt. of Police).
(vi) VISAKHAPATNAM CITY POLICE		Inspector concerned	Inspector concerned	Inspector concerned	Inspector concerned	Addl. Commr. of Police in the rank of Supdt. of Police.	Addl. Commr. of Police in the rank of Supdt. of Police.	The Asst. Commr. of Police (in the rank of DSP) concerned in respect of orders passed by the Inspectors.
								The Commr. of Police, in the rank of D . I . G . Visakhapatnam in respect of orders passed by the Addl. Commr. of Police (in the rank of Supdt. of Police)

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ANDHRA PRADESH POLICE RADIO BRANCH								
(a)(i) RADIO SUPERVISORS: S.I.(TECHNICAL)	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Officer of equivalent or higher rank.	Officer of equivalent or higher rank.	The Supdt. of Police, Communication in respect of orders passed by the Dy. Supdt. of Police, Comms, and the DGP., in respect of orders passed by the Director or Addl. Director, Police Communications or by an officer of higher rank.
(b) Draftsman								
(ii) RADIO (TECHNICAL) A.S.I. (Tech)	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Dy. Supdt. of Police Comms.	Officer of equivalent or higher rank.	Officer of equivalent or higher rank.	The Supdt. of Police, Communication in respect of orders passed by the Dy. Supdt. of Police, Comms, and the DGP., in respect of

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								orders passed by the Director or Addl. Director, Police Communications or by an officer of higher rank.
	(iii) (a) Grade-I Operator (HC Operators)	Inspector Po-lice Comms. concerned.	Inspector Po-lice Comms. concerned.	Inspector Po-lice Comms. concerned.	Inspector Po-lice Comms. concerned.	Po- Supdt. of Po-lice, Commu- nications.	The Dy. Supdt., Po-lice, Commu- nications concerned in respect of orders passed by the In- spectors and the Addl. Director or an officer of higher rank	Police Commu- nications in respect of orders passed by the Supdt., Police Communications, Hyderabad.
	(b) Painter							
	(c) Carpenter							
	(d) Blacksmith							
	(e) Fitter (Electrician)							

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(iv) (a) Grade-II Operators (PC Comms)	Inspector Po-lice Commns. concerned.	Inspector Po-lice Commns. concerned.	Inspector Po-lice Commns. concerned.	Inspector Po-lice Commns. concerned.	Inspector Po-lice Commns. concerned.	Inspector Po-lice Commns. concerned.	Inspector Po-lice Commns. concerned.	The Dy. Supdt., Police, Communications concerned in respect of orders passed by the Inspectors and the Addl. Director or an officer of higher rank Police Communications in respect of orders passed by the Supdt., Police Communications, Hyderabad.
(b) Blacksmith								
(c) Carpenter								
(d) Filter (Electrician)								

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POLICE TRANSPORT ORGANISATION

(1) SUB-INSPECTORS Technical Assistant Technical Assistant Technical Assistant Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police

Transport Organisation Transport Organisation Transport Organisation Transport Organisation Transport Organisation Transport Organisation Transport Organisation Transport Organisation Transport Organisation

in respect of orders passed by the Technical Assistant and the Director General of Police in respect of orders passed by any officer of higher rank than the Director, Police Training Organisation holding charge of Police Transport Organisation.

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HEAD CONSTABLES	Inspector of Police	Inspector of Police	Inspector of Police	Inspector of Police	Inspector of Police	Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Transport Organisation.	Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Transport Organisation.	The Technical Assistant in respect of orders passed by the Inspector and the DGP in respect of orders passed by the Director, PTO or an officer of equivalent or higher rank holding additional charge of Police Transport Organisation.
POLICE CONSTABLES	Inspector	Inspector	Inspector	Inspector	Inspector	Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Transport Organisation.	Director, P.T.O. or any Officer of equivalent or higher rank holding charge of Police Transport Organisation.	The Technical Assistant in respect of orders passed by the Inspector and the DGP in respect of orders passed by the Director, PTO or an officer of equivalent or higher rank holding additional charge of Police Transport Organisation.

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ANDHRA PRADESH SPECIAL ARMED POLICE SERVICE

(i) RESERVE SUB-INSPECTORS	Addl. Commndt. or Asst. Commndt.	Addl. Commndt. or Asst. Commndt.	Addl. Commndt. or Asst. Commndt.	Dy. Inspector General concerned.	Dy. Inspector General concerned.	Dy. Inspector General concerned.	The Commandant in respect of the orders passed by the Asst. Commndt., DIG concerned in respect of orders passed by the Commandt. and The Inspector General of Police, APSP Bns. in respect of orders passed by the Dy. Inspectors General of Police, APSP Bns.	The Commandant in respect of the orders passed by the Asst. Commndt., DIG concerned in respect
(ii) ASST. RESERVE SUB-INSPECTORS	Addl. Commndt. or Asst. Commndt.	Addl. Commndt. or Asst. Commndt.	Addl. Commndt. or Asst. Commndt.	Dy. Inspector General concerned.	Dy. Inspector General concerned.	Dy. Inspector General concerned.	The Commandant in respect of the orders passed by the Asst. Commndt., DIG concerned in respect	The Commandant in respect of the orders passed by the Asst. Commndt., DIG concerned in respect

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								of orders passed by the Commdt. and The Inspector General of Police, APSP
								Bris. in respect of orders passed by the Dy. Inspectors General of Police, APSP
								Batalions.
								The Asst. Commandant in respect of the orders passed by the Reserve Inspectors and the Dy. Inspectors of Police concerned in respect of the orders passed by the Com-
(III)	HEAD CONSTABLES	Reserve Inspector	Reserve Inspector	Reserve Inspector	Reserve Inspector	Commandant	Commandant	mandant.

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(iv) CONSTABLES Reserve Inspector Reserve Inspector Reserve Inspector Commandant Commandant The Asst. Commandant in respect of the orders passed by the Reserve Inspectors and the Dy. Inspectors Genl. of Police concerned in respect of the orders passed by the Commandant.

GREY HOUNDS (SPECIAL SECURITY FORCE)

(i) ASST. ASSAULT COMMANDERS. (including women Asst. Assault Commanders) (SIS/RSIS) Squadron Commanders (Addl.SP) or Assault Commanders (DSP) concerned. Squadron Commanders (Addl.SP) or Assault Commanders (DSP) concerned. Squadron Commanders (Addl.SP) or Assault Commanders (DSP) concerned. Dy.Inspr. Genl. or an officer of equivalent/ higher rank. Dy.Inspr. Genl. or an officer of equivalent/ higher rank. The Group Commander in respect of orders passed by the Assault Commander and the Spl. IGP or an officer of equivalent/higher rank dealing with Administrative matters in respect

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								of orders passed by the Dy. Insp. Genl. of police.
(ii) SENIOR COMMANDOS (Head Constables)	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Group Commander (Supdt. of Police).	Group Commander (Supdt. of Police).	The Assault Commanders in respect of orders passed by the Dy. Assault Commanders and the Dy. Inspector General or an Officer of equivalent/higher rank in respect of orders passed by the Dy. Assault Commanders in respect of orders passed by the Dy. Assault Commanders and the Dy. Inspector General or an Officer of equivalent/higher rank in respect of orders passed by the Dy. Assault Commanders and the Dy. Inspector General or
(iii) JUNIOR COMMANDOS (Police Constables)	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Dy. Assault Commander (Insp./RI) concerned.	Group Commander (Supdt. of Police).	Group Commander (Supdt. of Police).	The Assault Commanders in respect of orders passed by the Dy. Assault Commanders and the Dy. Inspector General or

1	2	3	4	5	6	7	8	9
(ii)	HEAD CONSTABLES	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt., of Police Railways.	Supdt., of Police Railways.	The Dy. Supdt., of Police concerned in respect of orders passed by the In- spector and the Supdt. of Police in respect of orders passed by the Dy. Supdt. of Police and DIG., Railways in respect of orders passed by the Supdt., of Police, Railways.
(iii)	CONSTABLES	Inspector concerned.	Inspector concerned.	Inspector concerned.	Inspector concerned.	Supdt., of Police Railways.	Supdt., of Police Railways.	The Dy. Supdt., of Police concerned in respect of orders passed by the In- spector and the Supdt. of Police in

1	2	3	4	5	6	7	8	9	respect of orders passed by the Dy. Suptd. of Police and DIG., Railways in respect of orders passed by the Suptd., of Police, Railways.
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(4)
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The Public Servants (Inquiries) Act, 1850

(Act No. 37 of 1850)

For regulating inquiries into the behaviour of Public Servants.

Whereas it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable from their appointments without the sanction of Government, and to make the same uniform throughout India; it is enacted as follows :

1. Repealed:

(Repealed by the Repealing Act, 1870 (14 of 1870)

Section 1 and Sch., Part II).

2. Articles of charge to be drawn out for public inquiry into conduct of certain public servants:-

Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the Government, not removable from his appointment without the sanction of the Government it may cause the substance of the imputations to be drawn into distinct articles of charge, and may order a formal and public inquiry to be made into the truth thereof.

3. Authorities to whom inquiry may be committed.

Notice to accused :-

The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, Commissioners for the purpose; notice of which Commission shall be given to the person accused ten days at least before the beginning of the inquiry.

4. Conduct of Government prosecution:-

When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

5. Charge by accuser to be written and verified. Penalty for false accusation. Institution of inquiry by Government :-

When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser; and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury, but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit without such accusation on oath or solemn affirmation as aforesaid.

6. Security from accuser left by Government to prosecute:-

Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the Commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution or perjury or subordinate of perjury, as the case may be.

7. Power of Government to abandon prosecution and to allow accuser to continue it :-

At any subsequent stage of the proceedings, the Government may, if it think fit abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

8. Powers of Commissioners. Their protection. Service of their process. Powers of Court, etc., acting under Commission:-

The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings as is given to Civil and Criminal Courts by the Code of Criminal Procedure, 1898, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection as the Zilla and City Judges, except that all process to cause the attendance of witnesses or other compulsory process, shall be served through and executed by the Zilla or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras or Bombay, then through the Supreme Court of Judicature thereto. When the Commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

9. Penalty for disobedience to process:-

All persons disobeying any lawful process issued as aforesaid for the purposes of the Commission shall be liable to the same penalties as if the same had issued originally from the Court or other authority through whom it is executed.

10. Copy of charge and list to be furnished to accused :-

A Copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery and the first day of the inquiry.

11. Procedure at beginning of inquiry. Non-appearance of accused and admission of charge:-

At the beginning of the inquiry the prosecutor shall exhibit the articles of charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead 'guilty' or 'not guilty' to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses, or without reasonable cause neglects, to appear to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.

12. Prosecutor's right of address:-

The prosecutor shall then be entitled to address the Commissioners in explanation of the articles of charge, and of the evidence by they are to be proved; his address shall not be recorded.

13. Evidence for prosecution and examination of witnesses. Re-examination by prosecutor:-

The oral and documentary evidence for the prosecution shall then be exhibited; the witnesses shall be examined by or on behalf of the prosecutor and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to reexamine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

14. Power to admit or call for new evidence for prosecution. Accused's right to adjournment:-

If it shall appear necessary before the close of the case for the prosecution, the Commissioners may, in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence; and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

15. Defence of accused. To be recorded only when written:-

When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing; it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

16. Evidence for defence and examination of witnesses:-

The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination to the examination by the Commissioners according to the like rules as the witnesses for the prosecution.

17. Examination of witnesses and evidence by prosecutor:-

[Repealed by the Repealing Act, 1876 (12 of 1876), Section 1 and Schedule, Part I].

18. Notes of oral evidence:-

The Commissioners or some person appointed by them shall take notes in English of all oral evidence, which shall be read aloud to each witness by whom the same was given, and, if necessary, explained to him in the language in which it was given, and shall be recorded with the proceedings.

19. Inquiry when closed with defence. Prosecutor when entitled to reply and give evidence. Accused not entitled to adjournment :-

If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

20. Power to require amendment of charge and to adjourn. Reasons for refusing adjournment to be recorded:-

When the Commissioners shall be of opinion that the articles of charge or any of them are not drawn with sufficient clearness and precision. The Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reason-

able time. The Commissioners may also, if they think fit adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused on the ground of sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

21. Report of Commissioners' proceedings:-

After the close of the inquiry the Commissioners shall forthwith report to Government to their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case.

**22. Power to call for further evidence or explanation-
Inquiry into additional articles of charge.Reference of report of Special Commissioners' final orders:-**

The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional articles of charge to be framed, in which case the inquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges. When Special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case, and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

23. Definition of Government:-

In this Act, " the Government" means the Central Government in the case of persons employed under that Government and the State Government in the case of persons employed under that

Government. [G.S.R.199.dt.7.2.1967,Gaz.of Ind.,18-2-1967, Pt.II Sec.(i) P.229]

24. Saving of enactments as to dismissal of certain officers-Commission under Act for their trial:-

Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sadar Amins or of Deputy Magistrates or Deputy Collectors, but a Commission may be issued for the trial of any charge against any of the said officers, under this Act, in any case in which the Government shall think it expedient.

25. Saving of power of removal without inquiry under Act:-

Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any public servant for any cause without an inquiry under this Act.

(5)

The Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960

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The Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 12th January, 1960 and the said assent is hereby first published on the 20th January, 1960 in the Andhra Pradesh Gazette for general information.

ACT No. II OF 1960

An Act to provide for the constitution of Tribunal for Disciplinary Proceedings to inquire into allegations of misconduct on the part of Government servants and for other matters connected therewith.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Tenth Year of the Republic of India as follows:-

1. Short title and commencement:-

- (1) This Act may be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal Act, 1960.
- (2) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. Definitions:-

In this Act, unless the context other wise requires,-

- (a) 'Government' means the State Government.
- (b) 'Government Servant' means a person appointed to public services or to a post in connection with the affairs of the State of Andhra Pradesh.
- (c) 'Prescribed' means prescribed by rules made under this Act.
- (d) 'Tribunal' means the Tribunal constituted under section 3.

(Amendment Act No. 6 of 1993.)

3. Constitution and composition of Tribunal:-

- (1) The Government shall constitute a Tribunal for disciplinary proceedings consisting of one or more members.
- (2) The Government may, at any time, by order, appoint one or more additional members to the Tribunal for such period as they may think fit or reduce the number of members of the Tribunal.
- (3) Every member of the Tribunal shall be a judicial officer of the status of a District Judge and his appointment shall be made by the Government, out of a panel of names forwarded by the High Court.
- (4) If the Tribunal consists of more than one member, one of the members shall be designated by the Government as the Chairman of the Tribunal.

(Amendment Act No.6 of 1993).

4. Cases to be referred to the Tribunal:-

The Government may refer to the Tribunal for inquiry and report, such cases as may be prescribed of allegations of misconduct on the part of Government Servants.

4A. Governments power to withdraw cases:-

The Government may, in appropriate cases and for reasons to be recorded in writing, withdraw any case referred to the Tribunal at any time before the Tribunal concludes its inquiry”.

(Amendment Act No. 6 of 1993)

5. Power of Tribunal to summon and examine witnesses to direct production of documents and to appoint as Assessor:-

- (1) The Tribunal shall, for the purpose of conducting an inquiry under this Act, have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act, V of 1908), in respect of the following matters, namely:-
 - (i) summoning and enforcing the attendance of any person;
 - (ii) requiring the discovery and production of any document; and
 - (iii) issuing commissions for the examination of witnesses or documents.
- (2) The Tribunal may examine on oath any person supposed to be acquainted with the matter under inquiry or any fact relevant thereto, and may record his evidence.
- (3) Every person who is examined under sub-section (1) shall be bound to answer truly all questions relating to the matter put to him by the Tribunal.
- (4) Any person who wilfully or without reasonable excuse, disobeys any summons or order issued under the foregoing sub-sections shall be liable to the penalties laid down for the disobedience of the summons or order issued by a civil court.
- (5) The Tribunal may, if it so thinks fit, appoint any person as assessor to assist it in conducting an inquiry into any case or cases referred to it.

6. Procedure of Tribunal:-

- (1) If the Tribunal consists of more than one member, an inquiry into a case referred to the Tribunal under section 4 shall be held by all the members sitting together or by a single member, as the Chairman may direct, and where all the members, sit together the evidence shall be recorded by such member or members as the Chairman may direct.
- (2) Unless the Chairman otherwise directs all proceedings at any such inquiry shall be held in camera.
- (3) The procedure to be followed by the Tribunal at any such inquiry shall, subject to the provisions of sub-sections (1) and (2) be such as may be prescribed.

7. Tribunal to report to Government:-

On the conclusion of an inquiry, the Tribunal shall report its findings to the Government. Provided that where a single member of the Tribunal holds an inquiry into a case as provided in sub-section (1) of section 6, he alone, shall report his findings and his report to the Government in this regard shall be deemed to be the report of the Tribunal for the purposes of this Act.

(Amendment Act No. 6 of 1993).
(added by Amendment Act 27 of 1965)

Provided further that where such single member does not examine any witness and recorded evidences but only hears arguments in such an inquiry and reports his findings, the hearing of arguments alone by him shall be deemed to be an inquiry under sub-section (1) of section 6.

(Amendment of section 7, Act II of 1960)

(added by Amendment Act of 1976)

8. Orders of the Government:-

The Government shall consider the report of the Tribunal in the prescribed manner and pass such orders thereon as they think fit.

9. Prosecution for action taken under this Act:-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

10. Power to make rules:-

- (1) The Government may, by notification in the Andhra Pradesh Gazette, make rules for the purpose of giving effect to the provisions of this Act.
- (2) Any rule made under this Act may be made with retrospective effect from any date not earlier than the date of commencement of this Act and when such a rule is made, the reasons for so making the rule shall be specified in a statement to be laid before the Legislative Assembly of the State.

(Amendment Act No.6 of 1993).

- (3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Repeal and Savings:-

- (1) The Hyderabad Public Servants Tribunal of Inquiry Act, 1950 (Hyderabad Act XXIII of 1950), the Andhra Civil Services (Disciplinary Proceedings Tribunal) Rules, 1953 and the Andhra Tribunal for Disciplinary Proceedings (summoning and examination of witnesses and Documents) Act, 1956 (Andhra Act XXVIII of 1956), are hereby repealed:

Provided that such repeal shall not affect the previous operation of the repealed laws.

- (2) From the date on which this Act comes into force, the Tribunal constituted under the repealed laws shall be deemed to have been abolished and all cases pending before the said Tribunal on the said date shall be deemed to have been referred to the Tribunal and shall be disposed of by it under the provisions of the repealed laws as if it was a Tribunal constituted under those laws and such cases were referred to it:

Provided that where a single member of the Tribunal holds an inquiry into a case as provided in any of the repealed laws, he alone shall report his findings and recommend the penalties and his report to the Government in this regard shall be deemed to be the report of the Tribunal for the purposes of that repealed law.

(Added by Amendment Act 27 of 1965)

(6)

The Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989

**[G.O.Ms.No. 304, General Administration (Services.C)
Dept., 3rd June, 1989.]**

The Officer on Special Duty in General Administration (Vigilance and Enforcement) Department appointed to examine amendments, if any, required to various Acts and Rules relating to conduct and discipline of Government servants has studied the existing provisions in the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961, taking into consideration, the suggestions made by the Director General, Anti corruption Bureau and Chairman, Tribunal for Disciplinary Proceedings and submitted a report. The Government after careful consideration of the suggestions made by the Officer on Special Duty, General Administration (Vigilance and Enforcement) Department, have decided to reissue the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961, issued in G.O.Ms.No.895, General Administration (Service-D) Department, dated the 18th July, 1961, incorporating amendments in pursuance of the above suggestions and the decisions taken thereon.

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

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Act II of 1960) the Government of Andhra Pradesh makes the following rules, in supersession of rules issued in the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961, in G.O.Ms.No. 895, General Administration (Services. D) Department, dated the 18th July, 1961 and published at pages 429-433 in the Andhra Pradesh Gazette rules Supplement to Part-I, dated the 3rd August, 1961.

1. These rules may be called the Andhra Pradesh Civil services (Disciplinary Proceedings Tribunal) Rules, 1989.
2. In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960:
 - (b) "Misconduct" shall mean contravention of the rules made under the proviso to article 309 of the Constitution of India to regulate the conduct of persons appointed to public services and posts in connection with the affairs of the State.
- 3.(1) The Government may, subject to the provisions of rule 4, refer all cases of Officers, Gazetted or otherwise involving corruption /integrity, enquired into by Anti-corruption Bureau including cases of misappropriation/embezzlement investigated by Anti-Corruption Bureau or emanating otherwise and which are considered not appropriate for prosecution in a court of law, to the Tribunal for Disciplinary Proceedings for enquiry and report under section 4 of the Act.
Amendment vide G.O.Ms.No. 409, G.A.(Ser.C) Dept., dt.20-9-96
- (2) Where two or more Government Servants are concerned in any case, the Government may make an order directing that disciplinary Proceedings against all of them may be taken in a common Proceedings, and thereupon the Tribunal shall conduct the enquiry into such case accordingly.
- (3) Notwithstanding anything contained in sub-rule (1) cases arising in the judicial department and cases of officers and servants of the High Court who come under the rule making control of the chief Justice as laid down in article 229 of the Constitution of India shall not be referred to the Tribunal.

- 4(1) In all cases of the type referred to in sub-rule (1) of rule 3, on completion of inquiry or investigation, as the case may be, the Anti-Corruption Bureau or the Departmental Authority or any other Agency viz., Crime Branch Criminal Investigation Department, Director General, Vigilance and Enforcement or any Enquiry officer appointed by a Government Department, shall submit a report in each of the cases to the Government”.
- (Amendment vide G.O.Ms.No. 409, GA (Ser.C) Dept., dt.20-9-96.
- (2) The Government shall after examining such records and after consulting the Head of the Department concerned, if necessary, decide whether the case shall be inquired into by the Tribunal.
- (3) If the Government decide that the case shall be enquired into by the Tribunal, they shall send or cause to send, as the case may be, the records relating thereto to the Tribunal.
- (4) There shall be a Government Counsel and as many Government Counsels as may be considered necessary, to conduct enquiries on behalf of the Government in disciplinary cases before the Tribunal and the charged Officer concerned shall be allowed to be represented by counsel. In case where the Government Counsel or Counsels cannot attend to examination of witnesses on commission adhoc Government Counsel shall be appointed.
- 5 The Tribunal may sit at such places as it may determine, with due regard to the convenience of the parties concerned and expenses involved.
- 6(1) Notwithstanding anything contained in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the following procedure shall be followed by the Tribunal in conducting enquiries into cases of misconduct referred to it under section 4 of the Act.
- Amendment Vide G.O.Ms.No.514, GA (Ser.C) Dept., dt.15-10-94.
- (a) As soon as the records relating to allegations of misconduct against a Government Servant are received, the Tribunal shall frame appropriate charges and communicate them to the Government Servant charged, together with a list of witnesses proposed to be examined in respect of each of the charges and with information as to the date and place of enquiry.
- (b) The Tribunal shall, before the date fixed for enquiry, furnish copies of the statements of witnesses proposed to be examined recorded by the Anti-Corruption Bureau and the concerned Departments to the Government Servant charged for purposes of cross examination. The charge or charges shall at the enquiry, be read over to the Government Servant charged and he shall be asked whether he admits or denies the charge or charges. If the Government Servant charged admits any of the charges, the Tribunal shall record the plea and return a finding of guilt in respect of the charge or charges as are admitted by him. If the Government servant charged denies any of the charges brought against him, evidence shall be recorded on such of the charge or charges as are not admitted by him.
- (c) At the enquiry, oral and documentary evidence shall be first adduced by the prosecution and the Government Servant charged shall be entitled to cross examine the prosecution witnesses and to explain any documents produced by the prosecution. The Government Servant charged may, thereafter within the time allowed by the Tribunal, file a written statement of his defence together with a list of witnesses whom he wishes to examine stating the points on which he proposes to examine each of them and a list of documents proposed to be summoned, stating the purpose for which such documents are sought to be summoned. He may also offer himself as a witness in his own defence. The oral and documentary evidence on his side may then be adduced and the Government Servant charged shall be entitled to advance the necessary arguments. The prosecution shall also be entitled to advance the necessary counter arguments to the Government Servants arguments or file a mere written statement detailing the whole prosecution case. The arguments may be oral or written or both and when time is requested for written arguments by either

party, a reasonable time shall be granted.

(d) The Tribunal shall, as far as possible, observe the basic rules of evidence relating to the examination of witnesses and the marking of documents and the enquiry shall conform to the principles of natural justice.

(e) The Tribunal on the application of the Government Servant charged, shall furnish to him certified copies of depositions of witnesses record by the Tribunal and may also furnish to him certified copies of the documents exhibited before the Tribunal.

Provided that the Tribunal may, for reasons to be recorded in writing, refuse to grant certified copy of any such documents.

Provided further that the Tribunal shall in every case where it refuses to grant a certified copy of any document asked for, give, under proper supervision, an opportunity to the Government Servant charged or to his counsel, if any to inspect the document and take notes.

(f) The Tribunal shall, on the application of the Government Counsel or Additional Government Counsel, furnish to him certified copies of depositions of witnesses recorded by the Tribunal and the documents exhibited before it, on plain unstamped paper.

(g) The Tribunal may also interrogate the Government Servant charged after the closure of the prosecution evidence.

(h) For sufficient reasons to be recorded in writing, the Tribunal shall have power to refuse on either side:-

(i) to summon and examine any witness;

(ii) to call for and exhibit any document; or

(iii) to recall a witness for further examination.

(i) The Tribunal may, if necessary, authorise the Government Servant charged or his counsel, if any, to go to the offices where the documents are available in order to enable him either to secure copies of such documents or take necessary extracts from such documents.

(j) The proceedings of the Tribunal shall contain a sufficient record of the evidence.

(k) In any disciplinary case instituted by the Tribunal for Disciplinary Proceedings, if the charged Officer during the course of the inquiry, retires from service on attaining the age of superannuation, the inquiry can be continued and completed.

(Added by G.O.Ms.No.279 GA(Ser.C)Dept., dated 23-6-1999)

(2)(a) In all cases after the enquiry has been completed, the Tribunal shall send its report of findings to the Government within thirty days. However, in cases in which exoneration of Government Servant charged is recommended by the Tribunal, it shall specify, whether the charged officer is "fully exonerated", for purposes of Fundamental Rule 54 (A). Where the Tribunal does not express any such opinion, it shall be presumed by the Government that the Charged Officer is not fully exonerated by the Tribunal.

(Amendment vide G.O.Ms.No.455, GA(Ser.C)Dept.dt.7.11.2002)

(b) The Government, after receipt of the report from the Tribunal for Disciplinary Proceedings, shall supply a copy of the report of the Tribunal to the charged Government Servant and shall pass final orders after taking into consideration any representation made by him thereto within a reasonable time, ordinarily not exceeding one month. However, it shall not be necessary to give to the person charged any opportunity of making representation on the penalty proposed to be imposed.

Provided that the Government shall consult the Andhra Pradesh Vigilance Commission in regard to the course of further action to be taken and take the advice into consideration, before orders are passed.

(Amendment vide G.O.Ms.No.514, GA(Ser.C) Dept.dt.15.10.1994)

Provided further that where the Government disagree with the whole or any part of the Tribunal's findings, the point or points of disagreement together with a brief statement of the grounds therefor shall in case where it affects the Government Servant charged adversely or prejudicially, be communicated along with the enquiry report of the Tribunal.

- (c) The Government may, for the reasons to be recorded in writing remit the case to the Tribunal for enquiry and report and the Tribunal shall thereupon hold further enquiry.
- (3) Where the Government Servant charged has absconded or where it is for other reasons impracticable to communicate with him or where he wilfully fails to take part in an enquiry the enquiry shall be conducted or continued even in his absence.
- (4) All or any of the provisions of sub-rule (1) may, in exceptional case for special and sufficient reasons to be recorded in writing, be waived by the Tribunal, where there is difficulty in observing the requirements of the sub-rule, and the requirements can be waived without injustice to the person charged.
- (5) The provisions of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, shall apply in regard to any other matter for which no specific provision has been made in these rules.

(Amendment vide G.O.Ms.No.514, GA(Ser.C) Dept.dt.15.10.1994)

- (6) Where the Chairman or any member of the Tribunal is prevented by death, transfer or other cause from concluding any enquiry or from reporting his findings in any case referred to the Tribunal, his successor may deal with any evidence taken down by his predecessor in office as if such evidence had been taken down by him and may proceed with the enquiry from the stage at which his predecessor has left it, or report his findings to the government.
- (7) Notwithstanding anything contained in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the Government Shall be the authority competent to impose a penalty in cases of Government Servants enquired into by the Tribunal.

(Amendment vide G.O.Ms.No.514, GA(Ser.C)Dept Dt 15.10.1994)

(7)

THE ALL INDIA SERVICES (CONDUCT) RULES, 1968**CONTENTS**

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THE ALL INDIA SERVICES (CONDUCT) RULES, 1968

In exercise of the powers conferred by sub-section (1) of section 3 of the All-India Services Act, 1951 (61 of 1951), the Central Government after consultation with the Governments of the State concerned, hereby makes the following rules, namely:-

1. Short title and commencement. -

- (1) These rules may be called the All India Services (Conduct) Rules, 1968.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

In these rules, unless the context otherwise requires-

(a) "Government" means-

- (i) in the case of a member of the Service serving in connection with the affairs of the Union, the Central Government; or
- (ii) in the case of a member of the Service serving under a Foreign Government or outside India (whether on duty or on leave), the Central Government; or
- (iii) in the case of a member of the Service serving in connection with the affairs of a State, the Government of that State;

Explanation- . A member of the Service whose services are placed at the disposal of a company, corporation or other organisation or a local authority by the Central Government or the Government or the Government of a State shall for the purpose of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or in connection with the affairs of that State, as the case may be, notwithstanding that his salary is drawn from the sources other than the Consolidated Fund of India or the Consolidated Fund of that State;

(b) 'member of family', in relation to a member of the service, includes-

- (i) the wife or husband as the case may be of such member, whether residing with (such member) or not, but does not include a wife or husband separated from the member of the Service by a decree or order of competent court;
- (ii) the son or daughter or the step-son or step-daughter of such member and wholly dependent (on such member) but does not include a child or step-child who is no longer in any way dependent (on such member) or of whose custody the member of the Service has been deprived by or under any law; and
- (iii) any other person related, whether by blood or marriage, to such member or to his or her, wife or husband, as the case may be, and wholly dependent on such member.

(c) "member of the Service" means a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (61 of 1951)

(d) "private undertaking" includes a company, firm or association or body of individuals

3. General.-

(1) Every member of the Service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the Service.

(2) Every member of the Service shall take all possible steps to ensure integrity of, and devotion to duty by, all Government servants for the time being under his control and authority.

(2A) Every member of the service shall in the discharge of his duties act in a courteous manner and shall not dilatory tactics in his dealings with the public or otherwise.

- (3)(i) No member of the Service shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his own best judgment to be true and correct except when he is acting under the direction of his official superior.
- (3)(ii) The direction of the official superior shall ordinarily be in writing. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter.
- (3)(iii) A member of the Service who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible and in such case, it shall be the duty of the official superior to confirm the direction in writing.

Explanation I.- A member of the Service who habitually fails to perform a task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of the sub-rule (1);

Explanation II.-Nothing in clause (i) of sub-rule (3) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Employment of near relatives in companies or firms.

- (1) No member of the Service shall use his position or influence directly or indirectly to secure employment for any member of his family with any private undertaking.
- (2)(a) No member of the Service shall, except with the previous sanction of the Government, permit (a member of his family) to accept employment with any (private undertaking) having official dealings with the Government.

Provided that where the acceptance of such employment cannot await the sanction of the Government or is otherwise considered urgent, the matter shall be reported to the Government, and the employment may be accepted provisionally subject to the sanction of the Government.

- (2)(b) A member of the Service shall, as soon as he becomes aware of the fact of acceptance by a member of his family of an employment with any private undertaking report to the Government the fact of such acceptance and also whether he has or has had any official dealings with that private undertaking:

Provided that no such report shall be necessary if the member of the Service has already obtained sanction of, or sent a report to, the Government under clause (a).

- (3)(a) No member of the Service shall in the discharge of his official duties, deal with any matter relating to, or award any contract in favour of a private undertaking or any other person, if any members of his family is employed in that private undertaking or under that person or if he or any member of his family is interested in such private undertaking or other person in any other manner.
- (3)(b) In any case referred to in clause (a), the member of the Service shall refer the matter to his official superior and the case shall thereafter be disposed of according to the instructions of the official superior.

5. Taking part in politics and elections:-

- (1) No member of the Service shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, or subscribe in aid of, or assist in any other manner, any political movement or political activity.
- (2) It shall be the duty of every member of the Service to endeavour to prevent any member of his family from taking part in or subscribing in aid of or assisting in any other manner, any movement of, activity which is, or tends directly or indirectly to be subversive of the Government as by law established, and where a member of the Service is unable to prevent member of his family from taking part in or subscribing in aid of, or assisting in any other manner, any such movement of activity, he shall make a report to that effect to the Government.

- (3) If any question arises whether any movement or activity falls within the scope of this rule, the question shall be referred to the Government for its decision.
- (4) No member of the Service shall canvass or otherwise interfere with, or use his influence in connection with, or take part in, an election to any legislature or local authority:-

Provided that

- (i) a member of the Service qualified to vote at any such election may exercise his right to vote but where he does so he shall give no indication of the manner in which he proposes to vote or has voted, and
- (ii) a member of the Service shall not be deemed to have contravened the provisions of this sub-rule by reason only that he has assisted in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation- The display by member of the Service, on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election, within the meaning of this sub-rule.

6. Connection with press or radio-

Previous sanction of the Government shall not be required when the member of the service, in the bonafide discharge of his duties or otherwise, publishes a book or contributes to or participates in a public media.

Provided that he shall observe the provisions of rules and at all times make it clear that the views expressed, are of his own and not those of the Government.

7. Criticism of Government.-

No member of the Service shall, in any radio broadcast or communication over any public media or in any document published anonymously, pseudonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion,-

- (i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government; or
- (ii) which is capable of embarrassing the relations between the Central Government and any State Government; or
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any Foreign State:

Provided that nothing in this rule shall apply to any statement made or views expressed by a member of the Service in his official capacity and in the due performance of the duties assigned to him.

8. Evidence before committees etc.-

- (1) Save as provided in sub-rule (3), no member of the Service shall except with the previous sanction of the Government, give evidence in connection with any inquiry conducted by any person, committee or other authority.
- (2) Where any sanction has been accorded under sub-rule (1) no member of the Service giving such evidence shall criticize the policy or any action of the Central Government or of a State Government.
- (3) Nothing in this rule shall apply to-
 - (3)(a) evidence given at any inquiry before an authority appointed by the Government, or by Parliament or by a State Legislature; or
 - (3)(b) evidence given in any judicial inquiry; or
 - (3)(c) evidence given at departmental inquiry ordered by any authority subordinate to the Government.
- (4) No member of the Service giving any evidence referred to in sub-rule (3) shall give publicity to such evidence.

9. Unauthorised communication of information.-

No member of the Service shall except in accordance with any general or special order of the Government or in the performance in good faith of duties assigned to him, communicate directly or indirectly any official document or part thereof or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

Explanation.- Quotation by a member of the Service (in his representations to the Head of Office or Head of Department or President) of, or from, any letter, circular or office memorandum or from the notes on any file to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to authorised communication of information within the meaning of this rule.

10. Subscriptions.-

No member of the Service shall, except with the previous sanction of the Government or of such authority as may be empowered by it in his behalf ask for, or accept, contributions to or otherwise associate himself with the raising of any fund or other collections in cash or in kind in pursuance of any object whatsoever.

11. Gifts.-

(1) A member of the service may accept gifts from his near relatives or from his personal friends having no official dealings with them, on occasions such as wedding, anniversaries, funerals and religious functions when the making of gifts is in conformity with the prevailing religious and social practice, but he shall make a report to the Government if the value of such gift exceeds rupees five thousand.

Explanation- For the purposes of this rule "gift" includes free transport, free boarding, free lodging or any other service or pecuniary advantage when provided by a person other than a near relative or personal friend having no official dealings with the member of the Service but does not include a casual meal, casual lift or other social hospitality.

(2) Save as otherwise provided in sub-rule (1), no member of the service shall accept any gift without the sanction of the Government if the value of gift exceeds rupees one thousand.

(3) Omitted.

(4) Member of the Service shall avoid accepting lavish hospitality or frequent hospitality from individuals having official dealings with them or from industrial or commercial firms or other organisations.

Substituted vide DP&T Notification No. 11017/40/87-AIS (III), dated 22-2-88.

11-A. Giving or taking of dowry.-

No member of the Service shall-

- (i) give or take or abet the giving or taking of dowry; or
- (ii) demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation.- For the purpose of the rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961 (28 of 1961).

12. Public demonstrations in honour of Government Servants.-

(1) No member of the Service shall except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour or in the honour of any other Government Servant.:

Provided that nothing in this rule shall apply to-

- (i) a farewell entertainment of a substantially private and informal character held in honour of a member of the Service or any other Government servant on the occasion of his retirement or transfer or of any person who has recently quit service of Government; or

- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.
- (2) No member of the Service shall exercise pressure of any sort or any Government servant to induce him to subscribe towards any farewell entertainment even, if it is of a substantially private and informal character.

13. Private Trade or Employment.-

- (1) Subject to the provisions of sub-rule (2), no member of the Service shall except, with the previous sanction of the Government,-
 - (a) engage directly or indirectly in any trade or business, or
 - (b) negotiated for or undertake, any other employment, or
 - (c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
 - (d) canvass in support of any business of insurance agency, commission agency etc. owned or managed by any member of his family, or
 - (e) take part, except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered under the Companies Act, 1956 (of 1956), or any other law for the time being in force, or of any co-operative society for commercial purposes.
 - (f) Participate in, or associate himself in any manner, in the making of:-
 - (i) a sponsored media (including radio, television) programme; or
 - (ii) a media programme commissioned by Government media, but produced by an outside agency; or
 - (iii) a privately produced radio or television or other media programme including a video magazine:
Provided that no previous permission shall be necessary in the case a member of the service participates in a programme produced by the Doordarshan on a subject dealt with by him in his official capacity.
- (2) A member of the Service may, without the previous sanction of the Government,-
 - (a) undertake honorary work of a social or charitable nature, or
 - (b) undertake occasional work of a literary, artistic or scientific character, or
 - (c) participate in sports activities as an amateur, or
 - (d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society, or of a club, or similar organisation, the aims, objectives of which relate to promotion of sports, cultural, or recreation activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force; or
 - (e) take part in the registration, promotion or management (not involving the holding of an elective office) of a co-operative society substantially for the benefit of the members of the Service or government servants registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force in any State :

Provided that,-

- (i) he shall discontinue taking part in such activities if so directed by the Government; and
- (ii) in a case falling under clause (d), or clause (e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.
- (3) Every member of the Service shall, if any member of his family is engaged in a trade or business, or owns or manages an insurance agency or commission agency, report that fact to the Government.

- (4) No member of the Service shall accept any fee for any work done for any public body or for any private person without the sanction of the Government.
- (5) Contesting election to sports bodies etc. :- Subject to the provisions of sub-rule (2) of rule 13, no member of the service shall, except with the previous sanction of the Central Government:-
- (i) hold an elective office in any sports association/ federation / body, by whatever name known at State/ National level for a term of more than 4 years or for one term, whichever is less: provided that this restriction will not apply to functionaries like the District Magistrate, Superintendent of Police etc. when they hold posts in ex-officio capacity at Divisional/ District/ Sub-divisional/ Taluk Levels;
- (ii) Canvass either for his own candidature or for any other person for holding elective office in such sports bodies as mentioned in clause (i) above;
- (iii) While canvassing for contesting elections either on his own behalf or any other person, indulge in conduct and becoming a member of the service;
- (iv) Shall proceed on travel abroad in connection with the work or other activities of any sports bodies described in clause (i) above without prior cadre clearance from the Central Government
- Explanation: Fee means a recurring or non-recurring payment made, whether directly or indirectly to a member of the Service from a source other than the Consolidated Fund of India or the Consolidated Fund of a State, but does not include :-
- (a) unearned income such as income from property, dividends and interest on securities; and
- (b) Income from literary, cultural, artistic, scientific, or technological efforts and income from participation in sports activities as an amateur.

13-A Use of Government accommodation:-

No member of the service shall sublet, lease or otherwise allow occupation by any other person, of Government accommodation which has been allotted to him.

14. Investments, lending and borrowing.-

- (1) No member of the Service shall speculate in any stock, share or other investments but this provision will not apply to occasional investment made through Stock brokers or other persons duly authorised or licensed under the relevant law.

Explanation.- Frequent purchase or sale or both, shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

- (2) No member of the service shall make or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties. For this purpose, any purchase of shares from out of the quotas reserved for Directors or their friends and associates, shall be deemed to be an investment which is likely to embarrass the Government Servant.
- (3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), it shall be referred to the Government for its decision.
- (4)(i) No member of the Service shall save in the ordinary course of business with a bank or a public limited company, himself or through any member of his family or any person acting on his behalf.
- (a) lend or borrow or deposit money as a principle or agent, to, or from, or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under pecuniary obligation to such person or firm; or
- (b) lend money to any person at interest or in manner whereby return in money or kind is charged or paid; Provided that a member of the Service may give to, or accept from a relative or a personal friend a purely temporary loan of small amount free of interest or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee :

Provided further that nothing in this sub-rule shall apply in respect of any transaction, entered into by a member of the Service with the previous sanction of the Government.

(4) (ii) When a member of the Service is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall, forthwith report the circumstances to the Government and shall thereafter act in accordance with such order as may be made by the Government.

15. Insolvency and habitual indebtedness.-

- (1) A member of the Service shall so manage his private affairs as to avoid habitual indebtedness or insolvency.
- (2) A member of the Service against whom any legal proceedings is instituted for recovery of any debt due from or for adjudging him as an insolvent, shall forthwith report the full acts of such legal proceedings to the Government.
- (3) The burden of proving that indebtedness or insolvency is the result of circumstances which, with the exercise of ordinary diligence, the member of the Service could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, shall be upon him.

16. Movable, immovable and valuable property.-

- (1) Every person shall, where such person is a member of the Service at the commencement of these rules, before such date after such commencement as may be specified by the Government in this behalf, or where such person becomes a member of the Service after such commencement, on his first appointment to the Service, submit a return of his assets and liabilities in such form as may be prescribed by the Government giving the full particulars regarding :-
 - (a) the immovable property owned by him, or inherited or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
 - (b) shares, debentures, postal Cumulative Time Deposits and cash including bank deposits inherited by him or similarly owned, acquired or held by him;
 - (c) other movable property inherited by him or similarly owned, acquired or held him; and
 - (d) debts and other liabilities incurred by him directly or indirectly

NOTE I.-In all returns, the values of items of movable property worth less than Rs.15,000 in value may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery and books need not be included in such return.

NOTE II.- Where a member of an All India Service is appointed as a member of another All India Service, he shall not be required to submit a fresh return under this sub-rule.

- (2) Every member of the Service shall submit an annual return in such form as may be prescribed by the Government in this regard, giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person.
- (3) No member of the Service shall, except with the previous knowledge of the Government,-
 - (a) acquire any immovable property by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family; or
 - (b) dispose of by lease, mortgage, sale gift or otherwise any immovable property owned by him or held by him either in his own name or in the name of any member of his family:

Provided that the previous sanction of the Government shall be obtained if any such transaction is with a person having official dealings with the member of the Service.

- (4) Every member of the Service shall intimate the Government in respect of each transaction, whose value exceeds Rs.15,000/- within a month of the completion of such transaction.
Provided that the previous sanction of the Government shall be obtained if any such transaction is with a person having official dealings with the member of the Service.
- (5) The Government or any authority empowered by it in this behalf may, at any time, by general or special order, require a member of the Service to furnish within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order and such statement shall if so required by the Government or by the authority so empowered, include details of the means by which, or the source from which such property was acquired.

Explanation I.- For the purpose of this rule, the expression movable property includes inter alia the following property, namely :-

- (a) jewellery, insurance policies the annual premia of which exceeds a fifteen thousand rupees or one sixth of the total annual emoluments received by the member of the Service from the Government, whichever is less, shares, securities and debentures;
- (b) loans advanced by or to such member of the Service, whether secured or not;
- (c) motor cars, motor cycles, horses, or any other means of conveyance; and
- (d) refrigerators, radiograms and television sets.

Explanation II.- For the purpose of this rule, 'lease' means, except where it is obtained from, or granted to, a foreign national or foreign mission or a foreign organisation controlled by, or associated with, foreign missions, or a person having official dealings with the member of the Service, a lease of immovable property from year to year or for any term exceeding one year or receiving a yearly rent.

16-A. Transaction in immovable property outside India.-

Notwithstanding anything contained in sub-rule (3) of rule 16, no member of the Service shall except with the previous sanction of the Government,-

- (a) acquire by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India; or
- (b) dispose of by mortgage, sale, gift or otherwise, or grant any lease in respect of, any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family; or
- (c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern,-
- (i) for the acquisition, by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, of any immovable property.
- (ii) for the disposal of, by mortgage, sale, gift or otherwise, or the grant of any lease in respect of any, immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

17. Vindication of acts and character of members of the Service. -

No member of the Service shall, except with the previous sanction of the Government have recourse to any court or to the press for the vindication of official act which has been the subject matter of adverse criticism or attack of a defamatory character.

Provided that if no such sanction is conveyed to by the Government within 12 weeks from the date of receipt of the request, the member of the service shall be free to assume that the sanction sought for has been granted to him.

Explanation.- Nothing in this rule shall be deemed to prohibit a member of the Service from vindicating his private character or any act done by him in his private capacity. Provided that he shall submit a report to the Government regarding such action.

17-A Observance of cultural norms.-

Every member of the service in his personal capacity or otherwise shall -

- (i) observe strictly, the existing policies regarding age of marriage, preservation of the Environment, Wild Life and Cultural heritage:
- (ii) observe the existing policies regarding crime against women and
- (iii) observe the two children family norms.

18. Canvassing.-

No member of the Service shall bring or attempt to bring any political or other influence to bear upon any superior authority to further interests in respect of matters pertaining to his service under the Government.

19. Restriction regarding marriage.-

- (1) No member of the Service shall enter into, or contract a marriage with a person having a spouse living; and
- (2) no member of the Service having a spouse living, shall enter into, or contract, a marriage with any person :

Provided that the Government may permit a member of the Service to enter into or contract, any such marriage as is referred to in clause (1) or clause (2) if it is satisfied that-

- (a) Such marriage is permissible under the personal law applicable to such member of the Service and the other party to the marriage and
- (b) there are other grounds for so doing.
- (3) A member of the Service who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Government.

19-A.- [Deleted]

20. Consumption of intoxicating drinks and drugs.- A member of the Service shall-

- (a) strictly abide by any law relating in intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;
- (b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (bb) not consume any intoxicating drink or drug in a public place;
- (c) not appear in a public place in a state of intoxication;
- (d) not use such drinks or drugs to excess.

Explanation.- For the purpose of this rule, 'public place' means any place or premises (including a conveyance) to which the public have or are permitted to have, access whether on payment or otherwise.

21. Interpretation.-

If any doubt arises as to the interpretation of these rules, the Central Government shall decide the same.

22. Delegation of powers.-

The Government may, by general or special order, direct that any power exercisable by it under these rules (except the power under rule 21 or the power under this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

23. Ceaser and saving.-

The All India Services (Conduct) Rules, 1954 (hereinafter referred to as the said rules), shall cease to be in force:

Provided that the ceaser shall not affect-

- (a) the previous operation of, or anything duly done or suffered under, the said rule; or
- (b) any right, privilege, obligation, liability acquired, accrued or incurred under the said rules; or
- (c) any penalty or punishment incurred under the said rules; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability penalty or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the said rules had not ceased to be in force.

(8)

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APPEAL) RULES, 1969
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THE ALL INDIA SERVICES (DISCIPLINE AND APPEAL) RULES, 1969

In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely:-

Part-I General

1. Short title and commencement.-

- (1) These rules may be called the All India Services (Discipline and Appeal) Rules, 1969.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

In these rules, unless the context otherwise requires:-

- (a) 'Commission' means the Union Public Service Commission;
- (b) 'disciplinary authority' means the authority competent under these rules to impose on a member of the service any of the penalties specified in rule 6;
- (c) 'Government' means-
 - (i) in the case of a member of the Service serving in connection with the affairs of a State, or who is deputed for service in any company, association or body of individuals whether incorporated or not, which is wholly or substantially owned or controlled by the Government of a State, or in a local authority set up by an Act of the Legislature of a State, the Government of that State;
 - (ii) in any other case, the Central Government;
- (d) member of the service means a member of an All-India Service as defined in Section 2 of the All India Service Act, 1951 (61 of 1951).
- (dd) Probationer means a person appointed to the Service on probation;
- (e) 'State Government concerned' in relation to a joint cadre, means the Government of all the States for which the joint cadre is constituted and includes the Government of a State nominated by the Government of all such States to represent them in relation to a particular matter.

PART II - SUSPENSION

3. Suspension.-

- (1) If, having regard to the circumstances in any case and, where articles of charge have been drawn up, the nature of the charges, the Government of a State or the Central Government, as the case may be, is satisfied that it is necessary or desirable to place under suspension a member of the Service, against whom disciplinary proceedings are contemplated or are pending, that Government may-
 - (1)(a) if the member of the Service is serving under that Government, pass an order placing him under suspension, or
 - (1)(b) if the member of the Service is serving under another Government request that Government to place him under suspension, pending the conclusion of the disciplinary proceedings and the passing of the final order in the case.

Provided that, in cases, where there is a difference of opinion,-

- (i) between two State Governments, the matter shall be referred to the Central Government for its decision ;
- (ii) between a State Government and the Central Government, the opinion of the Central Government shall prevail: *

Provided further that, where a member of the Service against whom disciplinary proceedings are contemplated is suspended, such suspension shall not be valid unless before the expiry of a period of ninety days from the date from which the member was suspended, disciplinary proceedings are initiated against him.

Provided also that the Central Government may, at any time before the expiry of the said period of ninety days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing, allow continuance of the suspension order beyond the period of ninety days without the disciplinary proceedings being initiated.”

- (1A) If the Government of a State or the Central Government, as the case may be, is of the opinion that a member of the Service has engaged himself in activities prejudicial to the interests of the security of the State, that Government may-
 - (1A)(a) if the member of the Service is serving under that Government, pass an order placing him under suspension, or
 - (1A)(b) if the member of the Service is serving under another Government request, that Government to place him under suspension, till the passing of the final order in the case :

Provided that, in cases, where there is a difference of opinion-

- (i) between two State Governments, the matter shall be referred to the Central Government for its decision;
- (ii) between a State Government and the Central Government, the opinion of the Central Government shall prevail.
- (2) A member of the Service who is detained in official custody whether on a criminal charge or otherwise for a period longer than forty-eight hours, shall be deemed to have been suspended by the Government concerned under this rule.
- (3) A member of the Service in respect of, or against, whom an investigation, inquiry or trial relating to a criminal charge is pending may, at the discretion of the Government [] be placed under suspension until the termination of all proceedings relating to that charge, if the charge is connected with his position as a [member of the Service] or is likely to embarrass him in the discharge of his duties or involves moral turpitude.
- (4) A member of the Service shall be deemed to have been placed under suspension by the Government concerned with effect from the date of conviction of, in the event of conviction for a criminal offence, he is not forthwith dismissed or removed or compulsorily retired consequent on such conviction provided that the conviction carries a sentence of imprisonment exceeding forty-eight hours.

* substituted vide Notification No. 11018/3/97-AIS(III) dated 13.7.1998.

Explanation.- The period of forty-eight hours referred to in sub-rule (4) shall be commuted from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

- (5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the Service under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

- (6) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the Service is set aside or declared or rendered void in consequence of or by a decision of a Court of Law, and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the member of the Service shall be deemed to have been placed under suspension by the Central Government from the date of 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.

- (6A) Where an order of suspension is made, or deemed to have been made, by the Government of a State under this rule, detailed report of the case shall be forwarded to the Central Government ordinarily within a period of fifteen days of the date on which the member of the Service is suspended or is deemed to have been suspended, as the case may be.

- (7)(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 competent to do so.

- * (7)(b) Where a member of the Service 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 in writing, direct that the member of Service shall continue to be under suspension subject to sub-rule (8).

- (7)(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 deemed to have made the order.

*

- (8)(a) An order of suspension made under this rule which has not been extended shall be valid for a period not exceeding ninety days and an order of suspension which has been extended shall remain valid for a further period not exceeding one hundred eighty days, at a time, unless revoked earlier.

- (8)(b) An order of suspension made or deemed to have been made or continued, shall be reviewed by the competent authority on the recommendations of the concerned Review Committee.

- (8)(c) The composition and functions of the Review Committees and the procedure to be followed by them shall be as specified in the Schedule annexed to these rules.

- (8)(d) The period of suspension under sub rule (1) may, on the recommendations of the concerned Review Committee, be extended for a further period not exceeding one hundred and eighty days at a time:

Provided that where no order has been passed under this clause, the order of suspension shall stand revoked with effect from the date of expiry of the order being reviewed.

- (9) Every order of suspension and every order of revocation shall be made, as nearly as practicable, in the appropriate standard form appended to these rules.

4. Subsistence allowance during suspension.-

- (1) A member of the Service under suspension or deemed to have been placed under suspension by the Government concerned shall be entitled to receive from that Government:-
- (1)(a) a subsistence allowance at an amount equal to the leave salary which a member of the Service would have drawn if he had been on leave on half-average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary;
- Provided that where the period of suspension exceed three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:
- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspensions has been prolonged for reasons, to be recorded in writing, not directly attributable to the member of the Service ;
- (ii) the amount of the subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing directly attributable to a member of the Service ;
- (iii) the rate of the dearness allowance will be based on the increased or, as the case may be, the reduced amount of subsistence allowance admissible under sub-clause (i) or sub-clause (ii) above.
- (1)(b) any other compensatory allowance admissible from time to time on the basis of pay of which a member of the Service was in receipt on the date of suspension, subject to the fulfillment of other conditions laid down for the drawal of such allowance.”
- (2) No member of the Service shall be entitled to receive payment under sub-rule (1) unless he furnished a certificate that he is not engaged in any other employment, business, profession or vocation.
- (3) The authority to grant subsistence allowance shall be the suspending authority.

5. Admissibility of pay and allowances and treatment of service on reinstatement after dismissal, removal or compulsory retirement as a result of appeal or review.-

- (1) When a member of the Service, who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement under the All India Services (Death-cum-Retirement Benefits) Rules, 1958 while under suspension or not, the authority competent to order reinstatement shall consider and make a specific order-
- (1)(a) regarding the pay and allowances to be paid to the member of the Service for the period of his absence from duty including the suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and
- (1)(b) whether or not the said period shall be treated as a period spent on duty;
- (2) The member of the Service shall, subject to the provisions of sub-rule (6) be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, in cases;-
- (2)(i) where the authority competent to order reinstatement is of opinion that the member of the service who had been dismissed, removed or compulsorily retired has been fully exonerated, or

(2)(ii) where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution and no further inquiry is proposed to be held:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the member of the Service had been delayed due to reasons directly attributable to the member of the Service, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the member of the Service shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such proportion of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) the member of the Service shall, subject to the provisions of sub-rule (6) and (7), be paid such proportion of the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the authority competent to order reinstatement may determine after giving notice to the member of the service of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within 60 days from the date on which the notice aforesaid is served on the member of the Service.

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the authority competent to order reinstatement specifically directs that it shall be so treated for any specified purpose:

Provided that if the member of the Service so desires, such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the member of Service.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The portion of the full pay and allowances determined under the proviso to sub-rule (2) or under sub-rule (4) shall be neither be equal to the full pay and allowances nor less than the subsistence allowance and other allowances admissible under rule 4, as the case may be.

(8) Any payment made under this rule to a member of the Service on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the pay and allowances admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the member of the Service.

5-A. Admissibility of pay and allowances and treatment of service on reinstatement where dismissal, removal or compulsory retirement is set aside by a court of law.-

(1) Where the dismissal, removal or compulsory retirement of a member of the Service is set aside by a Court of Law and such member is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the member of the service shall be paid pay and allowances in accordance with provisions of sub-rule (2) or (3) subject to the directions, if any, of the Court.

(2)(i) In cases other than those covered by sub-rule (3), the member of the service shall be paid such portion of the full-pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the authority competent to order reinstatement may determine, after giving notice to the member of the Service of the quantum proposed and after considering the representation, if any, submitted by him, in that connection, within 60 days from the date on which the notice aforesaid is served on the member of the Service.

Provided that any payment under this sub-rule to a member of the Service shall neither be equal to the full pay and allowances nor less than the subsistence allowance and other allowances admissible under rule 4 as the case may be.

(2)(ii) The period intervening between the date of dismissal, removal or compulsory retirement, including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the Court shall be regularised in accordance with the provisions contained in sub-rule (5) of rule 5.

(3) Where the dismissal, removal or compulsory retirement of a member of the Service is set aside by a Court on the merits of the case, or where the dismissal, removal or compulsory retirement of a member of the Service is set aside by a Court-solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of article 311 of the Constitution and no further enquiry is proposed to be held, the period intervening between the date of dismissal, removal or compulsory retirement as the case may be, and the date of reinstatement shall be treated as duty for all purpose and he shall be paid full pay and allowances for the period to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a member of the Service on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the dismissal, removal or compulsory retirement and the date of reinstatement. Where the pay and allowances admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the member of the Service.

5-B. Admissibility of Pay and Allowances and treatment of Service on reinstatement after suspension.-

(1) When a member of the Service under suspension is reinstated or would have been so reinstated but for his retirement under the All India Services (Death-cum-Retirement Benefits) Rules, 1958 while under suspension, the authority competent to order reinstatement shall consider and make a specific order-

(1)(a) regarding the pay and allowances to be paid to the member of the Service for the period of suspension ending with reinstatement or the date of his retirement on superannuation, as the case may be; and

- (1)(b) whether or not the said period shall be treated as a period spent on duty.
- (2) Notwithstanding anything contained in rule 4, where a member of the Service under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance and other allowances already paid.
- (3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the member of the Service shall, subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended, subject to adjustment in respect of subsistence allowance and other allowances already paid.

Provided that where authority is of the opinion that the termination of the proceedings instituted against the member of the Service had been delayed due to reasons directly attributable to the member of the Service, it may, after giving him an opportunity to make his representation and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the member of the Service shall be paid for the period of such delay only such proportion of such pay and allowances as it may determine.

- (4) In cases falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.
- (5) In case other than those falling under sub-rules (2) and (3), the member of the Service shall subject to the provisions of sub-rules (8) and (9) be paid such proportion of the full pay and allowances to which he would have been entitled had he not been suspected, as the authority competent to order reinstatement may determine, after giving notice to the member of the Service of the quantum proposed and after considering the representation, if any, submitted by him in that connection within [Sixty days from the date on which the notice aforesaid is served on the member of the Service.]
- (6) Where suspension is revoked pending finalisation of the disciplinary proceeding or proceedings in a court any order passed under sub-rule (1) before the conclusion of the proceedings against the member of the Service, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order in accordance with the provisions contained in sub-rule (3) or sub-rule (5), as the case may be.
- (7) In a case falling under sub-rule (5) the period of suspension shall not be treated as a period spent on duty, unless the authority competent to order reinstatement specifically directs that it shall be so treated for any specified purpose:

Provided that if the member of the Service so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the member of the Service.

- (8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.
- (9) The proportion of the full pay and allowance determined under the proviso to sub-rule (3) or sub-rule (5) shall neither be equal to full pay and allowances nor shall it be less than the subsistence allowance and other allowances admissible under rule 4.

PART III - PENALTIES AND DISCIPLINARY AUTHORITIES

6. Penalties.-

- (1) The following penalties may, for good and sufficient reasons and as hereinafter provided be imposed on a member of the Service, namely:-

Minor Penalties:

- (i) censure;
- (ii) withholding of promotions;
- (iii) recovery from pay of the whole, or part of any pecuniary loss caused to Government, or to a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by Government, or to a local authority set up by an Act of Parliament or of the Legislature of a State, by negligence or breach of orders;
- (iv) withholding of increments of pay;

Major Penalties:

- (v) reduction to a lower stage in the time scale of pay for a specified period with further directions as to whether or not the member of the Service will earn increments during the period of reduction and whether, on the expiry of such period, the reduction will or will not have the effect of postponing future increments of his pay;
- (vi) reduction to a lower time scale of pay, grade or post which shall ordinarily be a bar to promotion of the member of the Service to the time scale of pay, grade or post from which he was reduced, with or without further direction regarding conditions of restoration to the grade or post from which the member of the Service was reduced and his seniority and pay on such restoration to that grade or post;

- (vii) compulsory retirement:

Provided that, if the circumstances of the case so warrant, the authority imposing the penalty may direct that the retirement benefits admissible to the member of the Service under the All India Services (Death-cum-Retirement Benefits) Rules, 1958, shall be paid at such reduced scale as may not be less than two-thirds of the appropriate scales indicated in Schedules 'A' and 'B' of the said rules;

- (viii) removal from Service which shall not be a disqualification for future employment under the Government;
- (ix) dismissal from Service which shall ordinarily be a disqualification for future employment under the Government.

Provided that 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 for bearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed.

Provided further that in any exceptional case, and for special reasons 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) Withholding of increments of pay of a member of the Service for failure to pass a departmental examination in accordance with the rules or orders governing the service;
- (ii) Stoppage of a member of the Service at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) non-promotion of a member of the Service, whether in a substantive or officiating capacity, to a post in the senior time-scale of pay on the ground of lack of adequate length of service and experience or non-confirmation in the service, or failure to pass the departmental examination;
- (iii-a) non-promotion of a member of the Service, whether in a substantive or officiating capacity, after due consideration of his case to the selection grade or to a post carrying pay above the time-scale of pay.
- (iv) reversion of a member of the Service officiating in a higher grade or post to which promotions are made by selection, to a lower grade or post after a period of trial not exceeding three years on the ground that he is considered unsuitable for such higher grade or post, or on any administrative ground unconnected with his conduct;
- (v) reversion of a member of the Service, appointed on probation to the Service, to State Service, during or at the end of the period of probation, in accordance with the terms of appointment or the rules and orders governing such probation;
- (vi) replacement of the services of a member of the Service whose services have been borrowed from a State Government at the disposal of the State Government concerned;
- (vii) compulsory retirement of a member of the Service under the Provisions of the All India Services (Death-cum-Retirement Benefit) Rules, 1958;
- (viii) termination of the service of a member of the Service, appointed on probation, during or at the end of the period of probation in accordance with the terms of the service or the rules and orders governing such probation.

(2) []

7. Authority to institute proceedings and to impose penalty-

- (1) Where a member of the Service has committed any act or omission which renders him liable to any penalty specified in rule 6-
 - (1)(a) if such act or omission was committed before his appointment to the Service-
 - (i) the State Government , if he is serving in connection with the affairs of that State, or is deputed for service in any company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Government of that State or in a local authority set up by an Act of the Legislature of that State; or
 - (ii) the Central Government, in any other case, shall alone be competent to institute disciplinary proceedings against him and, subject to the provisions of sub-rule (2), to impose on him such penalty specified in rule 6 as it thinks fit;

- (1)(b) If such act or omission was committed after his appointment to the Service-
- (i) while he was serving in connection with the affairs of a State, or is deputed for service under any company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Government of a State, or in a local authority set up by an Act of the Legislature of that State, the Government of that State; or
 - (ii) while he was on training, the Government which deputed him for such training; or
 - (iii) while he was on leave, the Government which sanctioned him the leave; or
 - (iv) while he was under suspension, the Government which placed him or is deemed to have placed him under suspension; or
 - (v) if such act or omission is willful absence from duty after the expiry of leave, the Government which sanctioned the leave; or
 - (vi) while he was absent from duty otherwise than on leave, the Government which would have been competent to institute disciplinary proceedings against him, had such act or commission been committed immediately before such absence from duty; or
 - (vii) the Central Government, in any other case, shall alone be competent to institute disciplinary proceedings against him and, subject to provisions of sub-rule (2), to impose on him such penalty specified in rule 6 as it thinks fit, and the Government, company associations, body of individuals or local authority, as the case may be under whom he is serving at the time of institution of such proceedings shall be bound to render all reasonable facilities to the Government instituting and conducting such proceedings.

Explanation.- For the purposes of clause (b) of sub-rule (1) where the Government of a State is the authority competent to institute disciplinary proceedings against a member of the Service, in the event of a reorganisation of the State, the Government on whose cadre he is borne after such reorganisation shall be the authority competent to institute disciplinary proceedings and, subject to the provisions of sub-rule (2), to impose on him any penalty specified in rule 6.

- (1A) Notwithstanding anything contained in sub-rule (1) the Director, Lal Bahadur Shastri National Academy of Administration, the Director, Sardar Vallabhbhai Patel National Police Academy or the President, Forest Research Institute and Colleges, shall be empowered to initiate disciplinary proceedings against a probationer who is undergoing training at the Lal Bahadur Shastri National Academy of Administration, Sardar Vallabhbhai Patel National Police Academy or Forest Research Institute and Colleges, as the case may be, in respect of any misconduct or misbehaviour during the period he spends at the said Academy/Institute in accordance with the prescribed procedure laid down in rule 10 of these rules. Thereafter the Director /President shall refer the case to the Central Government with the relevant records for passing orders under rule 6 in consultation with the commission.
- (1-B) Notwithstanding anything contained in sub-rule (1), if, in any case, a question arises as to the Government competent to institute disciplinary proceedings, it shall be decided by the Central Government and the Government so decided by the Central Government, as being competent to institute disciplinary proceedings (which may include the Central Government also), shall alone be competent to institute disciplinary proceedings against him and, subject to the provisions of sub-rule (2), to impose on him such penalty specified in rule 6 as it thinks fit, and Government, company association, body of individuals, or the local authority, as the case may be, under whom he is serving at the time of the institution of such proceedings shall be bound to render all reasonable facilities to the Government instituting and conducting such proceedings.

- (2) The penalty of dismissal, removal or compulsory retirement shall not be imposed on a member of the Service except by an order of the Central Government.
- (3) Where the punishing Government is not the Government on whose cadre the member is borne, the latter Government shall be consulted before any penalty specified in rule 6 is imposed:

Provided that in relation to the members of the Service borne on a Joint Cadre, the punishing Government shall consult the Joint Cadre Authority:

Provided further that where the Government concerned are the Central Government and the State Government or two State Governments and there is a difference of opinion between the said Government in respect of any matter referred to in this rule, the matter shall be referred to the Central Government for its decisions, which shall be passed in consultation with the Commission.

PART IV - PROCEDURE FOR IMPOSING PENALTIES

8.Procedure for imposing major penalties.-

- (1) No order imposing any of the major penalties specified in rule 6 shall be made except after an inquiry is held as far as may be, in the manner provided in this rule and rule 10, or, provided by the Public Servants (Inquiries) Act 1850 (37 of 1850) where such inquiry is held under that Act.
- (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 member of the Service, it may appoint under this rule or under the provisions of the Public Servants (Inquiries) Act 1850, as the case may be, an authority to inquire into the truth thereof.
- (3) Where a Board is appointed as the inquiring authority it shall consist of not less than two senior officers provided that at least one member of such a board shall be an officer of the Service to which the member of the Service belongs.
- (4) Where it is proposed to hold an inquiry against a member of the Service under this rule and/or rule 10, the disciplinary authority shall draw up or caused 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 member of the Service;
 - (b) a list of documents by which, and a list of witnesses by whom the articles of charge are proposed to be sustained.
- (5) The disciplinary authority shall deliver or cause to be delivered to the member of the Service a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witness by which each article of charge is proposed to be sustained and shall require the member of the Service 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.

- (6)(a) On receipt of the written statement of defence the disciplinary authority may appoint, under sub-rule (2), an inquiring authority for the purpose of inquiring into such of the articles of charge as are not admitted, and, where all the articles of charge have been admitted by the member of the Service in his written statement of defence, the disciplinary authority shall record its finding on each charge and shall act in the manner laid down in rule 9.
- (6)(b) If no written statement of defence is submitted by the member of the Service, the disciplinary authority may, if it considers it necessary to do so, appoint, under sub-rule (2), an inquiring authority for the purpose.
- (6)(c) Where the disciplinary authority appoints an inquiring authority for holding an inquiry into such charge it may by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.
- (7) The disciplinary authority shall forward to the inquiring authority-
- (i) a copy of the articles of charge and the statement of imputations of misconduct or misbehaviour;
 - (ii) a copy of the written statement of defence if any submitted by the member of the Service;
 - (iii) a copy of the [statements] of witness, if any, referred to in sub-rule (4)
 - (iv) evidence proving the delivery of the documents referred to in sub-rule 4 to the member of the Service; and
 - (v) a copy of the order appointing the "Presenting Officer".
- (8) The member of the Service shall be required to appear in person before the inquiring authority at any time prescribed after the expiry of ten working days from the date of receipt of the articles of charge and statement of imputations of misconduct or misbehaviour, or within such further time, not exceeding ten days, as the inquiring authority may allow.
- (9)(a) The member of the Service 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.
- (9)(b) A member of the Service 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 President from time to time by general or special order in this behalf.

NOTE: The member of the Service shall not take the assistance of any other Government servant who has two or more pending disciplinary cases on hand in which he has to give assistance.

- (10) If the member of the Service 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 article of charge, the inquiring authority shall record the pleas sign the record and obtain the signature of the member of the service thereon.

- (11) The inquiring authority shall return a finding of guilt in respect of [those] articles of charge to which the member of the Service pleads guilty.
- (12) The inquiring authority shall, if the member of the Service 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 member of the Service 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 document specified in the list referred to in sub-rule (4);

(ii)submit a list of witness to be examined on his behalf;

NOTE:- If the member of the Service applies orally or in writing for the supply of copies of the statement of witness mentioned in the list referred to in sub-rule (4), 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 witness 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 (4).

NOTE.- The member of the Service shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

- (13) 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 document 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.

- (14) On receipt of the requisition referred to in sub-rule (13), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring 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, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the member of the Service and withdraw the requisition made by it for the production or discovery of such documents.

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

- (16) If it shall appear necessary before the close 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 member of the Service or may itself call for new evidence or recall and re-examine any witness and, in such case, the member of the Service 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 to the member of the Service an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the member of the Service to produce new evidence, if it is of opinion that the production of such evidence is necessary in the interests of justice.

NOTE.- New evidence shall not be permitted or called for or 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 lacuna or defect in the evidence which has been produced originally.

- (17) When the case for the disciplinary authority is closed, the member of the Service 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 member of the Service 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.
- (18) The evidence on behalf of the member of the Service shall then be produced. The member of the Service may examine himself in his own behalf if he so prefers. The witness produced by the member of the Service shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the problems applicable to the witnesses for the disciplinary authority.
- (19) The inquiring authority may, after the member of the Service closes his case, and shall, if the member of the Service has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the member of the service to explain any circumstances appearing in the evidence against him.
- (20) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the member of the Service or permit them to file written briefs of their respective cases, if they so desire.
- (21) If the member of the Service, 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 ex parte.
- (22)(a) Where a State Government which has caused to be inquired into the articles of any charge and, 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 (vii) to (ix) of rule 6 should be imposed on the member of the Service, the State Government shall forward the records of the inquiry to the Central Government suggesting imposition of the penalties specified in clauses (vii) to (ix) of rule 6.
- (22)(b) The Central Government 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 interest of justice, recall the witness and examine, cross-examine and re-examine such witnesses. If the Central Government do not find justification for imposing one of the penalties specified in clauses (vii) to (ix) of rule 6 in a case referred to it by a State Government, then it shall refer it back to the State Government.

- (23) Whenever an inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to exercise jurisdiction therein and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

Provided that, if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witness as herein-before provided.

- (24)(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 imputations of misconduct or misbehaviour;
- (b) the defence of the member of the Service in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge; and
- (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 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 member of the Service 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.

- (24)(ii) The inquiring 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 member of the Service;
- (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 member of the Service 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.

9.Action on the inquiry report.-

- (1) The disciplinary authority may, for reasons to be recorded by it in writing, remit the case to inquiring authority the further inquiry and report, and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 8 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 clause (i) to (iv) of rule 6 should be imposed on the member of the Service, it shall notwithstanding anything contained in rule 10, make an order imposing such penalty:

Provided that, in every case 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 member of the Service.

- (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 clause (v) to (ix) of rule 6 should be imposed on the member of the Service, it shall make an order imposing such penalty and it shall not be necessary to give the member of the Service any opportunity of making representation on the penalty proposed to be imposed:

Provided that in every case, 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 member of the Service.

10. Procedure for imposing minor penalties.-

- (1) Subject to the provisions of sub-rule (3) of Rule 9, no order imposing on a member of the Service any of the penalties specified in clauses (i) to (iv) or Rule 6 shall be made except after ---
- (a) informing the member of the Service in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;
 - (b) holding an inquiry, in the manner laid down in sub-rules (4) to (23) of Rule 8, in every case in which it is proposed to withhold increments of pay for a period exceeding three years, or with cumulative effect for any period, or so as to adversely affect the amount of pension payable to him, or in which the disciplinary authority is of the opinion that such inquiry is necessary;
 - (c) taking the representation, if any, submitted by the member of the Service 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.
- (2) The record of the proceedings in such cases shall include—
- (i) a copy of the intimation to the member of the Service 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;

- (v) the advice of the Commission;
- (vi) the findings on each imputation of misconduct or misbehaviour; and
- (vii) the orders on the case together with the reasons therefor.

11. Cases of difference of opinion to be referred to Central Government.-

When there is any difference of opinion between a State Government and the Commission on any matter covered by these rules such matter shall be referred to the Central Government for its decision.

12. Communication of orders.-

Orders made by the disciplinary authority shall be communicated to the member of the Service who shall also be supplied with a copy of the report of the inquiring authority and a statement of the finding of the disciplinary authority, together with brief reasons for its disagreements, 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.

13. Common proceeding.-

Where two or more members of the Service are concerned in any case, the Government may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

14. Special procedure in certain cases.-

Notwithstanding anything contained in rules 8 to 12-

- (i) where any penalty is imposed on a member of the Service 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 President is satisfied that, in the interest of the security of the State, it is not expedient an inquiry in the manner provided in these rules, the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit;

Provided that the member of the Service may be given an opportunity of making a representation on the penalty proposed to be imposed before any order is made in a case under clause (i) of this rule:

Provided further that except in cases where consultation with the Union Public Service Commission is not necessary in accordance with the provisions of the Union Public Service Commission (Exemption from Consultation) Regulations, 1958, the Union Public Service Commission shall be consulted before any order is made in any case under this rule.

Part V-Appeals

15.Orders against which no appeal lies.-

- (1) Notwithstanding anything contained in this part, no appeal shall lie against:-
- (i) any order made by the President;
 - (ii) any order of an interlocutory nature or of the nature of step-in-aid for 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 inquiry under rule 8;
 - (iv) any order by a competent authority withholding an appeal under rule 23.
- (2) Nothing in clause (i) and clause (iv) of sub-rule (1) shall be deemed to affect or abridge the right of a member of the Service to submit a memorial to the President under, and in accordance with, the provisions of rule 26.

16.Orders against which appeal lies.-

Subject to the provisions of rule 15 and the explanations to rule 6, a member of the service may prefer an appeal to the Central Government against all or any of the following orders, namely:-

- (i) an order of suspension made or deemed to have been made under rule 3;
- (ii) an order passed by a State Government imposing any of the penalties specified in rule 6;
- (iii) an order of a State Government which-
 - (a) denies or varies to his disadvantage his pay, allowance [] or other conditions of service as regulated by rules applicable to him; or
 - (b) interprets to his disadvantage the provisions of any such rule; or
 - (c) has the effect of superseding him in promotion to a selection post;
- (iv) an order of the State Government-
 - (a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar; or
 - (b) reverting him while officiating in a higher grade or post to a lower grade or post, otherwise than as a penalty; or
 - (c) deleted
 - (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof; or

- (e) determining his pay and allowances-
- (i) for the period of suspension, or
- (ii) from the date of dismissal, removal or compulsory retirement from service, or from the date of reduction to a lower grade, post, time-scale of pay or stage in a time-scale of pay, to the date of reinstatement or restoration to be paid to him on his reinstatement or restoration; or
- (f) determining whether or not the period from the date of suspension or from the date of dismissal, removal, compulsory retirement or reduction to a lower grade post, time scale of pay or stage in a time scale of pay, to the date of his reinstatement or restoration shall be treated as a period spent on duty for any purpose.

Explanation.- In this rule, the expression 'member of the Service' includes a person who has ceased to be a member of the Service.

17. Period of limitation of appeals.-

No appeal preferred under these rules shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellate had sufficient cause for not preferring the appeal in time.

18. Form and content of appeal.-

- (1) Every member preferring an appeal shall do so separately and in his own name.
- (2) Every appeal preferred under these rules shall be addressed to the Secretary to the Government of India in the Department or the Ministry, as the case may be, dealing with the All India Service concerned and shall-
 - (a) contain all material statements and arguments relied on by the appellant;
 - (b) contain no disrespectful or improper language; and
 - (c) be complete in itself.
- (3) Every such appeal shall be submitted through the head of the office under whom the appellant is for the time being serving and through the Government from whose order the appeal is preferred.
- (4) The authority which made the order appealed against shall, on receipt of a copy of every appeal, which is not withheld under rule 21, 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 Central Government.

19. Consideration of Appeal.-

- (1) In the case of an appeal against an order of the State Government imposing any penalty specified in rule 6, the Central Government shall consider-

(1)(a) whether the procedure laid down in these rules has been complied with, and, if not, whether such non-compliance has resulted in violation of any provision of the Constitution of India or in the failure of justice;

(1)(b) whether the findings of the disciplinary authority are warranted by the evidence on record; and

(1)(c) whether the 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 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 before an order confirming, enhancing, reducing or setting aside a penalty is passed;

(ii) if the enhanced penalty which the Central Government proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 6 and an inquiry under rule 8 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 14, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 8 and thereafter, on a consideration of the proceedings of such inquiry [] make such orders as it may deem fit;

(iii) if the enhanced penalty which the Central Government proposed to impose is one of the penalties specified in clause (v) to (ix) of rule 6 and an inquiry under rule 8 has already been held in the case, the Central Government shall, [] make such orders as it may deem fit; and

(iv) 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 10, of making representation against such enhanced penalty.

(2) In an appeal against any other order specified in rule 16 the Central Government shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

20. Implementation of orders on appeal.-

Every order passed by the Central Government in appeal under any of the relevant provisions of these rules shall be final and the State Government concerned shall forthwith give effect to such order.

21. Circumstances in which appeals may be withheld.-

(1) The State Government, from whose order an appeal is preferred, may withhold the appeal if-

(1)(a) it is an appeal in a case in which under these rules there is no right of appeal, or

(1)(b) it does not comply with the provisions of rule 18, or

(1)(c) it is not preferred within the period specified in rule 17 and no reasonable cause is shown for the delay, or

- (1)(d) it is a repetition of a previous appeal which has already been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.
- (2) In every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.
- (3) An appeal withheld on account only of failure to comply with the provisions of rule 18 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with the said provisions, shall not be withheld.

22. List of appeals withheld.-

The State Government shall forward to the Central Government on the first day of January and July every year a list of appeals to the Central Government withheld by them under rule 21 during the preceding six months together with the reasons for withholding the same.

23. Appellate authority may call for any appeal withheld.-

The Central Government may call for any appeal which has been withheld by any State Government under rule 21, deal with it in the manner laid down in rule 19 and pass such orders thereon as the Central Government thinks fit.

PART VI-REVISION, REVIEW AND MEMORIALS

24. Revision.-

- (1) Notwithstanding anything contained in these rules, the Central Government or the State Government concerned, as the case may be, may at any time not exceeding 6 months from the date of the order passed in appeal, if an appeal has been preferred, and where no such appeal had been preferred, within one year of the original order which gives the cause of action, either on its own motion or otherwise call for the records of any order relating to suspension or any inquiry and revise any order made under these rules or under the rules repealed by rule 30 from which an appeal is allowed. But from which no appeal has been preferred or from which no appeals is allowed, [] and may:

(1)(a) confirm, modify or set aside the order; or

(1)(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed, or

(1)(c) remit the case to the authority which made the order directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(1)(d) pass such orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made unless the member of the service 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 penalties specified in clauses (v) to clause (ix) of rule 6 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in these clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8 and except after consultation with the Commission:

Provided further that where the original order was passed by the Central Government or the State Government concerned, as the case may be, after consultation with the Commission, it shall not be revised except after consultation with the Commission.

(2) No proceeding for revision shall be commenced until after-

(i) the expiry of the period of limitation for an appeal, or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

24-A. Review.-

The Central Government may at any time, either its own motion or otherwise, review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to its notice:

Provided that no order imposing or enhancing any penalty shall be made by the Central Government unless the member of the Service 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 6 or to enhance a minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under rule 8 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 8, subject to the provisions of rule 14, and except after consultation with the Commission.

25. Memorials.-

(1) A member of the Service shall be entitled to submit a memorial to the President against any order of the Central Government or the State Government by which he is aggrieved within a period of three years from the date of the passing of such order.

Explanation.- In this sub-rule, the expression 'member of the Service' includes a person who has ceased to be a member of the service.

(2) Every such memorial shall be authenticated by the signature of the memorialist and submitted by the memorialist on his own behalf.

(3) Every memorial submitted under these rules shall-

(3)(a) contain all material statements and arguments relied up by the memorialist;

(3)(b) contain no disrespectful or improper language;

(3)(c) be complete in itself; and

(3)(d) end with a specific prayer.

- (4) If the memorial is against the orders of a State Government, it shall be submitted through the State Government concerned and if the memorial is against the orders of the Central Government, it shall be submitted through the Ministry or the authority concerned in the Central Government, and the State Government concerned, or as the case may be, the Ministry or authority in the Central Government shall forward the same together with a concise statement of facts material thereto and, unless there are special reasons to the contrary, with an expression of its opinion thereon:

Provided that if the memorialist is for the time being serving under a State Government, or under a Ministry or an authority in the Central Government, which has not passed the orders against which the Memorial is submitted then, the memorial shall be submitted through that State Government, or that Ministry or authority in the Central Government, under which he is for the time being serving.

- (5) A memorial submitted under the proviso to sub-rule (4) shall be referred to the State Government, or as the case may be, to the Ministry or authority in the Central Government, against whose orders the memorial is submitted, and the State Government concerned or, as the case may be, the Ministry or authority in the Central Government, shall return the memorial together with a concise statement of facts material thereto, and, unless there are special reasons to the contrary, with an expression of its opinion thereon.
- (5A) If the memorial is against an order imposing any of the penalties specified in rule 6, no such order shall be revised except after consultation with the Commission.
- (6) The authority against whose orders a memorial is submitted under this rule shall give effect to any order passed thereon by the President.

26. Forwarding of advance copies.-

In cases where an appeal is preferred or a memorial is submitted under these rules, the appellant or the memorialist, as the case may be, may, if he do desires, forward an advance copy to the appellate authority in the case of an appeal or to the President of India in the case of a memorial.

PART VII-MISCELLANEOUS

27. Service of orders, notice etc.-

Every order, notice and other process made or issued under these rules shall be served in person on the member of the Service concerned or communicated to him by registered post.

28. Power to relax time limit and condone delay.-

Save as otherwise expressly provided in these rules, the Central Government or the State Government, as the case may be, 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 these rules or condone any delay.

29. Supply of copy of Commission's advice.-

Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and, where such advice has not been accepted, also a brief statement of the reasons for such non-acceptance, shall be furnished to the member of the Service concerned along with a copy of the order passed in the case.

30. Repeal and Saving.-

The All India Services (Discipline and Appeal) Rules, 1955, are hereby repealed.

Provided that-

- (1)(a) such repeal shall not affect the previous operation of the said rules, or anything done, or any action taken, thereunder;
- (1)(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 be construed as depriving any person to whom these rules apply of any right of appeal which had accrued to him under the rules hereby repealed (hereinafter referred to as the repealed rules).
- (3) An appeal pending at the commencement of these rules against any order made before such commencement under the repealed rules shall be considered and orders thereon shall be made, in accordance with these rules, as if such orders were made and the appeal was preferred under these rules.
- (4) As from the commencement of these rules any appeal or application for review against any order made before such commencement under the repealed Rules 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 or review provided by the repealed rules.

31. Removal of doubts:-

Where a doubt arise as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Central Government for its decision.

SCHEDULE

[See Rule 3(8)(c)]

1. Composition of Review Committees:
 - (a) The Review Committee constituted by the Central Government shall consists of
 - (i) Secretary to the Government of India in the concerned Ministry/Department - Chairman;
 - (ii) Additional Secretary / Joint Secretary incharge of Administration in the concerned Ministry/ Department - Member;
 - (iii) Any other Additional Secretary / Joint Secretary in the concerned Ministry/Department - Member.

Note:- The Committee may, if considered necessary, co-opt an officer of the Department of Personnel and Training with the approval of Secretary (Personnel), Ministry of Personnel, Public Grievances and Pensions.

- (b) A Review Committee constituted by the State Government shall consist of-
 - (i) Chief Secretary - Chairman;
 - (ii) Senior most Additional Chief Secretary/Chairman, Board of Revenue/Financial Commissioner or an officer of equivalent rank and status - Member;
 - (iii) Secretary, Department of Personnel in the State Government - Member Secretary.

Note:- (i) The Home Secretary/Director General (Police) of the concerned States may be coopted wherever a case concerning a member of the Indian Police Service is considered.

- (ii) The Secretary Forest/Principal Chief Conservator of Forest of the concerned State may be coopted wherever a case concerning a member of the Indian Forest Service is considered by the Committee.
- (iii) In States where Civil Services Board have been constituted, the State Government may entrust the work of the Review Committee to the Board.

2.Functions:

- (a) A Review Committee/ Civil Services Board shall review the cases of officers under suspension in order to determine whether there are sufficient grounds for continuation of suspension.
- (b) In every case the review shall be done within 90 days from the date of order of the suspension. In a case where the period of suspension has been extended, the next review shall be done within a period of 180 days from the date of last extension.

3.Procedure:

- (a) A Review Committee/Civil Services Board while assessing the justification for further continuance of any suspension, shall look into the progress of any enquiry/investigation against the officer by obtaining relevant information from the authorities enquiring /investigating into the charges.
- (b) The Review Committee/Civil Services Board while examining a case shall consider the possibility of the officer under suspension tampering with the evidence, his influencing the process of enquiry or investigation and deprivation of his services during suspension.
- (c) The Review Committee / Civil Services Board shall submit a detailed report to the competent authority, clearly stating its recommendations and the reasons for arriving at the recommendations relating to the continuance of suspension.

STANDARD FORMS

[see rule 3(9)]

Note:-

1. The order should be signed by the competent authority himself.
2. Where an order has to be made in the name of the President of India/Governor of a State, the phrase "By order and in the name of the President/Governor of State of" should be inserted above the signatures. Such an order/communication should be signed by an officer in the appropriate Ministry/ Department who is authorised under the Constitution to authenticate the orders on behalf of the President of India/Governor of a State.
3. The form should not be used mechanically. Wherever necessary, suitable modifications should be made in the form to meet the requirements of a particular case.

FORM I

Standard Form for Order of Suspension

ORDER

whereas a disciplinary proceeding against Shri..... designation) in respect	contemplated / pending under investigation/ inquiry/trail.	Whereas a case against Shri..... (name and designation) is of a criminal offence is
-----------------------------------------------------------------------------------	------------------------------------------------------------------	----------------------------------------------------------------------------------------------

Now, therefore, the (Authority competent to place under suspension), in exercise of powers conferred by clause (a) of sub-rule (i) of Rule 3 of the All India Service (Discipline and Appeal) Rules, 1969, hereby places the said Shri..... under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force, the Headquarters of Shri shall be (name of place) and said Shri shall not leave the said headquarters without obtaining the permission of the undersigned.

Signature.....
Name and Designation
of the suspending authority.

No: Dated, the:

Copy to Shri (name and designation). Order regarding subsistence allowance admissible to him during the period of his suspension will issue separately.

Note:- Copies should be endorsed to the Pay and Accounts Officer who authorizes the drawal of his salary; to the Cash and Accounts Section of the Department; to the Establishment Section for making an entry in the Service Book; to the Appointing authority, if the order is made by some other authority; and to the Lending authority in the case of borrowed officer. The reasons for suspension should be communicated to the Appointing authority and the Lending authority, separately, through confidential letters.

FORM II

Standard Form for Order of Deemed Suspension

ORDER

Whereas a case against Shri..... (name and designation of the member of the service) in respect of a criminal offences is under investigation/inquiry/trail;

AND WHEREAS the said Shriwas detained in custody on for period exceeding forty-eight hours;

NOW, THEREFORE, the said Shri..... is deemed to have been placed under suspension by an order of the appointing authority w.e.f in terms of sub-rule of Rule 3 of the All India Services (Discipline and Appeal) Rules, 1969, until further orders.

Signature.....
Name and designation
of the Appointing authority.

Copy to Shri(name and designation). Order regarding subsistence allowance admissible to him during the period of his suspension will issue separately.

Note:- Copies should be endorsed to the Pay and Accounts Officer who authorizes the drawal of his salary; to the Cash and Accounts Section of the Department; to the Establishment Section for making an entry in the Service Book; to the Appointing authority, if the order is made by some other authority; and to the Lending authority in the case of borrowed officer. The reasons for suspension should be communicated to the Appointing authority and the Lending authority, separately, through confidential letters.

FORM III

Standard Form for Revocation of Order of Suspension

ORDER

Whereas, an Order placing Shri(name and designation), under suspension, was made/ was deemed to have been made by on

Now, therefore, the President/undersigned, in exercise of the powers conferred by Rule (here mention the relevant rule) hereby revokes the said order of suspension, with immediate effect.

Signature
Name and Designation of
the authority

competent to revoke the order of suspension.

No:

Dated, the

Copy to Shri (name, designation and address of the officer under suspension).

(Copies should also be endorsed to the Treasury Officer / Pay and Accounts Officer; to the Cash and Accounts Section of the Department; to the Establishment Section for making an entry in the Service Book; to the Appointing authority, if the order is made by some other authority; and to the Lending authority (in the case of borrowed officer).]

(9)

**ALL INDIA SERVICES (DEATH-CUM-RETIREMENT
BENEFITS)
RULES, 1958**

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Extract of Rules

In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951(61 of 1951), the Central Government, after consultation with the Governments of the State concerned, hereby makes the following rules, namely:-

1. Short title and application

(1) These rules may be called the All India Services (Death-cum-Retirement Benefits) Rules, 1958.

(2) (a) Subject to the provisions of clause

(b) of this sub-rule, they shall apply to all persons who retired from the Service on or after the 29th October, 1951.

(2)1(b) They do not apply to those members of the Service who were promoted to the Service from the State Services or were appointed to the Service under the Indian Administrative Service (Extension to States) Scheme or the Indian Police Service (Extension to States) issued by the Central Government before the coming into force of those rules, were given an option in the matter of pension rules, by which they would be governed and who in exercise of that option, chose to be governed by the Superior Civil Services Rules, the Civil Service Regulations, or the pension rules of the State concerned, as the case may be:

Provided that the members of the Service to whom these rules do not apply, and who were in service on the 1st January, 1964, may opt to be governed by these rules in accordance with such orders as may be issued by the Central Government this behalf.

3. General Conditions.-

(1) Future good conduct of the pensioners an implied condition of every grant of pension and its continuance.

(2) The Central Government may withhold or withdraw any pension or any part of it, for a specified period or indefinitely, on a reference from the State Government concerned, if after retirement a pensioner is convicted of a serious crime or be guilty of grave misconduct.

Provided that no such order shall be passed without consulting the Union Public Service Commission.

(3) The decision of the Central Government on any question of withholding or withdrawing the whole or any part of the pension under sub-rule (2) shall be final.

5. Removal, Dismissal or Resignation from Service.-

(1) No retirement benefits may be granted to a person who has been dismissed or removed from the Service or who has resigned from the Service:

Provided that, if the circumstances of the case so warrant the State Government may grant to a person who has been dismissed or removed from the Service a compassionate allowance not exceeding two-thirds of the retirement benefits which would have been admissible to him if he had been invalidated and not dismissed or removed from the Service.

(2) Subject to the provisions of Rule 5A, where a member of the service is required to retire or resign from the service as a condition of his appointment under a Statutory or other body, he shall be granted the retirement benefits to which he would have been entitled if he had been invalidated from the Service and not resigned or retired.

6.Recovery from pension:-

(1) The Central Government reserves to itself the right of withholding a pension or gratuity, or both, either in full or in part, whether permanently or for a specified period, and of ordering recovery from pension or gratuity of the whole or part of any pecuniary loss caused to the Central or a State Government, if the pensioner is found in a departmental or judicial proceedings to have been guilty of grave misconduct or to have caused pecuniary loss to the Central or a State Government by misconduct or negligence, during his service, including service rendered on re-employment after retirement Provided that no such order shall be passed without consulting the Union Public Service Commission:

Provided further that-

- (1)(a) such departmental proceeding, if instituted while the pensioner was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the pensioner, be deemed to be a proceeding under this sub-rule and shall be continued and concluded by the authority by which commenced in the same manner as if the pensioner had continued in service;
- (1)(b) such departmental proceeding, if not instituted while the pensioner was in service, whether before his retirement or during his re-employment;
 - (i) shall not be instituted save with the sanction of the Central Government
 - (ii) shall be in respect of an event which took place not more than four years before the institution of such proceedings; and
 - (iii) shall be conducted by such authority and in such place or places as the Central Government may direct and in accordance with the procedure applicable to proceeding on which an order of dismissal from service may be made;
- (1)(c) such judicial proceeding, if not instituted while the pensioner was in service whether before his retirement or during his re-employment, shall not be instituted in respect of a cause of action which arose or an event which took place more than four years before such Institution.

Explanation.- For the purpose of this rule

- (a) a departmental proceeding shall be deemed to be instituted when the charges framed against the pensioner are issued to him or, if he has been placed under suspension from an earlier date, on such date and
- (b) a judicial proceeding shall be deemed to be instituted-
 - (i) In the case of criminal proceedings, on the date on which a complaint is made or a charge-sheet is submitted, to the criminal court; and

- (ii) in the case of civil proceedings, on the date on which the plaint is presented or, as the case may be, an application is to a civil court.

“Note-1 Where a part of the pension is withheld or withdrawn the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy five per mensem.

Note-2 Where Central Government decides not to withhold or withdraw pension but orders recovery of any pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of the member of the service”.

(Inserted vide notification No. 25011/19/91-AIS(II) dt. 26.5.93 GSR 308 dt. 19.6.93.)

- (2) Where any departmental or judicial proceeding is instituted under sub-rule (1), or where a departmental proceeding is continued under clause, (a) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be sanctioned by the Government which instituted such proceeding, during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying service upto the date of retirement, or if he was under suspension on the date of retirement, upto the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceedings and the issue of final orders thereon.

Provided that where disciplinary proceeding has been instituted against a member of the Service before his retirement from service under rule 10 of the All India Service (Discipline and Appeal) Rules, 1969, for imposing any of the penalties specified in clause (i), (ii) and (iv) of sub-rule 1 of rule 6 of the said rules and continuing such proceeding under sub-rule (1) of this rule after his retirement from service, the payment of gratuity or death-cum-Retirement gratuity shall not be withheld.

- (3) Payment of provisional pension made under sub-rule (2) shall be against the final retirement benefits sanctioned to the pensioner upon conclusion of the aforesaid proceeding, but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

7. Compulsory Retirement as a Measure of Penalty.-

- (1) A member of the Service who as a measure of penalty is compulsorily retired from the Service by the Central Government in accordance with the provisions of the All India Services (Discipline and Appeal) Rules, 1969, may be granted retirement benefits on the basis of his qualifying service on the date of such compulsory retirement on the appropriate scales admissible under rules 18 and 19.

Provided that, if the circumstances of the case so warrant, the Central Government after consultation with the Union Public Service Commission may direct that the retirement benefits shall be paid at such reduced scales as may not be less than two-thirds of the retirement benefits under rules 18 and 19.

- (2) The family of a member of the Service who is compulsorily retired from the service as a measure of penalty shall be entitled to a family pension under Rule 22, 22A or 22B, as the case may be. For the purpose of rule 22, the family pension shall be admissible for maximum period of five years from the date of compulsory retirement.

16. Superannuation gratuity or pension.-

(1) A member of the Service shall retire from the service with effect from the afternoon of the last day of the month in which he attains the age of sixty years;

Provided that a member of the Service whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years:

Provided further that a member of the Service dealing with budget work or working as a full-time member of a Committee which is to be wound up within a short period may be given extension of service for a period not exceeding three months in public interest, with the prior approval of the Central Government.

Provided also that a member of the Service who has attained the age of fifty-eight years on or before the first day of May, 1998 and is on extension in service, shall retire from the service on the expiry of his extended period of service or on the expiry of any further extension, granted by the Central Government in public interest, and that no such extension in service shall be granted beyond the age of sixty years.

(2) A member of the Service may, after giving at least three months previous notice in writing, to the State Government concerned, retire from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice:

Provided that no member of the Service under suspension shall retire from service except with the specific approval of the Central Government .

(2A) A member of the service may, after giving three months' previous notice in writing to the State Government concerned, retire from service on the date on which he completes 20 years of qualifying service or any date thereafter to be specified in the notice.

Provided that a notice of retirement given by a member of the service shall require acceptance by the Central Government if the date of retirement on the expiry of the period of notice would be earlier than the date on which the member of the Service could have retired from service under sub-rule (2):

Provided further that a member of the Service, who is on deputation to a corporation or company wholly or substantially to a corporation or company wholly or substantially owned or controlled by the government or to a body controlled or financed by the Government, shall not be eligible to retire from service under this rule for getting himself permanently absorbed in such corporation, company, or body.

(3) The Central Government may, in consultation with the State Government concerned and after giving a member of the Service at least three months previous notice in writing, or three months' pay and allowances in lieu of such notice require that member to retire in public interest from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice.

Note 1: In computing the period of three months' notice referred to in sub-rules (2), (2A) and (3) the date of service of the notice and the date of its expiry shall be excluded.

Note 2: In the case of a member of Service who retire under sub-rule (2) or (2A) or who is retired under sub-rule (3), the date of retirement shall be treated as a non-working day.

(4) A superannuation gratuity or pension shall be granted to a member of the Service who is required to retire under sub-rule (1) of this rule.

17. Retiring Pension and gratuity.

- (1) A retiring pension and death-cum-retirement gratuity shall be granted to a member of the Service who retires or is required to retire under rule 16.
- (2) Notwithstanding anything contained in sub-rule (1), relief against rise in the cost of living index shall be granted to every such member of the Service at such scale and in such manner as may be prescribed by the Central Government from time to time for officers of the Central Civil Services, Class I.

(10)
THE ALL INDIA SERVICES ACT, 1951
[No. LXI OF 1951]

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Extract of Sections

An Act to Regulate the Recruitment, and the conditions of services of persons appointed to the All India Services common to the Union and the States.

Be it enacted by Parliament as follows:

1. Short title.-

This Act may be called the All India Services Act, 1951.#

2. Definition.-

In this Act, the expression “an All India Service” means the service known as the Indian Administrative Service or Service known as the Indian Police Service [or any other service specified in section 2A].#

2A Constitution of new All India Service.-

With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted the following All India Services and different dates may be appointed for different services, namely:

1. The Indian Service of Engineers (Irrigation, Power, Buildings and Roads);
2. The Indian Forest Service;
3. The Indian Medical and Health Service. (Introduced by the All India Services (Amendment) Act, 1963)

3. Regulation of recruitment and conditions of services -

Central Government may, after consultation with the Governments of the States concerned [including the State of Jammu and Kashmir], (and by notification in the Official Gazette) make rules for the regulation of recruitment, and the conditions of service of persons appointed to an All India Service.

(1A) The power to make rules conferred by this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.

(2) Every rule made by the Central Government under the section and every regulation made under or in pursuance of any such rule, shall be laid, as soon as may be after such rule or regulation is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that such rule or regulation should not be made, the rule or regulation shall thereafter have effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

4. Continuance of existing rules-

All rules in force immediately before the commencement of this Act and applicable to an All India Service shall continue to be in force and shall be deemed to be rules made under this Act.

11.
ANDHRA PRADESH SERVICE COMMISSION
REGULATIONS

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

GENERAL ADMINISTRATION (RULES)
DEPARTMENT

G.O.Ms.No.489

Dated the 23rd April, 1963

Sub:- Andhra Pradesh Public Service Commission
Regulations - Issued.

(Corrected up to 31-3-2003)

ORDER

In exercise of the powers conferred by the article 318 and the proviso to clause (3) of article 320 of the Constitution of India and in supersession of the Regulations and Orders specified in the table below, the Governor of Andhra Pradesh hereby makes the following Regulations:-

TABLE

1. Madras Public Service Commission Regulations, 1950 published with notification of the Composite Madras Government in Public (Services) Department No.36 dated 26-12-1950 at pages 403-407 of the Fort St.George Gazette, dated the 13th March, 1951 as subsequently amended.
2. *Ad hoc* Regulations issued in G.O.Ms.No.776, dated the 2nd June, 1954 of the Andhra Government in Home (Services-A) Department, 2010, dated the 15th October, 1954 of the Andhra Government Home (Services-A) Department and 58, dated the 24th November, 1956 and 1034, dated the 24th June, 1957 of the Andhra Pradesh Government in the General Administration (Services-A) Department.
3. The Hyderabad Public Service Commission (Conditions of Service) Regulations, 1952, published with notification of the erstwhile Government of Hyderabad No. 54/GAD-SRC/5/49, dated the 22nd February 1952,

4. The Hyderabad Public Service Commission (Consultation) Regulations, 1952, published with notification of the erstwhile Government of Hyderabad No. 56/GAD-SRC/49, dated the 22nd February 1952, as subsequently amended.

5. The *Ad hoc* regulation issued in G.O.Ms.No. 1363, General Administration (Services-A), Department dated the 26th November, 1963, published at page 4373 of Part-I of the *Andhra Pradesh Gazette* dated the 12th December, 1963.

**Extract of Regulation Nos. 1,2,3,6A,11,11A,14,15,16,17,18,19,20;
Annexure III, Forms I, II, III**

PART I - PRELIMINARY

1. These Regulations may be called the Andhra Pradesh Public Service Commission Regulations, 1963.

2. In these regulations unless the context otherwise requires:

- (a) "Commission" means the Andhra Pradesh Public Service Commission;
- (b) "Constitution" means the constitution of India;
- (c) "Member" means the Member of the Commission and includes the Chairman thereof:

3. The Commission shall consist of a Chairman and such other Members not exceeding nine in number.

(G.O.Ms.No.371, G.A.(SPF.B) Dept., dt.22-7-1994)

6A. Every Member (including the Chairman) shall submit to the Government, a return of his assets and liabilities as on the 31st day of December of each year in the Forms in Annexure-III to these regulations on or before the 31st day of March of the year immediately following the year to which the return relates giving the full particulars regarding:-

- (a) the immovable property inherited by him, or owned or acquired by him, or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired or held by him;
- (c) other movable properties inherited by him or similarly owned acquired or held by him; and
- (d) debts and other liabilities incurred by him, directly or indirectly. Provided that every Member (including the Chairman), shall, within three months from the date of his appointment, submit a return of his assets and liabilities as on the date of his appointment in the Forms aforesaid.

Explanation 1:- For the purpose of this regulation, "Member of the family" in relation to the Chairman or Member includes:-

- (i) the wife or husband, as the case may be of the Chairman or the Member, whether residing with the Chairman or the Member or not but does not include a wife or husband, as the case may be, separated from the Chairman or the Member by a decree or order of a Competent Court;
- (ii) Son or daughter or step - son or step - daughter of the Chairman or the Member and wholly dependent on him, but does not include a child or step child who is no longer in any way dependent on the Chairman or the Member or of whose custody the Chairman or the Member has been deprived of by or under any law;
- (iii) any other person related whether by blood or marriage to the Chairman or the Member or to the Chairman's or the Member's wife or husband and wholly dependent on the Chairman or the Member.

Explanation. 2:- In all returns the value of items of movable property worth less than Rs.1000 may be added and shown as a lumpsum. The value of articles of daily use such as clothes, utensils, crockery and books need not be included in such return".

11(1) The Andhra Pradesh Civil Services (Classification,Control and Appeal) Rules shall apply to the Secretary, the Additional Secretary, Deputy Secretaries, Assistant Secretaries and the Accounts Officer who shall for that purpose be deemed to be officers classified in one of the State Services.

(2) The authority which may impose any of the penalties specified in items (i) and (iii) to (viii) in rule 8 of those rules on the Secretary, Additional Secretary, Deputy Secretary, Assistant Secretary or Accounts Officer and the appellate authority therefor, shall be as specified in the Table below.

TABLE

Class of Officers	Penalty	Authority which may impose the penalty	Appellate Authority
(1)	(2)	(3)	(4)
Secretary, Additional Secretary and Deputy Secretary	Items(i) and (iii) to (viii)	Commission	Governor
Assistant Secretary and Accounts Officer	Items (i) and (iii)	Chairman	Commission
Assistant Secretary and Accounts Officer	Items (iv) to (viii)	Commission	Governor

11-A Notwithstanding anything contained in Regulation 10 and 11 an Officer borne on the cadre of I.A.S./I.P.S./A.P.A.S., if and when appointed to the post of Secretary to Commission, shall be governed by the Rules applicable to the Officers of the I.A.S./I.P.S./A.P.A.S. cadre in respect of the matters mentioned in those regulations.

14. In respect of any matter for which special provision is not made by these regulations, the conditions of services of a person serving as a Member of the Commission or of its staff shall be governed by the rules and orders applicable to such classes of Government servants as shall be specified by the Governor.

PART - III - MATTERS IN RESPECT OF WHICH IT SHALL NOT BE NECESSARY FOR THE COMMISSION TO BE CONSULTED

15. It shall not be necessary for the Commission to be consulted-

(a) as respects any of the matters mentioned in sub-clauses (a), (b) and (c) of clause (3) of Article 320 of the Constitution of India in the case of posts in the Andhra Pradesh Police Subordinate Service;

(b) as respects any of the matters mentioned in sub-clauses (a) to (e) of clause (3) of Article 320 of the Constitution in the case of officers of the Armed Forces of the Union holding posts in connection with the affairs of the State;

(c) as respects any of the matters mentioned in sub-clauses (a) to (b) of clause(3) of Article 320 of the Constitution of India in the case of the posts specified in Annexure-I to these regulations and other posts in respect of which the State Government have directed or may, with the concurrence of the Commission, direct that appointments may be made without reference to the Commission;

(cc) as respects any of the matters mentioned in sub-clauses (a) and (b) of clause(3) of Article 320 of the Constitution when recruitment by transfer to all the first gazetted category of posts is made, except in the matter of promotion from the first gazetted category to the next higher gazetted category under the relevant rules;

Note:- A.P.S.C. should be consulted in regard to suitability of Officers for appointment by transfer with retrospective effect from a date prior to 18-10-1975 against any of the first gazetted categories of posts.

(d) in regard to the suitability of candidates-

(i) for promotion within the same service except in the matter of promotion from the first gazetted categories to the next higher categories of posts

(ii) for transfer from one subordinate service to another such service.

(e) in regard to the making of any appointment to.-

(i) any honorary post; or

(ii) any post, the terms of which are to be governed by contract;

Provided that in every case of appointment on contract which may involve a total period of service on contract in excess of five years either in the same post or in another post under the State Government the Commission shall be consulted before the contract is made or renewed.

Explanation- For the purpose of sub-clause (i) of this clause "honorary post" means a post the holding of which does not carry with it the right to receive any emolument or remuneration for services rendered other than an allowance for defraying travelling and other expenses incurred in the performance of duty;

(f) in regard to the making of any appointment by ordinary inter-state transfer to any service or post in this State of a member of a service in any of the other States;

(g) Omitted;

(h) in regard to the re-employment of persons who have retired on a civil pension or gratuity or who, while in service, were subscribers to a Contributory Provident Fund, in posts borne on the cadre of the same service to which they belonged before their retirement or to the posts in other Department requiring the same qualifications and involving responsibilities to the like importance;

(i) in regard to the employment in any service or posts of a person who is a member of an All-India Service;

(j)(i) in any case falling under sub-clause (c) of clause (3) of Article 320 of the Constitution in which an enquiry has been held by a Judge of the High Court of Judicature at Madras upto the 4th July, 1954 and thereafter by a Judge of the Andhra Pradesh High Court at Guntur; or of the Andhra Pradesh High Court at Hyderabad from the 1st day of November, 1956.

(ii) In any case falling under clause (i) above in which the State Government revise an order passed by them.

(k) as respects any of the matters mentioned in sub-clauses (a) and (b) of clause (3) of Article 320 of Constitution of India in the case of appointment of meritorious sportsmen for the posts of Assistant Section Officer, Typist-Cum-Assistant, Junior Stenographer in the Departments of Secretariat and Senior Assistant, Junior Assistant, Typists and Junior Stenographer in the Offices of the Heads of the Departments.

16. It shall not be necessary to consult the Commission regarding the appointment of a person temporarily for total period not exceeding three months in the case of each individual to a post borne on the cadre of a service to which appointment has to be made after consulting the Commission.-

(i) where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in the post and there would be undue delay in making the appointment after such consultation; or

(ii) where it is necessary to fill a short vacancy in the post, and the appointment of the person who is entitled to appointment under the general and special rules applicable to the service would

involve excessive expenditure on travelling allowance or exceptional, administrative inconvenience.

(2) Concurrence of the Commission for continuance of the temporary appointment of a person beyond the first three months shall be obtained sufficiently in advance, if in any individual case, it becomes essential to continue such appointment beyond a total period of one year. Further continuance shall be obtained at intervals of every six months the first being at the end of eighteen months, if in any individual case, it becomes essential to continue such appointment beyond one year.

Request for such further continuance shall in the first instance (at the end of 18 months) be submitted by the Heads of Departments or the Administrative Department of the Secretariat as the case may be and thereafter by the Secretariat Dept., (Added by G.O.Ms.No.279,G.A.(Ser.A) Dept., dt.25.5.1989)

17(1) It shall not be necessary for the Commission to be consulted on any disciplinary matter affecting a person serving under the State Government in a civil capacity, except.-

(a) Where the State Government propose to pass an original order imposing any of the following penalties:

(i) reduction to a lower rank in the seniority list or to a lower post or time-scale whether in the same service or in another service, State or Subordinate or to a lower stage in a time scale;

(ii) recovery from pay of the whole or part of any pecuniary loss caused to the Government or to a local body by negligence or breach of orders;

(iii) compulsory retirement otherwise than under Article 465(2) or under Note 1 to Article 465-A of the Civil Service Regulations;

(iv) removal from service; or

(v) dismissal; or

(vi) the penalty of stoppage of increment(s) with cumulative effect;

(b) Where the State Government propose to pass an order, on appeal or in revision against an order of a subordinate authority which results in the imposition of any penalty higher than the one imposed by a subordinate authority;

(c) Where the State Government propose to allow a memorial or a petition against an order on appeal passed by a subordinate authority; or

(d) Where the State Government propose to review an order passed by them in consultation with the Commission; or

(e) Where the State Government propose to pass an order, under Article

351 or Article 351-A of the Civil Service Regulations in the Andhra Pradesh Pension Code or under Rule 235 or 239 of the Hyderabad Civil Services Rules Manual.

(2) Nothing in Clause (1) shall be deemed to make it necessary for the State Government to consult the Commission in any case;

(a) relating to the termination of probation of any person before the expiry of the prescribed or extended period of probation or to the discharge of a person after the expiry of such period on the ground that he is unsuitable for full membership of the service;

(b) relating to the discharge or reversion of an officer otherwise than as a penalty;

(c) relating to the termination of the employment of any person in accordance with the terms of his contract of employment;

(d) relating to compulsory retirement under Article 465(2) or under note 1 to Article 465-A of the Civil Service Regulations of any person who has rendered 25 years of qualifying service or more;

(e) relating to the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time;

(f) in which the Commission has, at any previous stage, given advice in regard to the order to be passed and no fresh question has thereafter arisen for determination;

(g) in which the State Government propose to pass an order, on an appeal or in revision reducing or annulling any penalty imposed by a subordinate authority;

(h) in which an enquiry has been held by the Tribunal for Disciplinary Proceedings;

(i) where the State Government pass orders of compulsory retirement under the Andhra Pradesh Civil Services (Safeguarding of National Security) Rules, 1962; or

(j) in which the State Government propose to revise their orders passed under sub-clause (h);

(k) in which the State Government propose to pass an order rejecting a memorial or petition relating to any disciplinary matter;

(l) in which an enquiry has been held by the Lokayukta or the Upa-Lokayukta;

(m) in which orders are passed on the ground of conduct which has led to conviction on a criminal charge.

(Substituted by G.O.Ms.No.371 G.A.(Ser.A) Dept. Dt.22-8-2002)

Explanation:- For purposes of sub-clauses (h) and (j) of this clause, the Tribunal for Disciplinary Proceedings shall also include the Public Servants Tribunal of Inquiry constituted under section 3 of the Hyderabad Public Servants (Tribunal of Inquiry) Act, 1950 (Hyderabad Act XXIII of 1950).

18. Omitted.

19. It shall not be necessary for the Commission to be consulted in any case referred to in sub-clause(d) of clause (3) of Article 320 of the Constitution, if the State Government or any subordinate authority competent to sanction payment of the cost of the defence proposes to admit the claim in full.

Explanation:- Nothing contained in this regulation shall be deemed to preclude a reference to the Commission being made in any case in which the State Government feel a doubt as to the admissibility of a claim in whole or in part.

20. It shall not be necessary for the Commission to be consulted in respect of any of the matters mentioned in sub-clauses (a) to (e) of clause (3) of Article 320 of the Constitution of India in any case in which the Madras Public Service Commission or the Hyderabad Public Service Commission had been duly consulted before the 1st day of October, 1953, and 1st day of November, 1956 respectively, although the State Government may actually pass orders thereon on or after the said dates.

Explanation:- Nothing in this regulation shall be deemed to preclude a reference being made to the Commission in any case covered by this regulation in which the State Government consider for reasons to be recorded by them, that such a reference should be made.

ANNEXURE - III
(See Regulation 6-A).
RETURN OF ASSETS AND LIABILITIES HELD BY CHAIR-
MAN/MEMBER

1. Name of the Chairman/Member
in full (in block letters) ..

2. Total Length of service up to-date ..
(i) Prior to appointment as Chairman/
Member ..
(ii) As Chairman/Member

3. Present Post held ..

4. Total annual income from all sources
during the calendar year immediately
preceding the 1st day of January, 19

5. Declaration

I hereby declare that the return enclosed, namely, Forms I to V are complete, true and correct as on
to the best of my knowledge and belief, in respect of information
due to be furnished by me under the provisions of regulation (6-A)
of the Andhra Pradesh Public Service Commission Regulations,
1963.

Station:
Date:

Signature

Explanation 1:- This return shall contain particulars of all assets
and liabilities of the Chairman/Member, either in his own name or
in the name of any other person.

Explanation 2:- If the Chairman/Member is a member of Hindu
undivided Family with coparcenary rights in the properties of the
family either as a 'Karta' or as a member, he should indicate in the
return in Form No. 1 the value of his share in such property and
where it is not possible to indicate the exact value or such share,
its approximate value. Suitable explanatory notes may be added,
wherever necessary.

FORM - I
STATEMENT OF IMMOVABLE PROPERTY HELD BY CHAIRMAN / MEMBER
(e.g. Lands, House, Shops, other Buildings, etc).

1. Serial Number	2. Description of property	3. Precise location (name of District, Division, Taluk and Village in which the property is situated and also its distinctive number, etc.)	4. Area of land (in case of land and buildings)	5. Nature of land (in case of landed property)	6. Extent of interest	7. If not in own name, state in whose name held and his/her relationship, if any, to the Chairman / Member	8. How acquired [whether by purchase, mortgage, lease, inheritance, gift or otherwise and name with details of person/persons from whom acquired (Address and connection of the Chairman or Member) if any, with the person/persons concerned]. (Please see explanation below)	9. Value of property	10. Total annual income	11. Remarks	12.

Signature

Station:

Date:

Explanation 1:- For purpose of column (9) the term 'lease' shall mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Chairman/Member, such a lease should be shown in this column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.

Explanation 2:- In column (10) the following shall be shown:-

- (a) Where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition.
- (b) Where it has been acquired by lease, the total annual rent thereof also; and
- (c) Where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

FORM - II
**STATEMENT OF LIQUID ASSETS HELD BY CHAIRMAN/
 MEMBER**

(1) Cash and bank balances exceeding three month's emoluments.

(2) Deposits, loans, advanced and investments (such as shares, securities, debentures, etc.)

Serial No.	Description	Name and address of company, bank, etc.	Amount	If not, in own name, address and person in whose name held and his/her relationship with the Chairman / Member	Annual income	Remarks derived
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Station:

Date:

Signature:

Explanation:- The term 'emoluments' means the pay and allowances received by the Chairman/Member.

FORM - III

**STATEMENT OF MOVABLE PROPERTY HELD BY
CHAIRMAN/MEMBER**

Serial No	Description of items	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purcha- sed on hire- purchase or instalment basis.	If not, in own name, name and address of the person in whose name held and his/her relationship with the Chairman / Member	How acquired with app- roximate date of acquisition	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Station:

Date:

Signature:

Explanation 1:- In this form, information may be given regarding items like (a) Jewellery owned by him (total value), (b) Silver and other precious metals and precious stones owned by him not forming part of Jewellery (total value), (c)(i) Motor cars, (ii) Scooter/ motor cycle, (iii) refrigerators/air conditioners, (iv) radios/radiograms/television sets and any other articles, the value of which individually exceeds Rs. 1,000 (d) value of items of movable property individually worth less than Rs. 1,000 other than articles of daily use such as clothes, utensils, crockery and books, added together as lumpsum.

Explanation 2:- In column (5), it may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.

**TABLE
AUTHORITY WHICH MAY IMPOSE THE PENALTY OF**

**CLASS OF
SUBORDINATES**

Censure	Fine (only in the case of persons against whom an authority is specified in this column)	Withholding of increments or promotions including stoppage at an efficiency bar	Reduction to a lower rank in the seniority list or to a lower post or time scale, whether in the same service or in another subordinate service or to a lower stage in time-scale.	Recovery from pay of the whole or part of any pecuniary loss caused to the Government or to a local body by negligence or breach of orders	Suspension	Compulsory retirement or removal or dismissal from the Civil Service of the State
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ANDHRA PRADESH PUBLIC SERVICE COMMISSION

1. All non-gazetted members except those mentioned in items 2 below	Assistant Secretary	Withholding of increments of Assistant Secretary with the prior sanction of Secretary.	Secretary	Assistant Secretary	Assistant Secretary	Secretary	Secretary in respect of orders passed by the Assistant Secretary or the Deputy Secretary, Chairman in respect of Secretary and Commission in respect of the orders passed by the Chairman.
2. Record Assistants, Shroffs, Daffedars and Attenders.	-do-	Assistant Secretary	Assistant Secretary	Assistant Secretary	Assistant Secretary	Assistant Secretary or Deputy Secretary.	-do-

(12)
ANDHRA PRADESH REVISED PENSION RULES,
1980

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ANDHRA PRADESH REVISED PENSION RULES, 1980

Extract of Rules

1. Short title and commencement.-

(1) These rules shall be called the Andhra Pradesh Revised Pension Rules, 1980.

(2) They shall be deemed to have come into force with effect from the 29th October, 1979.

6. Full pension subject to approved service.-

(1) Except for family pension admissible under rule 50, full pension admissible under these rules shall not be sanctioned to a Government servant unless the service rendered by that Government servant has been satisfactory:

Provided that full pension and retirement gratuity admissible under these Rules may be released by Audit Officer/Pension Issuing Authority presuming the service to be satisfactory, unless the said Officer/Authority hears from the competent authority either to withhold the pension in full or to effect any cut in the pension before the employee actually retires.

(2) If the service rendered by the Government servant referred to in sub-rule (1) has not been satisfactory, the pension sanctioning authority may by order make such reduction in the amount of pension or gratuity, or both, as that authority may think proper:

Provided that no order regarding reduction in the amount of pension or gratuity or both shall be made unless the Government servant has been given a reasonable opportunity for making a representation in the matter:

Provided further that in case where the pension sanctioning authority is subordinate to the appointing authority, no order regarding reduction in the amount of pension or gratuity or both shall be made unless the approval of the appointing authority has been obtained:

Provided also that the amount of pension shall not be reduced below the limit specified in sub-rule (5) of rule 45.

(3) For the purposes of sub-rule (2), the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

Note: Until Government specifically delegate the powers of reduction in pension to the appointing authorities, this power shall rest in Government for the time being.

(4)(a) The reduction referred to in sub-rule (2) shall be of a permanent character, and

(b) The measure of reduction in the amount of pension shall be to the extent by which the Government servant's service as a whole failed to reach a satisfactory standard and no attempt shall be made to equate the amount of reduction with the amount of loss caused to the Government.

(5) The pension sanctioned under these rules shall not be reduced although proof of the service having been not satisfactory may come to the notice of the pension sanctioning authority subsequent to the sanction of pension.

(6) Whenever in the case of a Government servant the State Government passes an order (whether original or appellate) awarding a pension including gratuity less than the maximum admissible under these rules, the Andhra Pradesh Public Service Commission shall be consulted before the order is passed.

(7) Nothing in this rule shall apply:-

(a) where pension or a part of pension has been withheld or ordered to be recovered under rule 9; or

(b) where a part of pension has been reduced under rule 39; or

(c) to effect any recovery which has the result of punishment.

7. Limitation on number of pensions.-

(1) A Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.

(2) Except as provided in rule 19, a Government servant who having retired on a superannuation pension or retiring pension, is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of his re-employment.

8. Pension subject to future good conduct.-

(1)(a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

(b) The pension sanctioning authority may, by order in writing, withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct:

Provided that no such order shall be passed by an authority subordinate to the authority competent to make an appointment to the post held by the pensioner immediately before his retirement from service:

Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 45.

(2) Where a pensioner is convicted of a serious crime by a court of law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if the authority referred to in sub-rule (1) considers that the pensioner is prima facts guilty of grave misconduct, it shall before passing an order under sub rule (1):-

(a) Serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation as he may wish to make against the proposal, and

(b) take into consideration the representation, if any, submitted by the pensioner under clause (a).

(4) Where the authority competent to pass an order under sub-rule (1) is the Government, Andhra Pradesh Public Service Commission shall be consulted before the order is passed.

(5) An appeal against an order under sub-rule (1), passed by any authority other than the Government shall lie to the Government and the Government shall, in consultation with the Andhra Pradesh Public Service Commission, pass such orders on the appeal as it deems fit.

Explanation:-

(a) The expression :“serious crime” includes a crime involving an offence under the Official Secrets Act, 1923 (Central Act 19 of 1923).

(b) The expression " grave misconduct " includes the communication or disclosure of any secret official code or password or any sketch, plan, model, articles, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (Central Act 19 of 1923) which was obtained while holding office under the Government so as to prejudicially effect the interests of the general public or the security of the State.

9. Right of Government to withhold or withdraw pension.-

[(1) The Government reserve to themselves the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part,

whether permanently or for a specific period and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused, to the Government and to the local authority if, in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement:

Provided that the Andhra Pradesh Public Service Commission shall be consulted before any final orders are passed.

“However, consultation with the Andhra Pradesh Public Service Commission is not necessary, where the pensioner is found guilty in any judicial proceedings.”

(Added by G.O.Ms.No.442 Fin.(Pen. I)Dept.dt.25.9.2003)

Provided further that a part of pension is with held or withdrawn, the amount of such pension shall not be reduced below the limit specified in sub-rule (5) of rule 45}

(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service.

Provided that where the departmental proceedings are instituted by an authority subordinate to the State Government, that authority shall submit a report recording its findings to the State Government.

Note:- The function of the disciplinary authority is only to reach a finding on the charges and to submit a report recording its findings to the Government. It is then for the Government to consider the findings and take a final decision under this rule. In case Government decide to take action under this rule in the light of the findings of the disciplinary authority, the Government will serve the person concerned with a show-cause notice specifying the action proposed to be taken under this rule and the person concerned will be required to submit his reply to the show-cause notice within such time as may be specified by the Government. The Government will consider the reply and consult the Andhra Pradesh Public Service Commission. If as a result of such consideration in consultation with the Commission, it is decided to pass an order under the rule, necessary orders will be issued in the name of the Government.

(b) The Departmental Proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment.

(i) shall not be instituted save with the sanction of the Government;

(ii) shall not be in respect of any event which took place more than four years before such institution; and

(iii) shall be conducted by such authority and in such place as the State Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

(3) {1} Omitted

(4) In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in rule 52 shall be sanctioned.

(5) Where the State Government decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.

(6) For the purpose of this rule-

(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner or if the Government servant has been placed under suspension from an earlier date, on such date; and

(b) Judicial proceedings shall be deemed to be instituted -

(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognisance, is made; and

(ii) in the case of Civil proceedings, on the date the plaint is presented in the court.

10. Commercial employment after retirement.-

(1) If a pensioner who, immediately before his retirement was a Gazetted Government servant, wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance (by submitting an (*) application in the prescribed proforma appended to part II of these rules) and no pension shall be payable to a pensioner who accepts a commercial employment without such sanction in respect of any period for which he is so employed or such longer period as the Government may direct;

Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(2) For the purpose of this rule -

- (a) the expression commercial employment means:-
- (i) an employment in any capacity including that of an agent under a company, cooperative society, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm and includes employment under a body corporate, wholly or substantially owned or controlled by the Government,
 - (ii) setting up practice either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner-
- (a) has no professional qualification and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience, or
- (b) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position, or
- (iii) has to undertake work involving liaison or contract with the offices or officers of the Government.

Explanation.— (a) For the purpose of sub-rule (1) of this rule, "the date of retirement" in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Gazetted post under the State Government or in any other equivalent post under the Central Government, shall mean the date on which such Government servant finally ceases to be so re-employed in government service,

(b) For the purpose of this rule, employment under a Co-operative Society includes the holding of any office whether elective or otherwise, such as President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such a society.

11. Restriction on practice in Commercial Tax and other cases after retirement.-

(1) No Deputy Commissioner of Commercial Taxes, Commercial Tax Officer, Deputy Commercial Tax Officer or Assistant Commercial Tax Officer shall, during a period of five years from the date of his retirement from service, act as a Sales Tax Adviser or Consultant or accept any engagement to appear on behalf of any dealer in any sales tax proceedings any where in the State, without the previous sanction of the Government in the case of the Deputy Commissioner of Commercial Taxes or the Commercial Tax Officer and of the Commissioner of Commercial Taxes in the case of the Deputy Commercial Tax Officer or the Assistant Commercial Tax Officer.

(2) no retired officer of the Commercial Taxes Department shall accept any engagement to appear on behalf of any dealer in any sales tax proceedings any where in the State if;-

- (i) the officer or authority before whom the retired officer is to appear was his official subordinate while in service; or
- (ii) the sales tax proceedings relates to an order passed by him or to a case with which he was in any way connected in his official capacity.

(3) No pension shall be payable for such period as the Government may, by order, direct to any retired officer of the Commercial Taxes Department if he contravenes the provisions contained in clauses (i) and (ii) of sub-rule (2).

NOTE:- (a) A condition should be incorporated in the terms of contracts executed on account of public works to the effect that it is liable for cancellation if either the contractor himself or any of his employee is found to be a Gazetted Officer who retired from service and had not obtained permission from the Government for accepting the contract or employment within a period of two years from the date of his retirement;

(b) At the time of sanctioning pension of Engineers and other Gazetted Officers of the Public Works Department including Electricity Department, they should be required to sign an undertaking that they would not seek such employment (and set up or engage in a business or a Commercial undertaking as a principal) within a period of two years from the date of their retirement, without the prior permission of Government, and that in case of non-pensionable officers they should be required to sign a similar undertaking at the time they are paid the gratuity or other retiring benefits by Government.

12. Employment under a Government outside India after retirement. -

(1) (a) If a pensioner, to whom these rules are applicable wished to accept any employment under any Government outside India, he should obtain the previous sanction of the Government of India for such acceptance. No pension shall be payable to a pensioner who accepts such employment without proper permission, in respect of any period for which he is so employed or such longer period as the Government of India may direct:

Provided that a Government Servant permitted by the appropriate authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(b) for the purposes of this rule, "employment under any Government outside India" shall include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India, or an employment under an International Organisation of which the Government of India is not a member.

(2)(a) If a pensioner, to whom these rules are applicable wishes to accept any employment whether commercial or private, before the expiry of two years from the date of his retirement or any employment under any Government outside India at any time, he should obtain the previous sanction of the state Government for such acceptance. No pension shall be payable to a pensioner who accepts any such employment without such sanction, in respect of any period for which he is so employed or such longer period as the State Government may direct.

(b) This sub-rule shall apply to all pensioners who immediately before retirement were Gazetted Officers under the rule making control of the State Government or were on leave preparatory to retirement and would have held Gazetted posts but for proceeding on such leave.

(c) For the purposes of this sub-rule, "employment under any Government outside India" shall include employment under a local authority or corporation or any other constitution or organization which functions under the supervision or control of a Government outside India.

Note:- No officer on leave preparatory to retirement should be permitted except for very special reasons to accept any employment until such leave expires and he enters on pension.

23. Counting of periods of suspension.-

Time passed by a Government servant under *suspension* pending inquiry into conduct shall count as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or the suspension is held to be wholly unjustified. In other cases, the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

24. Forfeiture of service on dismissal or removal.-

Dismissal or removal of a Government servant from a service or post entails forfeiture of his past service.

25. Counting of past service on reinstatement.-

(1) A Government Servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.

(2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order or reinstatement.

39. Compulsory retirement pension.-

(1) A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two thirds and not more than full invalid pension or gratuity or both admissible to him on the date of his compulsory retirement.

(2) Whenever in the case of a Government servant the Government passes an order (whether original, appellate or in exercise of power of review) awarding a pension less than the full invalid pension admissible under these rules, the Andhra Pradesh Public Service Commission shall be consulted before such order is passed.

Explanation:- In this sub-rule, the expression "pension" includes gratuity.

(3) A pension granted or awarded under sub-rule (1) or, as the case may be, under sub-rule (2), shall not be less than the limit specified in sub-rule (5) of rule 45.

40. Compassionate allowance.-

A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service, may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on invalid pension.

41. Minimum Compassionate allowance.-

A compassionate allowance sanctioned under the proviso to the above rule shall not be less than the limit specified in sub-rule (5) of rule 45.

42. Retirement on attaining the age of superannuation.-

Every Government servant to whom these rules apply shall compulsorily retire on attaining the age of superannuation * as provided in the Fundamental Rules as amended from time to time.

43. Retirement on completion of 20 years of qualifying service.-

(1) A Government servant shall have the option to retire from service voluntarily after he has put in not less than twenty years of qualifying service.

Provided that he give a notice in writing of his intention to retire voluntarily of at least three months to the authority which has power to make a substantive appointment to the post from which he retires:

Provided further that { 1 } a notice of the less than three months may also be accepted by the competent authority.

[provided also that, notwithstanding anything in rule 21, extraordinary leave availed {on any ground other than for prosecuting higher studies within the State/outside the State/country without receiving any payment except stipends during the period of such leave from any source, but including on medical certificate} shall not be reckoned as qualifying service for purposes of arriving at the qualifying service of twenty years referred to in this rule]

NOTE:- A Government servant who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

(2) A Government servant retiring under sub-rule (1) shall be entitled to a retiring pension:

Provided that such retiring pension shall be subject to the provisions of the rules 6, 8 and 9.

(3) Where a Government servant opts to retire under sub-rule (1) while on leave not due, the retirement in such cases shall take effect from the date when the leave not due commenced and the employee shall refund the leave salary paid in respect of such leave not due availed of by the employee.

(4) A Government servant opting for retirement under sub-rule (1), shall not retire unless the notice given by him as per proviso to sub-rule (1) is accepted by the competent authority:

Provided that the competent authority shall issue an order before the expiry of the notice period accepting or rejecting the notice.

(5) [Government servants opting for retirement under sub-rule (1) shall be entitled to addition of service for purpose of Pension, a service equal to the difference between the qualifying service actually put in by him and the service he would have put in on the date of such qualifying service and (thirty three years) whichever is less, subject to the condition that such difference shall be limited to a maximum of 5 years.

Provided further that such a Government servant shall not be eligible for weightage under Rule 29 of these rules]

(6) The option under sub-rule (1) shall not be admissible to a Government servant on deputation to autonomous bodies/corporations/companies/public sector undertakings or institutions wholly or substantially owned by Government who get absorbed in such public undertakings/autonomous bodies or institutions, as the case may be.

(7) A Government servant retiring voluntarily under sub-rule (1) of these rule shall be subject to rule 10 of these rules.

NOTE:- Orders permitting/requiring a Government servant to retire after completing twenty years qualifying service should, as a rule, not be issued until after the fact that the officer has indeed completed qualifying service for twenty years has been verified in consultation with Pay and Accounts Officer, Hyderabad/ Head of Department/Head of Office as the case may be, who maintains service particulars/Book of the Government servant concerned.

44. Retirement on completion of 33 years qualifying service.-

(1) At any time after a Government servant has completed thirty three years of qualifying service but before attaining 58 years of age.

(a) he may retire from service, or

(b) he may be required by the appointing authority to retire in the public interest, and in the case of such retirement the Government servant shall be entitled to a retiring pension:

Provided that—

- (a) The Government servant gives notice in writing to the appointing authority at least three months before the date on which he wishes to retire; or
- (b) The appointing authority gives a notice in writing to the Government servant at least three months before the date on which he is required to retire in the public interest or three months pay and allowances in lieu of such notice, as the case may be:

Provided further that where the Government servant giving notice under clause (a) of the preceding proviso is under suspension, it shall be open to the appointing authority to withhold permission to such Government servant to retire under this rule.

- (2) A Government servant, who had elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

NOTE:- Orders permitting/requiring a Government servant to retire after completing 33 years of qualifying service should as a rule, not be issued until after the fact that the officer has indeed completed qualifying service for 33 years has been verified in consultation with the Pay and Accounts Officer, Hyderabad/Head of the Department/Head of Office, as the case may be, who maintains the service particulars/Book of the Government servant concerned.

52. Provisional pension where departmental or judicial proceeding may be pending.-

(1)(a) In respect of a Government servant referred to in sub-rule (4) of rule 9, the Audit Officer/Head of Office shall pay the provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant, or if he was under suspension on the date of retirement, up to the date immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be paid by the Audit Officer/Head of office during the period commencing from the date on which, upon the conclusion of the departmental or judicial proceedings, final orders are passed by the competent authority.

[(c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders:

Provided that where departmental proceedings have been instituted under rule 9 of Andhra Pradesh Civil Services (Control Classification and Appeal) Rules, 1991, for imposing any of the penalties specified in clauses (i), (ii) and (iv) of rule 9 of the said rules, except the cases falling under sub rule (2) of rule 22 of the said rules, the payment of gratuity shall be authorised to be paid to the Government servant.]

(2) Payment of provisional pension made under sub-rule (1) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such

proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

(3) Nothing contained in this rule shall prejudice the operation of rule 6 when final pension is sanctioned upon the conclusion of the departmental or judicial proceedings.

53. Interpretation.-

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Finance and Planning (FW) Department for decision.

54. Power to relax.-

Where Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, Government may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Finance & Planning (FW) Department.

55. Repeal and Saving.-

(1) On the commencement of these rules, every rule, regulation or order in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(a)(i) Every nomination for the payment of retirement gratuity, or of non-contributory family pension,

(ii) Every form regarding the details of family of a Government servant for the purpose of contributory family pension, and

(iii) Every formal application for the sanction of pension, which a Government servant had made or given under the existing rules shall be deemed to have been made or given under the corresponding provisions of these rules.

(b) Any nomination for the payment of retirement gratuity or of non-contributory family pension, any form regarding the details of family of a Government servant for the purpose of contributory family pension or any formal application for the sanction of pension, required to be made or given by a Government servant under the existing rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules;

(c) Any case which pertains to sanction of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the existing rule as if these rules had not been made;

(d) Any case which pertains to sanction of retirement gratuity and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the existing rule as if these rules had not been made;

(e) Subject to the provisions of clauses (c) and (d), anything done or any action taken under the existing rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

(13)

**FUNDAMENTAL RULES OF ANDHRA PRADESH
GOVERNMENT**

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Extract of F.Rs.

13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government Servant holding substantively a permanent post retains a lien on that post-

(a) While performing the duties of that post;

(b) While on foreign service, or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) (.....) While on leave other than refused leave granted after the date of compulsory retirement under Rule 86, or Rule 7 of Andhra Pradesh Leave Rules, 1933; and

(e) while under suspension.

23. The holder of a post, the pay of which is changed shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which has earned his next or any subsequent, increment on the old scale, or until he vacates his post or ceases to draw pay on that time scale. The option once exercised is final.

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

Note (1):-The authority competent to withhold increments from a Government servant is the authority in which such power has been vested by under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

Note (2):- The procedure that should be followed for stoppage of increment of a Government servant under the rule making control of the Government of Andhra Pradesh is the procedure prescribed in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any Pay, not exceeding the maximum of the lower grade or post, which it may think proper. Provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay, which he would have drawn by the operation of Rule 22 read with clause (b) or clause (c), as the case may be, or Rule 26.

29.(1) If a Government servant is reduced, as a measure of penalty, to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective, and whether, on restoration, it viz., the period of reduction, shall operate to postpone future increments, and, if so, to what extent.

(2) If a Government servant is reduced, as a measure of penalty, to lower service, grade or post, or to a lower time scale, the authority ordering the reduction may or may not specify the period or which the reduction shall be effective, but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone, future increments, and, if so, to what extent.

29-A. Where an order of penalty of withholding of increment of a Government servant or his reduction to a lower service, grade or post or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the Government servant shall, notwithstanding anything contained in these rules, be regulated in the following manner:

(a) If the said order is set aside, he shall be given, for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;

(b) If the said order is modified, the pay shall be regulated as if the order as so modified has been made in the first instance.

Explanation: If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance) if any, admissible to him during that period shall be revised on the basis of the revised pay.

45-C. For the purposes of Rule 45 -A, 45 -B 'emoluments' means -

(i) Pay:

(i-a) 'dearness pay';

(ii) payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorized remuneration of a post;

(iii) compensatory allowances other than travelling allowance, uniform allowance, outfit allowance, special outfit allowance, uniform grant, and grant for horse and saddlery, whether drawn from the Consolidated Fund of India or of a State or from a Local Fund;

(iv) Not printed.

(v) pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended;

Note:- The amount of pension to be taken into account will be the amount originally sanctioned i.e., before commutation, if any, and will also include the pension equivalent of death-cum-retirement gratuity and other forms of retirement benefits, if any e.g., Government's contribution to a Contributory Provident Fund, commuted value of pension, etc., of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance) if any, admissible to him during that period shall be revised on the basis of the revised pay. (vi) in the case of a Government servant under suspension and in receipt of a subsistence allowance, the amount of the subsistence allowance, provided that, if such Government servant is subsequently allowed to draw pay for the period of suspension, the difference between the rent recovered on the basis of the subsistence allowance and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowance attached to the Indian Police Medal.

Note 1:- The emoluments of a Government servant paid at piecework rates shall be determined in such manner as the State Government may prescribe.

Note 2:- The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Note 3:- The Government of India have held that in cases in which a portion of the pension has been commuted the term "pension" occurring in the rule means the full sanctioned pension prior to commutation.

Note 4:- The percentage rate of Dearness allowance sanctioned from time to time shall not be reckoned as emoluments. However, in respect of Government servants who do not opt to the Revised Pay Scales, 1978 and remain in pre 1978 scales of pay, dearness allowance admissible at the rate which existed as on 1-4-1978 appropriate to the basic pay in that scale shall be reckoned as emoluments.

Note 5:- Family Pension granted to a Government servant shall not be reckoned as emoluments for purposes of recovery of rent under this rule.

52. The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

53.(1) A Government servant under suspension, or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely -

(i) Not Printed.

(ii) In the case of any other Government servant;

(a) A subsistence allowance at an amount equal to the leave salary which the Government servant would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary;

Provided that where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:

(i) The amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant.

(ii) the amount of subsistence allowance may be reduced by a suitable amount not exceeding fifty percent of the subsistence allowance admissible during the period of the first [three months], if, in the opinion of the said authority the period of suspension has been prolonged, due to reasons to be recorded in writing directly attributable to the Government servant.

(iii) the rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under clauses (i) and (ii) above.

Note:- Not printed.

(b) any other compensatory allowances admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension, subject to the fulfillment of other conditions laid down for the drawal of such allowances.

(2) No payment under Sub-Rule (1) shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation;

Provided that where a penalty of dismissal, removal, or compulsory retirement imposed upon a Government servant is set aside and he is deemed to have been placed, or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement, [under sub-rule (3) or sub-rule (4) of Rule 8 of the Andhra Pradesh Civil Services (classification, Control and Appeal) Rules 1991] , and he fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, shall be entitled to the subsistence allowance and other period or periods as the case may be fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this provision shall apply to him.

54.(1) When a Government servant, who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation [while under suspension or not], the authority competent to order reinstatement shall consider and make a specific order.

a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and

b) Whether or not the said period shall be treated as period

spent on duty.

(2) Where the authority competent to order reinstatement is of opinion that the Government Servant who had been dismissed, removed, or compulsorily retired, has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be;

Provided that where such authority is of opinion that termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may after giving him an opportunity to make his representation [within sixty days from the date on which the communication in this regard is served on him] and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, [only such amount (not being the whole) of such pay and allowances] as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or the reviewing authority solely on the ground of non-compliance with the requirement of [clause (1) or clause (2) of Article 311 of the Constitution] and no further inquiry is proposed to be held the Government servant shall, subject to the provisions of sub-rules (6) and (7), be paid [such amount (not being the whole) of the pay and allowances] to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection [within such period which in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice]

(.....)

(5) In a case falling under Sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be,

shall not be treated as a period spent on duty, unless the competent authority, specifically directs that it shall be so treated for any specified purpose.

Provided that if the Government servant so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

Note: The order of the competent authority under the preceding proviso, shall be absolute and no higher sanction shall be necessary for the grant of-

a) Extra-ordinary leave in excess of three months in case of non-permanent Government servant; and

b) leave of any kind in excess of five years in the case of permanent or non-permanent Government servant.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) [The amount] determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under Rule 53.

(8) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.

54-A.(1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a court of law and such Government servant is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) and (3) subject to the directions, if any, of the court.

(2)(i) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the court solely on the ground of non-compliance with the requirements for [clause (1) or clause (2) of Article 311 of the Constitution], and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of Rule 54, be paid [such amount (not being the whole) of the pay and allowances] to which he would have been entitled

had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period [which in no case shall exceed sixty days from the date on which the notice has been served] as may be specified in the notice:

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the court shall be regularized in accordance with the provisions contained in sub-rule (5) of Rule 54.

(3) If the dismissal, removal or compulsory retirement of a Government servant is set aside by the court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

54-B.(1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement [.....] while under suspension, the authority competent to order reinstatement shall consider and make a specific order __ _

a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement [.....] as the case may be; and

b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in rule 53, where a Government servant under suspension dies before the disciplinary or court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall subject to the provisions of sub-rule (8), be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to the reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation [within sixty days from the date on which the communication in this regard is served on him] and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid for the period of such delay [only such amount (not being the whole) of such pay and allowances as it may determine.]

Note:- For the purpose of sub-rules (2) and (3) above, full pay includes special pay attached to the post which the Government servant was holding immediately before the suspension.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

proviso shall be absolute and no higher sanction shall be necessary for the grant of—

a) extraordinary leave in excess of three months in case of a non-permanent Government servant, and

b) leave of any kind in excess of five years in the case of permanent or non-permanent Government servant.

(8) The payment of allowances under sub-rule (2), sub-rule (3) of sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) [The amount] determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under rule 53.

55. Leave may not be granted to a Government servant under suspension.

(14)
ANDHRA PRADESH GOVERNMENT BUSINESS
RULES

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Extract of rules

In exercise of the powers conferred by clauses (2) and (3) of Article 166 of the Constitution of India, the Governor of Andhra Pradesh hereby makes the following rules:

1. These rules may be called "The Andhra Pradesh Government Business Rules".

12. All orders or instruments made or executed by or on behalf of the Government of the State shall be expressed to be made or executed in the name of the Governor.

13. Every order or instrument of the Government of the State shall be signed either by a Special Chief Secretary, a Principal Secretary, a Secretary, a Special Secretary, an Additional Secretary, a Joint Secretary, a Draftsman, a Deputy Secretary and an Under Secretary or an Assistant Secretary and an Ex-Officio Special Chief Secretary / Principal Secretary / Secretary / Additional Secretary/ Joint-Secretary /Deputy Secretary to Government of the state or such other officer as may be specially empowered in that behalf and such signature shall be deemed to be the proper authentication of such order or instrument.

32.(1) Notwithstanding anything contained in these rules, the following classes of cases shall be submitted to the Chief Minister by the Secretary through the Minister incharge, before issuing of orders.

(i) Cases relating to the imposition of any of the penalties specified in rule 9 of the Andhra Pradesh Civil Services (Classification, control and Appeal) Rules, 1991 on the Gazetted Officers above the third level categories in the State Service. However it shall not be necessary to circulate cases to frame articles of charge and for appointment of Inquiring Authority as per the prescribed procedure.

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(u) All cases in which the work or conduct of officers of the All-India Services and Heads of Departments has come up for adverse notice.

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(w) All cases in which it is proposed to deviate from the advice tendered by the Andhra Pradesh Public Service Commission.

(x) All cases in which it is proposed to deviate from the advice of the Andhra Pradesh Vigilance Commissioner or the recommendation of the Tribunal for Disciplinary Proceedings, as the case may be.

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(15)

SECRETARIAT INSTRUCTIONS

(Instructions issued by the Governor under rule 58 of the
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Extract of Instructions

CHAPTER - I

GENERAL

1. These instructions may be called "The Andhra Pradesh Government Secretariat Instructions" .

61. Issue of orders and proceedings of Government has the following stages:-

(i) Approval of office copy of the draft order or proceedings. This has to be done by the officer taking the decision and in token of it he should sign the office copy.

(ii) Authenticating the fair copy of the order or proceedings as prescribed in rules 12 & 13 of the Andhra Pradesh Government Business Rules. The name and designation of the authenticating authority as prescribed in rules 12 and 13 of the Andhra Pradesh Government Business Rules shall be typed below his signature.

(iii) Forwarding copies of authenticated orders and proceedings to the addressees.

Copies or orders and proceedings of Government shall be attested and forwarded by the Section Officer in the department concerned as follows.

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62. The following procedure shall be observed in referring any matter to the Andhra Pradesh Public Service Commission.

(1) All such references shall be addressed to the Secretary to the Commission by the administrative department concerned in the form of an official letter with which all relevant papers or copies of papers should be forwarded.

(2) Secretariat note files should on no account form part of the records sent to the Commission.

(3) When the Commission has arrived at a conclusion, they will communicate their recommendation to the department which referred the case.

(4) Where it is proposed not to accept the advice of the Commission for reasons not before the Commission when their recommendation was made, the Commission will ordinarily be given a reasonable opportunity of reconsidering their opinion, and if necessary, of making a fresh recommendation.

Note: Special care should be taken to ensure that until the Commission's advice has been obtained and a decision has been reached by the Government in the light of it, no language is used in any communication issued in connection with the case which is capable of being interpreted as implying that the Government have formed a settled opinion on the merits or any part of the case.

63. In disciplinary matters in which the advice of the Andhra Pradesh Public Service Commission is to be sought, the following procedure will be adopted:—

As soon as the case is received in the department concerned, it will be examined to see whether the file is complete and in order and whether the statutory provisions relating to disciplinary inquiries have been complied with, but no officer below the rank of an Assistant Secretary shall note on the merits of the case. If the case is incomplete or defective or any point in the case appears to require further elucidation, the Secretary will refer the case back to the Head of the Department for rectification of the defects or further information. When all defects have been rectified and the case is prima facie in order and completed, the Secretary of the department will refer it to the Commission. As soon as the case is received back from the Commission with its advice, the Secretary will circulate the case for orders without further noting and without reference to the General Administration Department when there is agreement between the department and the Commission. If, however, there appears to the Secretary to be good and sufficient reasons to differ on any point from the advice of the Commission, it will be open to him to submit a note and circulate the case through the Chief Secretary. No officer below the rank of Secretary shall be permitted to comment on the advice tenured by the Commission. If a case is one arising out of financial irregularities, it shall be sent to the Finance & Planning (Finance Wing) Department, both before making a reference to the Commission and also after the recommendation of the Commission has been received.

Provided that further circulation of such cases where the Andhra Pradesh Public Service Commission has given its concurrence is not necessary if the Minister and / or Chief Minister who had earlier passed orders for inflicting punishment has not changed on the day of issue of order.

Note: The provisions of instructions 61 and 62 will mutatis-mutandis apply to cases in which the advice of the Andhra Pradesh Vigilance Commissioner is to be sought.

66.(a) If, in any case, it is proposed to reject or to deviate from the advice of the Andhra Pradesh Public Service Commission on grounds which were not before the Commission, when it made its recommendation, the Commission, shall, if possible, be given a reasonable opportunity of considering those grounds and making a fresh recommendation before orders are issued.

(b) In any case in which the advice tendered by the Commission is rejected or deviated from, the administrative department concerned shall communicate the reasons for such rejection or deviation to the Commission.

(c) Where it is proposed to reject or to deviate from the advice of the Andhra Pradesh Public Service Commission, the file shall be circulated through the Chief Secretary.

67. Before orders are issued amending the Commission's Regulations issued under Article 318 of the Constitution of India or the rules regulating the procedure to be observed by the Andhra Pradesh Public Service Commission, and the relations of the Commission with the Government and subordinate authorities, the Chairman of the Commission shall, unless the amendment is in accordance with the recommendations made by the Commission, be informed demi-officially of the orders proposed to be issued to enable him, if the Commission thinks fit, to lay the Commission's views personally before the Chief Minister.

68. Copies of orders in the following cases, shall be sent to the Andhra Pradesh Public Service Commission by the administrative department of the Secretariat concerned.

(a) Orders of appointment of candidates selected in consultation with the Commission; and

(b) final orders in disciplinary and other matters in respect of which the Commission was consulted.

69. Where it is proposed to reject or to deviate from the advice of the Andhra Pradesh Vigilance Commission, the file shall be circulated through the Chief Secretary.

(16)
THE ANDHRA PRADESH LOKAYUKTA AND
UPA-LOKAYUKTA ACT, 1983
(Act No. 11 of 1983)

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**THE ANDHRA PRADESH LOKAYUKTA AND
UPA-LOKAYUKTA ACT, 1983
(Act No. 11 of 1983)**

An Act to make provision for the appointment and functions of Lokayukta and Upa-Lokayukta for the investigation of Administrative action taken by or on behalf of the Government of Andhra Pradesh or certain Local and Public Authorities in the State of Andhra Pradesh (including any omission and commission in connection with or arising out of such action) in certain cases and for matters connected therewith.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-fourth year of the Republic of India as follows:

1. Short title, extent and commencement:-

- (1) This Act may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification published in Andhra Pradesh Gazette, appoint.

2. Definitions:-

In this Act, unless the context otherwise requires-

- (a) '*action*' means action taken by a public servant in the discharge of

1. Reserved by the Governor on the 11th October, 1982 for consideration and assent of the president, received the assent of the President on the 25-8-1983 and the said assent is hereby first published in the Andhra Pradesh Gazette Part IV-B, (Ext.), dt.23-9-1983.

his functions as such public servant, by way of decision, recommendation or finding or in any other manner, and includes any omission and commission in connection with or arising out of such action; and all other expressions connecting action shall be construed accordingly;

(b) '*allegation*' in relation to a public servant means any affirmation that such public servant-

(i) has abused his position as such, to obtain any gain or favour to himself or to any other person, or to cause undue harm or hardship to any other person;

(ii) was actuated in the discharge of his functions as such public servant by improper or corrupt motive and thereby caused loss to the State or any member or section of the public; or

(iii) is guilty of corruption, or lack of integrity in his capacity as such public servant;

(c) '*Competent authority*' in relation to a public servant, means,-

- | | | |
|-------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| (i) | in the case of a Minister,
Chief Secretary, or Secretary. | The Chief Minister. |
| (ii) | in the case of a Member of
either House of the State
Legislature | The Speaker of the
Legislative Assembly or
as the case may be,
Chairman of the
Legislative Council. |
| (iii) | in the case of any other
Public Servant. | Such authority as may
be prescribed. |

- (d) '*Corruption*' includes anything made punishable under Chapter IX of the Indian Penal Code (Central Act 45 of 1860), or under the Prevention of Corruption Act, 1947 (Central Act 2 of 1947);
- (e) '*Government*' means the State Government;
- (f) '*Lokayukta*' means a person appointed to be the Lokayukta under Section 3;
- (g) '*Minister*' means a member (other than the Chief Minister) of the Council of Ministers, whether present or past, for the State of Andhra Pradesh and includes a Minister of State, a Deputy Minister or a Parliamentary Secretary;
- (h) '*notification*' means a notification published in the Andhra Pradesh Gazette and the expression '*notified*' shall be construed accordingly;
- (i) '*officer*' means a person appointed to a public service or post in connection with the affairs of the State of Andhra Pradesh, but does not include a person holding a post carrying a minimum scale of pay of rupees seven thousand four hundred and below;
- (j) '*prescribed*' means prescribed by rules made under this Act;
- (k) '*public servant*' means a person falling under any of the following descriptions, namely-
- (i) every Minister referred in Clause (g);
 - (ii) every member of either House of the State Legislature, including the Chief Whip in the Assembly and the Chief Whip in the Council, whether present or past;
 - (iii) every officer referred in Clause (i);
 - (iv)(1) every Chairman of a Zilla Parishad, and every President of a Panchayat Samithi, constituted by or under the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 (Act 35 of 1959);
 - (2) every Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force;
 - (3) every Chairman of a Municipal Council constituted or, deemed to be constituted under the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), other than that of second and third grade municipalities;

(v) every Chairman or President, by whatever name called of the governing body to which the management is entrusted and every Director, if any, in respect of,-

(1) any local authority in the State;

(2) any Corporation(not being a local authority) established by or under a State Act and owned or controlled by the Government;

(3) any Government Company within the meaning of section 617 of the companies Act, 1956 (Central Act 1 of 1956);

(4) any society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 F. (Act 1 of 1350 F), which is subject to the control of the Government;

(5) any co-operative society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964, (Act 7 of 1964) whose area of operation extends to the whole of the State or is confirmed to a part of the State extending to an area not less than a district;

(vi) every Vice-Chancellor and every Registrar, of a University in the State, established by law made by the state Legislature;

(l) 'Secretary' means a Secretary to the Government, and includes the Principal secretary, a Second secretary, a Special Secretary, an Additional Secretary and Joint Secretary;

(m) 'Upa-Lokayukta' means a person appointed to be the Upa-lokayukta under Section 3.

3. Appointment of Lokayukta and Upa-Lokayukta:-

(1) For the purpose of conducting investigation in accordance with the provisions of this Act, the Governor shall, by warrant under his hand and seal, appoint a person to be known as the Lokayukta and one or more persons to be known as the Upa-Lokayukta or Upa-Lokayuktas:

Provided that,-

(a) the person to be appointed as the Lokayukta shall be a Judge or a retired Chief Justice of a High Court;

(b) the Lokayukta shall be appointed after consultation with the Chief Justice of the High Court concerned;

(c) the Upa-Lokayukta shall be appointed from among the District Judges of Grade I, out of a panel of five names forwarded by the Chief Justice of the High Court of Andhra Pradesh.

(2) In the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (hereinafter referred to as the principal Act) for sub-section (2) of section 3, the following shall be substituted, namely:-

2(i) Every person appointed to be the Lokayukta shall, before entering upon his office, make and subscribe, before the Governor an oath or affirmation according to the form set out for the purpose in the First Schedule.

(ii) Every person appointed to be the Upa-Lokayukta shall, before entering upon his office, make and subscribe before the Governor or some person *appointed* in that behalf by him, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(3) The Upa-Lokayukta shall function under the administrative control of the Lokayukta and in particular, for the purpose of convenient disposal of investigations under this Act, the Lokayukta may issue such general or special directions, as he may consider necessary, to the Upa-Lokayukta:

Provided that nothing in this Sub-section shall be construed to authorise the Lokayukta to question any decision, finding, or recommendation of the Upa-Lokayukta.

4. Lokayukta or Upa-Lokayukta to hold no other Office:-

(1) The Lokayukta or Upa-Lokayukta shall not be a member of either House of Parliament or of a House of the Legislature of any State, nor shall he hold any office of trust or profit (other than his office as the Lokayukta or, as the case may be, Upa-Lokayukta) or shall be connected with any political party, or shall carry on any business or practice any profession.

(2) A person appointed to be the Lokayukta, or as the case may be, the Upa-Lokayukta, shall, before he enters upon his office,-

(a) if he is a member of Parliament or of the Legislature of any State, resign such membership; or

(b) if he holds any office of trust or profit, cease to hold such office by resignation or otherwise; or

(c) if he is connected with any political party, sever his connection with it; or

(d) if he is carrying on any business, discontinue his participation (short of divesting himself of ownership) in the conduct and management of such business; or

(e) if he is practising any profession, suspend to practice such profession.

5. Term of office and other conditions of service of Lokayukta and Upa-Lokayukta:-

(1) Every person appointed to be the Lokayukta or Upa-Lokayukta shall hold office for a term of five years from the date on which he enters upon his office:

Provided that,-

(a) the Lokayukta or Upa-Lokayukta may by writing under his hand addressed to the Governor, resign his office;

(b) the Lokayukta or Upa-Lokayukta may be removed from his office in the manner specified in Section 6.

(2) If the Office of the Lokayukta or Upa-Lokayukta becomes vacant, or if the Lokayukta or Upa-Lokayukta is, by reason of absence or for any other reason whatsoever, unable to perform the duties of his office, those duties, shall, until some other person is appointed under Section 3 and enters upon such office or, as the case may be, until the Lokayukta or Upa-Lokayukta resumes his duties, be performed-

(a) where the office of the Lokayukta becomes vacant or where for any reason aforesaid he is unable to perform the duties of his office, by the Upa - Lokayukta or if there are two or more Upa-Lokayuktas, by such one of the Upa-Lokayuktas as the Governor may, by order, direct;

(b) where the office of the Upa-Lokayukta becomes vacant or where for any reason aforesaid he is unable to perform the duties of his office, by the Lokayukta himself or if the Lokayukta so directs, by the other Upa-Lokayukta or as the case may be, such one of the other Upa-Lokayuktas as may be specified in the direction.

(3) On ceasing to hold office, the Lokayukta or Upa-Lokayukta shall be ineligible for re-appointment to that office and also for further employment for a period of five years either under the Government or any such local authority, Corporation, Government Company or Society as is referred to in sub-clause (v) of clause (k) of Section 2.

¹[(4) The salary payable to the Lokayukta or Upa-Lokayukta in respect of time spent on actual service shall respectively be the same as that of the Chief Justice or Judge of the High Court of Andhra Pradesh].

1. Subs.by Act 39 of 1987,w.e.f. 1-4-1986.

(5) The allowances and pension, payable to and other conditions of service of the Lokayukta or Upa-Lokayukta shall respectively be the same as those of the Chief Justice or a Judge of the High Court of Andhra Pradesh:

Provided that the allowances and pension payable to, and other conditions of service of, the Lokayukta or Upa-Lokayukta shall not be varied to his disadvantage after his appointment.

6. Removal of Lokayukta or Upa-Lokayukta:-

(1) The Lokayukta or Upa-Lokayukta may be removed from his office by the Governor on the ground of misbehaviour or incapacity and on no other ground:

Provided that no Lokayukta or Upa-Lokayukta shall be so removed except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided further that any such inquiry,-

(i) in respect of Lokayukta, shall be held only by a person appointed by the Governor, being a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court; and

(ii) in respect of Upa-Lokayukta, shall be held only by a person appointed by the Governor, being a person who is or has been a Judge of the Supreme Court or who is or has been a Judge of the High court of Andhra Pradesh.

(2) The person appointed under the proviso to sub-section (1), shall submit the report of his inquiry to the Governor who shall, as soon as may be, but not later than six months, cause it to be laid before each House of the State Legislature.

(3) Notwithstanding anything in sub-section (1), the Governor shall not remove the Lokayukta or Upa-Lokayukta unless an address by each House of the State Legislature supported by a majority of the total membership of that House and a Majority of not less than two-thirds of the members of that House present and voting has been presented to the Governor in the same session for such removal.

7. Matters which may be investigated by Lokayukta or Upa-Lokayukta:-

(1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,-

- (i) a Minister or a Secretary; or
- (ii) a Member of either House of the State Legislature; or
- (iii) a Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force; or
- (iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a Complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub-section (1), in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may, by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order.

8. Matters not subject to investigation by Lokayukta or Upa-Lokayukta:-

(1) The Lokayukta or Upa-Lokayukta shall not investigate any allegation,-

(a) in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquiries) Act, 1850 (Central Act 37 of 1850);

(b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952);

In case where the Lokayukta or Upa-Lokayukta, as the case may be, has given his prior concurrence for such inquiry:

Provided that if, on an application for such concurrence, no intimation of withholding it is communicated within ninety days after the receipt of the application by the Lokayukta or Upa-Lokayukta, as the case may be, the concurrence shall be deemed to have been given.

(2) The Lokayukta or Upa-Lokayukta shall not investigate any complaint involving an allegation, if the complaint is made after the expiry of six years from the date on which the action complained against is alleged to have been taken place.

9. Provision relating to complaints:-

(1) Subject to the provisions of this Act, a complaint may be made by any person under this Act to the Lokayukta or Upa-Lokayukta relating to an allegation in respect of any action:

Provided that where the person aggrieved is dead or is for any reason unable to act for himself, the complaint may be made by any person who in law represents his estate, or as the case may be, by any person who is authorised by him in this behalf.

(2) Every complaint shall be made in such form and shall be accompanied by such affidavits as may be prescribed.

(3) Notwithstanding anything in any other law for the time being in force, any letter written to the Lokayukta or Upa-Lokayukta by a person in police custody, or in a goal or in any asylum, or other place for insane persons shall be forwarded to the addressee unopened and without delay by the police officer or other person in charge of such goal, asylum or other place and the Lokayukta or Upa-Lokayukta, as the case may be, may treat such letter as a complaint made in accordance with the provisions of sub-section (2).

10. Procedure in respect of investigations:-

(1) Where the Lokayukta or Upa-Lokayukta after making such preliminary verifications as he deems fit, proposes to conduct any investigation under this Act, he,-

(a) shall forward a copy of the Complaint or, in the case of any investigation which he proposes to conduct on his own motion, a statement setting out the grounds therefor, to the public servant concerned and the competent authority concerned;

(b) shall afford to the Public servant concerned an opportunity to offer his comments on such complaint or statement; and

(c) may make such orders as to the safe custody of documents relevant to the investigation as he deems fit.

(2)(a) Every preliminary verification referred to in sub-section (1) shall be conducted in private and in particular, the identity of the complainant and of the public servant affected by the said preliminary verification shall not be disclosed to the public or the press, whether before or during the preliminary verification, but every investigation referred to in sub-section (1) shall be conducted in public:

Provided that the Lokayukta or Upa-Lokayukta may conduct any such investigation in private, if he, for reasons to be recorded in writing thinks fit to do so.

(b) Every such investigation shall be completed within a period of six months, unless there is sufficient cause for not completing the investigation within that period, so however, that the total period for completing such investigation shall not exceed one year.

(3) Save as aforesaid, the procedure for conducting any investigation shall be such as the Lokayukta or, as the case may be, the Upa-Lokayukta considers appropriate in the circumstances of each case.

(4) The Lokayukta or Upa-Lokayukta may, in his discretion, refuse to investigate or discontinue the investigation of any complaint involving any allegation if in his opinion,-

(a) the complaint is frivolous or vexatious, or is not made in good faith; or

(b) there are no sufficient grounds for investigation or, as the case may be, for continuing the investigation; or

(c) other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies.

(5) In any case where the Lokayukta or Upa-Lokayukta decides not to entertain a complaint or to discontinue any investigation in respect of the complaint, he shall record his reasons therefor and communicate the same to the complainant and the public servant concerned.

11. Evidence:-

(1) Subject to the other provisions of this section, for the purpose of any investigation (including the preliminary verification if any, before such investigation) made under this Act, the Lokayukta or Upa-Lokayukta may require any public servant or any other person, who in his opinion is able to furnish information or produce documents relevant to the the investigation to furnish any such information or produce any such document.

(2) For the purpose of any such investigation (including the preliminary verification) the Lokayukta or Upa-Lokayukta shall have all the powers of a Civil Court while trying a suit under the code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely,-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any Court or Office;

(e) issuing commissions for the examination of witnesses or documents;

(f) such other matters as may be prescribed.

(3) Any proceedings before the Lokayukta or Upa-Lokayukta shall be deemed to be a judicial proceeding within the meaning of Section 193 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(4) Subject to the provisions of sub-section (5), no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to the Government or any public Servant, whether imposed by or under any law or by any instrument having the force of law, shall apply to the disclosure of information for the purpose of any investigation made under this Act and the government or any Public Servant shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any law or instrument as aforesaid in legal proceedings:

Provided that no person shall be compelled for the purpose of any investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in any proceedings before a Court.

(5) No person shall be required or authorised by virtue of this Act, to furnish any such information or answer any such question or produce so much of any document,-

(a) as might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation); or

(b) as might involve the disclosure of the proceedings of the Council of Ministers of Government or any Committee of that Council; and for the purpose of this sub-section a certificate issued by the Chief Secretary to the Government certifying that any information, answer or portion of a document is of the nature specified in Clause (a) or Clause (b) shall be binding and conclusive.

12. Reports of Lokayukta or Upa-Lokayukta:-

(1) If, after investigation of any allegation in respect of any action under this Act, the Lokayukta or Upa-Lokayukta is satisfied that such allegation is substantiated either wholly or partly, he shall by a report in writing, communicate his findings and recommendations along with the relevant documents, materials or other evidence to the competent authority.

(2) The competent authority shall examine the report forwarded to it under sub-section (1) and without any further inquiry take action on the basis of the recommendation and intimate within three months of the date of receipt of the report, the Lokayukta or, as the case may be, the Upa-Lokayukta, the action taken or proposed to be taken on the basis of the report.

(3) Where, in a report forwarded by the Lokayukta or Upa-Lokayukta, any recommendation imposing the penalty of removal from the office of a Public Servant falling within sub-clause (iv) or sub-clause (v) of clause (k) of Section 2 has been made, it shall be lawful for the Government without any further inquiry to take action on the basis of the said recommendation for the removal of such Public Servant from his office and for making him ineligible for being elected to any office specified by the Government in this behalf, notwithstanding anything contained in any law for the time being in force.

(4) If the Lokayukta or Upa-Lokayukta is satisfied with the action taken or proposed to be taken on his findings and recommendations referred to in sub-section (1), he shall close the case under intimation to the complainant, the Public Servant and the competent authority concerned; but where he is not so satisfied and if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the complainant.

(5) The Lokayukta and the Upa-Lokayukta shall present annually a consolidated report on the work done under this Act to the Governor.

(6) On receipt of the special report under sub-section (4) or the annual report under sub-section (5), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before each House of the State Legislature.

(7) Subject to the provisions of sub-section (2) of Section 10, the Lokayukta may, at his discretion make available, from time to time, the substance of cases closed or otherwise disposed of by him or by the Upa-Lokayukta, which may appear to him to be of a general, public, academic or professional interest, in such manner and to such persons as he may deem appropriate.

13. Prosecution for false Complaints:-

(1) Notwithstanding anything in Section 10 or any other provisions of this Act, whoever wilfully or maliciously makes any false complaint under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) No Court, except a Court of the Judicial Magistrate of the First Class shall take cognizance of the offence under sub-section (1).

(3) No such Court shall take cognizance of any such offence except on a complaint made by a person against whom false complaint was made, and after obtaining the previous sanction of the Lokayukta or Upa-Lokayukta, as the case may be.

(4) Such Court, on conviction of the person making false complaint, may award, out of the amount of the fine, to the complainant such amount of the compensation as it thinks fit.

14. Staff of Lokayukta and Upa-Lokayukta:-

(1) The Lokayukta may appoint, or authorise Upa-Lokayukta or any officer subordinate to the Lokayukta or Upa-Lokayukta to appoint, officers and other employees to assist the Lokayukta and the Upa-Lokayukta in the discharge of their functions under this Act.

(2) The categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service and the administrative powers of the Lokayukta and Upa-Lokayuktas shall be such as may be prescribed, after consultation with the Lokayukta.

(3) Without prejudice to the provisions of sub-section (1), the Lokayukta or Upa-Lokayukta may, for the purpose of conducting investigations under this Act, utilise in such manner as may be prescribed the services of,-

- (i) any officer or investigation agency of the State Government or the Central Government with the concurrence of that Government; or
- (ii) any other person or agency.

15. Secrecy of Information:-

(i) Any information obtained by the Lokayukta or Upa-Lokayukta or any member of their staff in the course of, or for the purposes of, any preliminary verification made under this Act, and any evidence recorded or collected in connection with such information, shall, subject to provisions of Clause (a) of sub-section (2) of Section 10, be treated as confidential; and notwithstanding anything in the Indian Evidence Act, 1872, (Central Act 1 of 1872) no court shall be entitled to compel the Lokayukta or Upa-Lokayukta or any Public Servant to give evidence relating to such information or produce the evidence so recorded or collected.

(2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars:-

(a) for purposes of the investigation or in any report to be made thereon or for any action or proceedings to be taken on such report; or

(b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923 (Central Act of 19 of 1923) or an offence of giving or fabricating false evidence under the Indian Penal Code, 1860 (Central Act 45 of 1860) or for purposes of any trial of an offence under Section 13 or any proceedings under Section 16, of this Act; or

(c) for such other purposes as may be prescribed.

(3) An officer or other authority prescribed in this behalf may give notice in writing to the Lokayukta or Upa-Lokayukta, as the case may be, with respect to any document or information specified in the notice or any class of documents so specified, that in the opinion of the Government the disclosure of the documents or class of documents or information would be prejudicial to public interest; and where such a notice is given the Lokayukta or Upa-Lokayukta may, for reasons to be recorded, decide as to whether the disclosure of such document / or class of documents or information involves public interest. In case the disclosure of any document or information so specified is held to involve public interest, the Lokayukta, the Upa-Lokayukta or any member of their staff shall not communicate to any person any such document or information.

16. International insult or interruption to, or bringing into disrepute, Lokayukta or Upa-Lokayukta:-

(1) Whoever, intentionally offers any insult or causes any interruption to the Lokayukta or Upa-Lokayukta while the Lokayukta or Upa-Lokayukta is conducting any investigation under this Act, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever, by words spoken or intended to be read makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or Upa-Lokayukta into disrepute, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(3) The provisions of Section 199 of the Code of Criminal Procedure, 1973, shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (1) of the said Section 199; subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor, except with the previous sanction-

(a) in the case of an offence against Lokayukta, of the Lokayukta;

(b) in the case of an offence against Upa-Lokayukta, of the Upa-Lokayukta concerned.

17. Protection of action taken in good faith:-

(1) No suit, prosecution or other legal proceedings shall lie against the Lokayukta or Upa-Lokayukta or against any officer, employee, agency or person referred to in Section 14 in respect of anything which is in good faith done or intended to be done under this Act.

(2) No proceedings of the Lokayukta or Upa-Lokayukta shall be deemed to be invalid by reason only of a defect or infirmity in his appointment or with the conduct of the Proceedings.

(3) No proceedings, decision, finding or recommendation of Lokayukta or Upa-Lokayukta shall be liable to be challenged, renewed, quashed or called in question in any Court or Tribunal.

18. Conferment of Additional Functions on Lokayukta and Upa-Lokayukta, etc:-

(1) The Governor may, by a notification and after consultation with the Lokayukta, confer on the Lokayukta, or Upa-Lokayukta, as the case may be, such additional functions in relation to the eradication of corruption as may be specified in the notification.

(2) The Governor may, by order in writing and after consultation with the Lokayukta, confer on the Lokayukta or Upa-Lokayukta, such powers of supervision over agencies, authorities or officers set up, constituted or appointed by the Government for the eradication of corruption.

(3) The Governor may, by order in writing and subject to such

conditions and limitations as may be specified therein, require the Lokayukta to investigate any action (being action in respect of which a complaint may be made under this Act, to the Lokayukta or Upa-Lokayukta) and not withstanding anything in this Act the Lokayukta shall comply with such order:

Provided that the Lokayukta may entrust investigation of any such action (being action in respect of which a complaint may be made under this Act, to the Upa-Lokayukta) to the Upa-Lokayukta.

(4) When any additional functions are conferred on the Lokayukta or Upa-Lokayukta under sub-section (1) or when the Lokayukta or Upa-Lokayukta is to investigate any action under (3) No proceedings, decision, finding or recommendation of Lokayukta or Upa-Lokayukta shall be liable to be challenged, renewed, quashed or called in question in any Court or Tribunal.

18. Conferment of Additional Functions on Lokayukta and Upa-Lokayukta, etc:-

(1) The Governor may, by a notification and after consultation with the Lokayukta, confer on the Lokayukta, or Upa-Lokayukta, as the case may be, such additional functions in relation to the eradication of corruption as may be specified in the notification.

(2) The Governor may, by order in writing and after consultation with the Lokayukta, confer on the Lokayukta or Upa-Lokayukta, such powers of supervision over agencies, authorities or officers set up, constituted or appointed by the Government for the eradication of corruption.

(3) The Governor may, by order in writing and subject to such conditions and limitations as may be specified therein, require the Lokayukta to investigate any action (being action in respect of which a complaint may be made under this Act, to the Lokayukta or Upa-Lokayukta) and not withstanding anything in this Act the Lokayukta shall comply with such order:

Provided that the Lokayukta may entrust investigation of any such action (being action in respect of which a complaint may be made under this Act, to the Upa-Lokayukta) to the Upa-Lokayukta.

(4) When any additional functions are conferred on the Lokayukta or Upa-Lokayukta under sub-section (1) or when the Lokayukta or Upa-Lokayukta is to investigate any action under sub-section (3), the Lokayukta or Upa-Lokayukta shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on a complaint involving an allegation, and the provisions of this Act shall apply accordingly.

19. Powers to delegate:-

The Lokayukta or Upa-Lokayukta may, by general or special order, in writing, direct that any powers or duties of administrative nature (except the power to make reports to the Governor under Section 12), may also be exercised or discharged by such of the officers, employees or agencies referred to in Section 14, as may be specified in the order.

20. Power to make rules:-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for,-

(a) the authorities for the purpose required to be prescribed under sub-clause (iii) of Clause (c) of Section 2;

(b) the allowances and pension payable to and other conditions of service of, the Lokayukta and Upa-Lokayukta;

(c) the form in which complaints may be made and the fees if any, which may be charged in respect thereof;

(d) the powers of Civil Court which may be exercised by the Lokayukta or Upa-Lokayukta;

(e) any other matter which is to be or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is in the opinion of the Government necessary for the proper implementation of this Act.

(3) Every rule made under this Act shall immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification of the rule or in the annulment of the rule, the rule shall from the date on which such modification or annulment is notified have effect only in such modified form or have no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Removal of doubts:-

For the removal of doubts, it is hereby declared that nothing in this Act shall be construed to authorise the Lokayukta or Upa-Lokayukta to investigate any allegation against-

- (a) the Chief Justice or any Judge of the High Court or a member of the Judicial service as defined in Clause (b) of Article 236 of the Constitution;
- (b) any Officer or Servant of any Court in the State;
- (c) the Accountant-General, Andhra Pradesh;
- (d) the Chairman or a Member of the Andhra Pradesh Public Service Commission;
- (e) the Chief Election Commissioner, the Election Commissioners and the Regional Commissioners referred to in Article.324 of the Constitution and the Chief Electoral Officer of the State of Andhra Pradesh;
- (f) the Speaker and the Deputy Speaker of the Legislative Assembly and the Chairman and the Deputy Chairman of the Legislative Council and the staff of the Legislature Secretariat;
- (g) the Chairman or member of the Andhra Pradesh Administrative Tribunal;
- (h) any Officer or Servant of the Andhra Pradesh Administrative Tribunal;

22. Savings:-

The provisions of this Act shall be in addition to the provisions of any other enactment or any rule of law under which remedy in any other manner is available to a person making a complaint under this Act and nothing in this Act shall limit or affect the right of such person to avail of such remedy.

First Schedule
[See Section 3(2)]

I having been appointed to be, Lokayukta/Upa-Lokayukta, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and I will duly and faithfully and to best of my ability, knowledge and judgment perform the duties of my office without fear and favour, affection or ill-will.

Second Schedule

[x x x]

Notification under A.P.Lokayukta and Upa-Lokayukta Act, 1983
[G.O.Ms.No.158, General Administration (S.C.D.) Dt.13-3-1984]
(Published in A.P.Gazette, Part 1, Ext., Issue No. 135, Dt. 13-3-1984)

In exercise of the powers conferred by Clause (iv) of sub-section (1) of Section 7 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983). the Governor of Andhra Pradesh, after consultation with the Lokayukta, hereby notifies the following classes of Public Servants for the purposes of the said Clause (iv), namely:-

(a) Officers:-

Indian Administrative Service Officers belonging to Selection Grade and above and all District Collectors.

Indian Police Service Officers of the rank of Deputy Inspector General of Police and above.

Indian Forest Service Officers of the rank of Conservator of Forest and above.

All Chief Engineers.

(b)* Chairman Zilla Parishads.

1. Omitted by Act 39 of 1987, w.e.f.1-4-1986.

*In place of Zilla Parishads, Zilla Praja Parishads have come into existence as per Act No. 31 of 1986.

**THE ANDHRA PRADESH LOKAYUKTA AND UPA-
LOKAYUKTA (COMPETENT AUTHORITY) RULES, 1984**

¹[G.O.Ms.No.159, General Administration (SC-D.), Dt.13-3-1984]:-

In exercise of the powers conferred by Section 20 read with sub-clause (iii) of Clause (c) of Section 2 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh hereby makes the following rules relating to Competent Authority in respect of other Public Servants for the purpose of the said sub-clause (iii).

1. Short title, commencement and application:-

(1) These rules may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta (Competent Authority) Rules, 1984.

(2) They shall come into force at once.

(3) They shall apply to all Public Servants other than a Minister, Chief Secretary or Secretary, a Member of either House of the State Legislature specified in sub-clauses (i) and (ii) of clause (c) of Section 2 read with Clause (iv) of sub-section(1) of section 7 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983.

2. Definitions:- (1) In these rules, unless the context otherwise requires, -

(i) “*Act*” means the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983);

(ii) “*Section*” means a section of the Act.

(2) Words and expressions used in these rules but not defined herein shall have the same meaning as are assigned to them under the Act

1.Published in A.P.Gazette, Part I, dt.13-3-1984.

3 Competent Authority :- The following shall be the competent authority in relation to the public servants specified in sub-clause (iii) of Clause (c) of Section 2.

		Competent Authority
(a)	Officers All India Service Officers Andhra Pradesh Administrative Service Officers and Heads of Depts., including Chief Engineers. All other Officers.	Chief Minister Chief Minister Appointing Authority
(b)	Chairman, Zilla Parishad	Chief Minister
(c)	Mayor of Municipal Corporation	Chief Minister
(d)	Chairman/President and Managing Director who is also a Director [not belonging to (a) above]	Chief Minister
(e)	Vice-Chancellor	Chancellor
(f)	Registrar of University	Vice-Chancellor
(g)	President, Panchayat Samithi	Minister-in-charge
(h)	Chairman, Municipal Council (1st Grade and above)	Minister-in-charge
(i)	Director in a Governing Body falling under Section 2(k)(v)	Minister-in-charge

(17)
THE ANDHRA PRADESH LOKAYUKTA AND
UPA-LOKAYUKTA (INVESTIGATION) RULES, 1984

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THE ANDHRA PRADESH LOKAYUKTA AND UPA- LOKAYUKTA (INVESTIGATION) RULES, 1984

¹[G.O.Ms.No.34, General Administration (SC-D.), Dt.20-1-1984]:-

In exercise of the powers conferred by Section 20 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983), the Governor of Andhra Pradesh hereby makes the following rules relating to allegations and complaints against Public Servants, their verification and investigation.

Chapter I Preliminary

1. Short title:-

These rules may be called the Andhra Pradesh Lokayukta and Upa-Lokayukta (Investigation) Rules, 1984.

2. Definitions:-

(1) In these rules unless the context otherwise requires,-

(i) "Act" means the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 (Act No. 11 of 1983);

(ii) "Complainant" means any person by whom a complaint is made under Section 9 of the Act;

(iii) "Complaint" means a statement made in writing to the Lokayukta or Upa-Lokayukta by a complainant containing an allegation against a Public Servant in respect of an action taken by such Public Servant;

1. Published in A.P.Gazette, R.S. to Part I, Dt.20.1.1984.

(iv) “form” means a form appended to these rules;

(v) “Governor” means the Governor of Andhra Pradesh;

²[(v-a) “Institution” means the Institution of Lok Ayukta and Upa-Lok Ayukta of Andhra Pradesh”];

(vi) “investigation” means any inquiry or other proceedings conducted by the Lokayukta or Upa-Lokayukta in connection with the Complaint, or on his own motion or under the orders of the Governor but shall not include preliminary verification;

(vii) “person aggrieved” means a person who sustained injustice or undue hardship in consequence of any act of a Public Servant falling within the scope of sub-clause (i),(ii) or(iii) of Clause (b) of Section 2 of the Act;

(viii) “preliminary Verification” means any inquiry or other proceedings conducted by the Lokayukta or Upa-Lokayukta in connection with a complaint or on his own motion for the purpose of satisfying himself as to whether there are any grounds for conducting an investigation into such complaint;

(ix) “registrar” means the principal administrative officer of the establishment of the Lokayukta and Upa-Lokayukta and appointed by the Lokayukta under sub-section (1) of Section 14 of the Act;

(x) “State” means the State of Andhra Pradesh.

(2) Words and expressions used in these rules but not defined herein shall have the same meaning as are assigned to them under the Constitution of India and the Act.

².Inserted by G.O.Ms.No.120(G.A.) Dt.19.3.1987, Published. in A.P.Gazette., to part I (Ext.) Dt.6.4.1987

Chapter II
Complaints, their Scrutiny and Verification

3. Complaint:-

(1) A complaint shall be signed by the complainant and shall be made in Form I accompanied by his own affidavit in Form II and affidavits of his witnesses, if any, duly affirmed and attested by a Gazetted Officer, Village Munsif or Patel, Member of the State Legislature, Advocate, Notary Public, Sarpanch, or a Central Nazir or Deputy Nazir governed by the Andhra Pradesh Judicial Ministerial Service Rules.

¹[Provided that the Lokayukta or the Upa-Lokayukta, as the case may be, may in his discretion permit the filing of Forms I and II on any day subsequent to the date of filing of the original complaint.]

²[(2) Every complaint shall be accompanied by a Money Order, Bankers Cheque, or Demand Draft drawn in favour of the Registrar of the Institution on any Bank having a branch at Hyderabad for Rupees One hundred and fifty or Cash of Rupees One hundred and fifty:

Provided that the Lokayukta or Upa-Lokayukta may in his discretion extend time or making the payment as specified above or for sufficient cause to be recorded in writing may exempt the complainant from the requirement of this sub-rule.]

(3) A complaint may be presented in person to the Registrar or any other officer duly authorised by him in this behalf or be sent by registered post.

1. Proviso inserted by G.O.Ms.No.120, G.A.D. Dt.19.3.1987.

2. Sub-rule(2) and proviso thereunder, Substituted by Lbid

4. Scrutiny of complaint:-

(1) As soon as may be after presentation or receipt of the complaint, it shall be scrutinised by such member of the staff of the Lokayukta as may be specially authorised in that behalf by the Lokayukta.

(2) If, on scrutiny of the complaint, it is found to be defective or deficient in any of the required particulars, the complainant shall be called upon in Form III to rectify the defects or supply the omissions within ten days or such further time as may be granted in his discretion by the Lokayukta or Upa-Lokayukta, as the case may be.

(3) If the defects are not rectified and/or the omissions are not supplied within the time specified or such further time as may be granted by the Lokayukta or Upa-Lokayukta, as the case may be, the Lokayukta or Upa-Lokayukta may reject the complaint and inform the complainant in Form IV.

(4) The complaint shall also be liable for rejection in *limine* by the Lokayukta or Upa-Lokayukta, as the case may be, for any of the following reasons, namely,-

(a) that the complaint does not disclose an allegation which may be investigated by the Lokayukta or Upa-Lokayukta, as the case may be;

(b) that the complaint is-

(i) frivolous, or

(ii) vexatious, or

(iii) not made in good faith;

(c) that there are no sufficient grounds for investigating the complaint;

(d) that other remedies are available to the complainant and in the circumstances of the case, it would be more proper for the complainant to avail of such remedies;

(e) that the Public Servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta or Upa-Lokayukta;

(f) that the complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place;

(g) that an earlier complaint based on the same allegations as those made in the present complaint was previously disposed of by the Lokayukta or Upa-Lokayukta or any other authority.

(5) The Lokayukta or Upa-Lokayukta, as the case may be, in his discretion afford an opportunity to the complainant to show cause why the complaint shall not be rejected for any of the reasons mentioned in sub-rule (4).

Chapter III **Preliminary Verification and Investigation**

5. Preliminary verification:-

(1) After the registration of the complaint, the Lokayukta or Upa-Lokayukta, as the case may be, shall inform the complainant in Form V and may make such preliminary verification as he deems fit in regard to the allegation in the complaint and the action complained of on the basis of the information furnished through the complaint and the affidavits, documents and copies thereof, if any, enclosed to the complaint and also on his own motion before he proposes to conduct any investigation.

(2) The Lokayukta or Upa-Lokayukta may utilise the services of such Law Officers or other legally trained persons as may be attached to his establishment in the course of the preliminary verification.

(3) The Lokayukta or Upa-Lokayukta may ¹[if felt necessary] hear the complainant after giving him notice in Form VI before passing an order refusing to investigate his complaint at the stage of preliminary verification.

¹[(4) if the Lokayukta or Upa-Lokayukta, as the case may be, does not reject a complaint under sub-rule (3) or sub-rule (4) of Rule 4; and if in his opinion, the complaint contains verifiable details justifying further action, he may,-

(i) call for remarks, information or report after a confidential probe from the concerned departmental authority or officer about the truth or other wise of the allegations made in the complaint and fix a time for submission of such remarks, information or report; and or

1. Ins.by G.O.Ms.No.120 (G.A.D.), dated 19-3-1987.

(ii) require any investigating agency or the Investigation Section attached to the Institution to make a confidential probe into the allegations contained in the complaint and submit a report within the time specified.

(5) The remarks, information or report referred to in sub-rule (4) shall after its receipt in the Institution be examined by the legal Section attached to the Institution and after such examination they shall submit their report along with the remarks, information and report referred to in sub-rule (4) of the Lokayukta or Upa-Lokayukta as the case may be.

(6) After consideration of the remarks, information and/or reports referred to in sub-rules (4) and (5) and after hearing the complainant if and when available and necessary and also the officers of the Section, the Lokayukta or Upa-Lokayukta, as the case may be, shall decide whether or not there are any sufficient grounds for ordering investigation, and if he finds that there are no sufficient grounds for conducting investigation, he shall pass an order rejecting the complaint:

Provided that if the Lokayukta or Upa-Lokayukta, as the case may be, is of the opinion after a consideration of the material referred to in sub-rules (4) and (5), that the injustice complained of or the grievance alleged can be remedied or redressed at the departmental level, he may close the complaint and sent the relevant records to the concerned departmental authority with suitable directions and for appropriate action.

(7) If after such consideration of the reports etc., mentioned above the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that there is a prima facie case for conducting an investigation into the allegations in the complaint, he may pass an order to that effect and direct the concerned officers of the Institution to take the necessary steps in that behalf.

(8) Nothing prevents the Lokayukta or Upa-Lokayukta from closing a complaint at any stage and referring it to the concerned departmental authorities for appropriate action].

6. Commencement of investigation:-

(1) If the Lokayukta or Upa-Lokayukta, after making necessary preliminary verification, proposes to conduct an investigation into the complaint, he shall inform the Complainant accordingly and forward a copy of the complaint together with a list of the witnesses whom the complainant proposes to examine and also the affidavits, if any, produced by the complainant to the public servant concerned and the competent authority concerned.

(2) Where the Lokayukta or Upa-Lokayukta proposes to conduct an investigation on his own motion against a public servant, he shall forward to the public servant concerned, and the competent authority concerned, a statement containing details of the action attributed to such public servant or the allegation against him regarding which information has been received by the Lokayukta or Upa-Lokayukta otherwise than through a complaint together with a list of witnesses whom the Lokayukta or Upa-Lokayukta proposes to examine, if any:

¹[Provided that the Lokayukta or Upa-Lokayukta, as the case may be, any for reasons to be recorded in writing, permit the examination of any witnesses in addition to those cited in the statement of allegations communicated to the public servant concerned.]

(3) Where the Governor makes an order under sub-section (3) of Section 18 of the Act, requiring the Lokayukta to investigate any action, the detailed grounds therefor together with a list of witnesses, if any, shall be stated in the said order and a copy of the same shall be forwarded to the public servant concerned and the competent authority concerned by the Lokayukta or Upa-Lokayukta, as the case may be.

(4) The public servant concerned shall be afforded an opportunity in Form VII to offer his comments and also produce affidavits of his witnesses and the documents he desires to be examined and considered before further steps in the investigation are ordered, within a fortnight or before the expiry of such further time as may be granted in his discretion by the Lokayukta or Upa-Lokayukta on the complaint referred to in sub-rule (1) or such portions thereof as may be specified or on the statement referred to in sub-rule (2) or the order and grounds referred to in sub-rule (3).

(5) If no comments are received from the public servant concerned in response to the opportunity afforded to him under sub-rule (4), the Lokayukta or Upa-Lokayukta may proceed further with the investigation on the basis of the material available.

(6) If, after receipt of the comments of the public servant concerned and on a consideration thereof, the Lokayukta or Upa-Lokayukta comes to a provisional conclusion that the case does not warrant further investigation, the Lokayukta or Upa-Lokayukta may discontinue further investigation:

Provided that before discontinuing further investigation, the complainant shall be heard in the matter.

(7) If inquiry into the conduct of an officer holding a post carrying a minimum scale of pay of rupees seven thousand four hundred or below becomes necessary for conducting the investigation in regard to an allegation relating to a public servant falling within item (iii) of Clause (k) of Section 2 of the Act, the Lokayukta or Upa-Lokayukta may inquire into the conduct of such officer also:

1. Added by G.O.Ms.No.120 (G.A.D.),dt. 19.3.1987.

Provided that in so inquiring into the conduct of such officer the Lokayukta or Upa-Lokayukta shall to the extent necessary, follow the procedure laid down in this Chapter.

7. Procedure for conducting investigation:-

(1) When the Lokayukta or Upa-Lokayukta decides to conduct any investigation under the Act, notices shall be sent to the complainant and the public servant concerned in Form VIII informing them about the proposed investigation and directing them to appear in person on the date mentioned therein.

(2) In an investigation conducted on a complaint if the complainant so chooses, he may be permitted to engage a legal practitioner to present the case on his behalf. The Public Servant concerned shall also be informed that he may take the assistance of any other public servant or a legal practitioner to defend him.

¹[(3) The Lokayukta or Upa-Lokayukta, as the case may be, may utilise the services of any Legal Practitioner or an Officer of the Legal Section of the Institution or other legally trained person to assist him in any investigation by leading oral and documentary evidence in support of the allegations contained in the Statement of Allegations communicated to the public servant by cross-examining the witnesses, if any, examined by or on behalf of the public servant and by addressing arguments.]

(4) On the date fixed for appearance, the public servant concerned shall appear and he may also bring his defence assistant to represent him, In a case where investigation has been initiated on a complaint, the complainant and his legal counsel, if any, shall also be present.

(5) The Lokayukta or Upa-Lokayukta shall ask the public servant concerned whether he admits or denies the allegations contained in the complaint or statement or grounds communicated to him earlier and his plea shall be recorded. If he admits, the Lokayukta, or Upa-Lokayukta as the case may be, shall communicate his findings and recommendations to the competent authority and if he denies, the Lokayukta or Upa-Lokayukta, as the case may be, shall conduct the investigation.

(6) If the public servant concerned requests permission to inspect the documents proposed to be relied upon in support of the allegations, he may be allowed such reasonable time as the Lokayukta or Upa-Lokayukta deems fit for such inspection. If the public servant wishes to summon for any documents which are relevant for the purpose of his defence, he may file a written request for the same giving particulars of the documents and the relevancy and purpose for which they are required and thereupon, after satisfying himself about the relevancy and admissibility of the documents, the Lokayukta or Upa-Lokayukta may issue summons for production of such documents and adjourn the investigation to another date.

1. Substituted by G.O.Ms.No.120 (G.A.D.), dt.19.3.1987.

- (7)(i) For the purpose of conducting any investigation under the Act, the Lokayukta or Upa-Lokayukta may utilise the services of,-
- (a) any officer or investigation agency of the State Government or the Central Government with the concurrence of that Government;
- (b) any other person or agency; and such officer, investigation agency, other person or agency shall act under the directions of the Lokayukta or Upa-Lokayukta, as the case may be.
- (ii) The Lokayukta or Upa-Lokayukta may appoint one or more assessors to assist and advise him on any matter connected with the investigation:
- Provided that the advice tendered by the assessors shall not be binding on the Lokayukta or Upa-Lokayukta.
- (iii) The Lokayukta or Upa-Lokayukta may utilise the services of any technical person in any investigation under the Act.
- (iv) The Lokayukta or Upa-Lokayukta may accept as evidence in the case, the affidavits produced by the complainant and the public servant concerned and consider the documents produced by them as evidence without formal proof of the contents thereof, unless the genuineness or handwriting or contents of any document is challenged by either side, in which case he may permit necessary oral evidence to be adduced in proof of such documents.

¹[(v) The officers of the Investigation Section while making a confidential probe into the allegations referred to them by the Lokayukta or the Upa-Lokayukta, as the case may be, and submitting a report after such confidential probe, and the officers of the Legal Section while submitting reports after examining the remarks, information or report referred to in sub-rules (4) and (5) of Rule 5, and the documents and records, if any, secured in the course of the preliminary verification, while leading evidence or cross-examining the witnesses, if any, examined by or on behalf of the public servant and addressing arguments, shall act independently and on their own responsibility.]

(8)(i) For the purpose of any preliminary verification or investigation under the Act, the Lokayukta or Upa-Lokayukta may issue summons in Form IX to any public servant or any other person whose attendance is required either to give evidence or to produce documents.

(ii) Every summons issued by the Lokayukta or Upa-Lokayukta shall be in duplicate and shall be signed by the Registrar and sealed with the seal of the Lokayukta or Upa-Lokayukta, as the case may be, and it shall specify the time and place at which the person summoned is required to attend and also whether his personal attendance is required for the purpose of giving evidence or to produce a document or for both the purposes.

1. Added by G.O.Ms.No.120 (G.A.D.), dt.19.3.1987.

(iii) A person may be summoned merely to produce a document without being summoned to give evidence. Any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

(iv) Every such summons shall be served generally by sending it by registered post or, where felt necessary, through a messenger to the person for whom it is intended.

¹[(v) When a person not in the service of Government is required by the Lokayukta or by the Upa-Lokayukta to appear before him to give evidence as a witness for the complainant or defence or to assist the Court, he being the complainant and having filed the complaint in public interest he shall be paid travelling allowance and daily allowance for the journey calculated under the ordinary rules for the journey of a Government Servant on tour and actual conveyance charges in the case of local persons and for this purpose the Lokayukta or Upa-Lokayukta may declare by special order the grade to which such person shall be considered to belong according to his status in life and his decision in this respect shall be final.]

(vi) For the purpose of investigation under the Act, the Lokayukta or Upa-Lokayukta shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely,-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or office;
- (e) issuing commission for the examination of witness and documents.

(9) On the receipt of the document summoned, a date shall be fixed for recording the evidence. As far as possible, the witness shall be examined from day to day. Oral and documentary evidence shall be adduced in support of and against the allegation subject to the provisions of sub-rule (10). The parties to the investigation shall have an opportunity to examine or cross-examine or re-examine the witnesses. The Lokayukta or Upa-Lokayukta or his legal assistant may also put such questions as may be necessary to the witnesses.

(10) After the closure of the evidence in support of the allegation, the public servant concerned shall be called upon to file a list of witnesses to be examined on his behalf and the documents to be filed in support of his defence.

1. Substituted by G.O.Ms.No.120 (G.A.D.), dt.19.3.1987.

2. Inserted by *ivid.*

(11) After the closure of the defence evidence, the Lokayukta or Upa-Lokayukta, as the case may be, may hear oral arguments on both sides if he thinks it necessary. Both sides may file written briefs of their respective cases if they so desire.

(12) Whenever the Lokayukta or Upa-Lokayukta considers that it is not expedient to follow the above procedure, he may regulate the procedure for conducting the investigation in such manner as he deems fit in the circumstances of each case, [including the appointment of a Gazetted Officer of the Institution as Commissioner to receive documentary evidence and record oral evidence in the investigations conducted under this Act, alinude the powers conferred on a Civil Court under Order XXVI of the Code of Civil Procedure and putting such questions to any witness examined in the course of the Investigations conducted under the Act as may be necessary for purposes of elucidation of any points in issue.] Provided however that such procedure shall conform to the principles of natural justice and shall not be repugnant to the rules and other conditions of service, if any, applicable to the public servant concerned.

8. Reckoning of time limit for completing investigation:-

The time limit mentioned in Clause (b) of sub-section (2) of Section 10 of the Act shall be reckoned from the date on which the Lokayukta or Upa-Lokayukta, as the case may be, orders a copy of the complaint or statement to be forwarded to the public servant concerned and the competent authority concerned under Clause (a) of sub-section (1) of Section 10 of the Act.

9. Refusal to investigate and discontinuance of investigation:-

(1) The Lokayukta or Upa-Lokayukta shall not investigate any allegation for any of the reasons mentioned in Clauses (a) and (b) of sub-section (1) of Section 8 of the Act.

(2) The Lokayukta or Upa-Lokayukta, as the case may be, may at any time after the commencement of any investigation under the Act order discontinuance of further investigations of any complaint involving an allegation for any of the reasons mentioned in Clauses (a) to (c) of sub-section (4) of Section 10 of the Act.

10. Transfer of preliminary verification and investigation by Lokayukta:-

The Lokayukta may make over any preliminary verification or investigation under the Act to the Upa-Lokayukta for reasons to be recorded in writing, if, in his opinion, it would be consistent with principles of natural justice and fair play so to do.

11. Furnishing copies of documents, affidavits and depositions:-

The complainant and the public servant shall be entitled to be supplied with copies of the documents exhibited, affidavits relied upon and depositions recorded in the course of any investigation under the Act at their own cost. The fee for the supply of such copies is fixed as follows,-

	Rs. P.s
Fee for ordinary application	0.25
Fee for urgent copy application	2.25
Copying charges for every 175 words or less of the matter supplied	0.60
Charges for each page of Xerox copy	1.25]

12. Place of sitting of Lokayukta and Upa-Lokayukta:-

The Lokayukta or Upa-Lokayukta may, in his discretion, conduct any preliminary verification or any investigation under the Act either partly or wholly either at his principal seat at Hyderabad or at such other place or places in the State as may be notified by him from time to time.

13. Completion of investigation:-

(1) After completion of investigation in any allegation in respect of any action under the Act, the Lokayukta or Upa-Lokayukta, as the case may be, if satisfied that the allegation is substantiated either wholly or partly, shall by a report in writing communicate his findings and recommendations along with the relevant documents, materials or other evidence to the competent authority concerned.

(2) If after investigation of any allegation in respect of any action under the Act, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the allegation is not substantiated even partly, he shall inform the complainant and the public servant concerned and the competent authority concerned accordingly.

14. Death of the complainant:-

When the complainant after making a complaint either dies or is incapacitated from taking or does not take further steps for substantiating the allegation, the Lokayukta or Upa-Lokayukta, as the case may be, for reasons to be recorded in writing, proceed further with the complaint on the basis of the material available.

1. Substituted by G.O.Ms.No.120 (G.A.D), dt.19-3-1987.

15. Withdrawal of complaint:-

No complaint shall be permitted to be withdrawn unless the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied that the complaint was made under a bonafide mistake or that the grievance complained of, has been adequately redressed.

[15-A. Restoration and review:-

(1) Where a complaint is rejected under sub-rule (3) of Rule 4 or for non-appearance of the complainant before the Lokayukta or Upa-Lokayukta, in response to the notice issued under sub-rule (5) of Rule 4, the complainant shall be precluded from bringing a fresh complaint on the same set of facts. But he may apply for an order to set the rejection aside and if he satisfies the Lokayukta or Upa-Lokayukta, as the case may be, that there was sufficient cause for not rectifying the defects and/or not supplying the omissions within the time specified or for not appearing before the Lokayukta or Upa-LokAyukta, as the case may be, in response to a notice issued under sub-rule (5) of Rule 4, the Lokayukta or Upa-Lokayukta, as the case may be, shall make an order setting aside the rejection of the complaint upon such terms as he thinks fit and shall appoint a day for proceeding further with the matter.]

16. Interim Report:-

(1) The Lokayukta or Upa-Lokayukta, as the case may be, may forward an interim report to the competent authority recommending grant of interim relief to the complainant if he is satisfied, at the stage of preliminary verification or investigation, that the complainant has sustained injustice or undue hardship in consequence of any act of a public servant and that the grievance complained of shall be redressed expeditiously.

(2) The competent authority shall intimate the Lokayukta or Upa-Lokayukta, as the case may be, within one month from the date of receipt of the interim report referred to in sub-rule (1), the action taken in pursuance thereof.

**Chapter IV
Miscellaneous**

17. Application of the code of Criminal Procedure:-

The procedure prescribed in sub-section (1) of Section 340 of the Code of Criminal Procedure, 1973, (Act No.2 of 1974) shall be followed in respect of offences referred to in Clause (b) of sub-section (1) of Section 195 of the said Code and the complaint made under Section 340 of the said Code shall be signed by the Registrar.

1. Inserted by G.O.Ms.No.120 (G.A.D.), dt.9.3.1987.

18. Prosecution for false complaints:-

When upon an application made by a person against whom a complaint was made, the Lokayukta or Upa-Lokayukta, as the case may be, is satisfied after such enquiry as he deems necessary, that a false complaint has been wilfully or maliciously made against such person under the Act and that it is expedient and in the interests of justice to accord sanction to such person to prosecute the complainant for wilfully or maliciously making a false complaint against him under the Act, sanction may be accorded to such person to lay a complaint against the complainant before a Court of the Judicial Magistrate of the First Class.

19. Transaction of business:-

The Lokayukta may, from time to time by general or special order, provide for the convenient and efficient transaction of business arising on the administration and implementation of these rules and the procedure to be followed for the purpose:

Provided that such order may also specify a matter or class of matters which shall be brought to the personal notice of the Lokayukta or Upa-Lokayukta before any orders are issued.

20. Residuary Powers:-

All matters not specifically provided for in these rules, whether incidental or ancillary to the provisions of these rules or otherwise, including the fixation of vacations for the Lokayukta and Upa-Lokayukta and holidays and vacations for their office and establishment, shall be regulated in accordance with such orders as the Lokayukta may, from time to time make.

21. Power to regulate proceedings and investigations:-

The Lokayukta or Upa-Lokayukta shall have the power, subject to the provisions of the Act and these rules, to regulate the conduct of proceedings, preliminary verifications, investigations and inquiries in all matters not provided for in these rules.

22. Power of Lokayukta to give directions:-

The Lokayukta may, by order not inconsistent with these rules, provide for matters for which no provision has been made in these rules, and may give such directions as may be necessary for giving effect to the provisions of the Act, the rules and such orders.

23. Application of rules to certain complaints:-

The complaints received by the Lokayukta before the making of these rules shall also be disposed of in accordance with these rules.

FORMS
Form No. 1

(Complaint)
[See Rule 3(1)]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh

1. Name and address of the complainant for all correspondence in respect of the complaint:
2. Name and address of the public servant complained against:
3. Brief facts relating to the action complained of:
(Complainant's affidavit in the prescribed form to be enclosed)
4. If the complainant or the person for whom he is acting is aggrieved, the nature of the grievance should be specifically mentioned:
5. Names and addresses of the witnesses whom the complainant desires to examine in support of the allegations:
(Affidavits, if any, of the witnesses may be produced).
6. Particulars of the documents relied upon by the complainant in support of the allegations:
7. If the documents relied upon or their true copies are available with the complainant, they should be enclosed and details thereof should be furnished:
8. If the documents relied upon are not in the custody of or cannot be produced by the complainant, the office or other place or individual from whom they may be secured, should be specified:
9. Did the complainant make a complaint previously to the Lokayukta or the Upa-Lokayukta or any other authority for redressal of his grievance, in respect of the action now complained of and against the public servant mentioned in Column (3):
(Particulars to be furnished together with the result of the previous complaint)
10. Remarks, if any:

Note:- Copies of affidavits and documents shall be enclosed in duplicate for office use and in as many sets as there are public servants complained against.

Place:

Dated:

Signature or thumb mark
of the complainant.

* * * *

Form No.II
(Complainant's Affidavit)
[See Rule 3 (1)]

Before the Lokayukta/Upa-lokayukta for Andhra Pradesh

I,.....son of Shri.....aged
.....years, professionresident of
.....P.S.....district.....at present at
.....P.S.....districtdo hereby solemnly
affirm and state as follows:

1. That I am the complainant in this case.
2. I have enclosed hereto a complaint making allegations against Sri/Srimathi.....The contents of my complaint may be read as part and parcel of this affidavit.
3. That the statements of this complaint petition have been read by/read over to me and understood by me and that i declare and affirm that they are true to the best of my knowledge and belief.

Dated: Signature or thumb mark of the deponent.

Solemnly affirmed before me thisday ofat.....

Signature of Attestor.

* * * * *

Form No. III
[see Rule 4(2)]
Office of the Lokayukta /Upa-Lokayukta for Andhra Pradesh
at Hyderabad.

Proceedings No..... Dated

To

Sri/Srimathi.....

Sir/Madam,

Ref.:- Your complaint Dated

Your complaint Dated.....against Sri/
Srimathi.....is found to be deficient in the following particulars.
You are hereby requested to supply the omissions and rectify the
defects mentioned below within ten days after receipt of this
communication, failing which your complaint will be disposed of
on the basis of the available material.

Yours faithfully,
Registrar,
for the Lokayukta of Andhra Pradesh.

Omissions to be supplied;-

1. Prescribed fee of Rs.25 to be paid.
2. Complaint is not signed by the complainant.
3. Affidavit of the complainant in the prescribed form and /or of the witnesses not enclosed.
4. Name, designation and address of the public servant complained against not furnished.5.Documents relied on or true copies thereof in the custody and control of the complainant not enclosed.
6. Particulars of documents relied on not in the custody or control of the complainant not furnished.
7. Required sets of copies of affidavits and documents not enclosed.
8. Other reasons.

* * *

Form No. IV
[See Rule 4(3)]
Office of the Lokayukta / Upa-Lokayukta for
Andhra Pradesh at Hyderabad

Proceedings No. Dated :

To

Sri/Srimathi

Sir/Madam,

Your complaint, dated Containing certain allegations against Sri/Srimathi is rejected for the reasons mentioned below :

Lokayukta/Upa-Lokayukta.

Reasons for rejection of the complaint :

1. The defects and/or omissions pointed out in proceedings No. dated have not been rectified and/or supplied.
2. The complaint does not disclose an allegation which can be investigated by the Lokayukta/Upa-Lokayukta.
3. The complaint is :
 - (a) frivolous
 - (b) vexatious
 - (c) not made in good faith
4. There are no sufficient grounds for investigating the complaint.
5. Other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail of such remedies.
6. The public servant against whom the complaint is made is not one in respect of whom a complaint can be entertained by the Lokayukta/Upa-Lokayukta.
7. The complaint is made after the expiry of six years from the date on which the action complained against is alleged to have taken place.
8. An earlier complaint based on the same allegation as those made in the present complaint was previously disposed of by the Lokayukta/Upa-Lokayukta or any other authority through proceedings No..... dated
9. The prescribed fee of Rs. 25 has not been paid.

Form No. V
[See Rule 5(1)]
Office of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

Proceedings No. Dated :
To

Sri/Srimathi

Sir/Madam,

Ref:-Your complaint dated

Your complaint, dated against Sri/Srimathi has been registered and numbered as Intimation will be sent to you in due course regarding the further action on your complaint.

Yours faithfully,

Registrar,

Office of the Lokayukta for Andhra Pradesh.

Form No. VI
[See Rule 5(3)]
Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No. Dated :
To

Sri/Srimathi

Sir/Madam,

Ref. :- Complaint No. of 20..... Your complaint dated against Sri/Srimathi registered as complaint No. of 20....., stand posted to at 10.30 A.M. for preliminary verification by the Honourable Lokayukta/Upa-Lokayukta.

You are hereby informed that you may appear in person at the time mentioned above if you wish to be heard at the time of such preliminary verification

You may take the assistance of a legal practitioner to present your case.

If you fail to appear as aforesaid either in person or through a legal practitioner, the matter will be decided in your absence.

Yours faithfully,

Registrar,
for the Lokayukta of Andhra Pradesh

Form No. VII
[See Rule 6(4)]
Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No. Dated :

To

Sri/Srimathi

Sir/Madam,

Ref. :- Complaint No of 20.....

After conducting a preliminary verification into the above complaint the Honourable Lokayukta/Upa-Lokayukta proposes to conduct an investigation into it. So, you are hereby afforded an opportunity to offer your comments on :

- (i) the complaint, dated sent against you by Sri/Srimathi A copy of which is herewith enclosed along with copies of affidavits produced by the complainant;
- (ii) the enclosed statement containing an allegations against you, which the Honourable Lokayukta/Upa-Lokayukta has on his own motion proposed to investigate for the grounds mentioned therein;
- (iii) the action in respect of which the Governor of Andhra Pradesh has required the Honourable Lokayukta to conduct an investigation as per the enclosed copy.

You may therefore submit your comments as aforesaid on at 10:30 A.M. before the Honourable Lokayukta/Upa-Lokayukta at his office together with such affidavits of witnesses and documents in the original and three sets of copies thereof, as you may desire to be examined and considered before further steps in the investigation are ordered.

You may engage another public servant or a legal practitioner to represent you.

If you fail to appear in the aforesaid manner and submit your comments as aforesaid, further investigation may be proceeded with on basis of the material available.

Yours faithfully,
Registrar,
for the Lokayukta for Andhra Pradesh.

Form No. VIII
[See Rule 7(1)]
Proceedings of the Lokayukta/Upa-Lokayukta for Andhra Pradesh at Hyderabad

No. Dated :

To

Sri/Srimathi

Sir/Madam

Ref.:- Your complaint, datedagainst Sri/
Srimathi

I am to inform you that the Honourable Lokayukta / Upa-Lokayukta proposes to conduct an investigation into your complaint cited in the above reference.

The matter stands posted to

You are directed to appear before the Honourable Lokayukta/Upa-Lokayukta at his office on the date mentioned above
a t
10:30 A.M.

You may engage a legal practitioner to present your case if you so desire.

If you fail to appear as aforesaid, the investigation may be proceeded within your absence.

Yours faithfully,
Registrar,
for the Lokayukta of Andhra Pradesh.

Form No. IX
[See Rule 7(8)]

Before the Lokayukta/Upa-Lokayukta for Andhra Pradesh
Complaint No. of

To

Sri/Srimathi

Sir/Madam,

Whereas your attendance is required as a witness before the Lokayukta / Upa-Lokayukta of Andhra Pradesh in the above complaint -

- (a) to give oral evidence; and/or
- (b) to produce the documents mentioned in the annexure hereto.

You are hereby required to appear personally before him and produce or cause production of the required documents at 10:30 A.M. on You will be paid travelling allowance and daily allowance at the admissible rates.

If you fail to comply with this order without valid reason you will be subjected to the consequences of non-compliance with the summons as laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Lokayukta / Upa-Lokayukta of Andhra Pradesh this day of of 20.....

Lokayukta/Upa-Lokayukta.

Annexure

Description of the documents required to be produced.

- 1.
- 2.
- 3.

(18)
Criminal Law Amendment
Ordinance, 1944

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The Criminal Law Amendment Ordinance, 1944 (Ordinance No.XXXVIII of 1944)

An Ordinance to prevent the disposal or concealment of property procured by means of certain offences.

Whereas an emergency has arisen which makes it necessary to provide for preventing the disposal or concealment of money or other property procured by means of certain offences punishable under the Indian Penal Code.

Now, therefore, in exercise of the powers conferred by Section 72 of the Government of India Act, as set out in the ninth schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement:-

(1) This Ordinance may be called the Criminal Law Amendment Ordinance, 1944.

[(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India outside India].
[Subs.by Act III of 1951]

[(3) It shall come into force at once.] [Ins. by Act VI of 1945]

2. Interpretation:-

(1) In this Ordinance, "Scheduled offence" means an offence specified in the Schedule to this Ordinance.

[(2) For the purposes of this Ordinance, the date of the termination of criminal proceedings shall be deemed to be-

(a) Where such proceedings are taken to the Supreme Court in appeal, whether on the certificate of a High Court or otherwise, the date on which the Supreme Court passes its final orders in such appeal or;

(b) Where such proceedings are taken to the High Court and orders are passed thereon and-

(i) no application for a certificate for leave to appeal to the Supreme Court is made to High Court, the day immediately following the expiry of ninety days from the date on which the High Court passes its final orders;

(ii) an application for a certificate for leave to appeal to the Supreme Court has been refused by the High Court, the day immediately following the expiry of sixty days from the date of the refusal of the certificate;

(iii) a certificate for leave to appeal to the supreme Court has been granted by the High Court, but no appeal is lodged in the Supreme Court, the day immediately following the expiry of thirty days from the date of the order granting the certificate; or

(c) Where such proceedings are not taken to the High Court, the day immediately following the expiry of sixty days from the date of the last judgement or order of a Criminal Court in the proceedings.]

[Subs. by the Criminal Law (Amendment) Act XLI of 1959]

(3) The functions of a District Judge under this Ordinance shall in a Presidency Town be exercised by the Chief Judge of the Small Cause Court.

3. Application for attachment of property:-

(1) Where the [state Government or as the case may be, the Central Government] has reason to believe that any person has committed (whether after the commencement of this Ordinance or not) any scheduled offence the [State Government may, whether or not any Court has taken cognizance of the offence, authorise the making of an application to the District Judge within the local limits of whose jurisdiction the said person ordinarily resides or carries on business, for attachment, under this Ordinance, of the money or other property which the [State Government, or as the case may be, the Central Government] believes the said person to have procured by means of the offence, or if such money or property cannot for any reason be attached, of other property of the said person of value as nearly as may be equivalent to that of the aforesaid money or other property.

[Amended by A.O.1950 & again by Prevention of Corruption Act, 1988]

(2) The provisions of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908, shall apply to proceedings for an order of attachment under this Ordinance as they apply to suits by the [Government].

(3) An application under sub-section (1) shall be accompanied by one or more affidavits, stating the grounds on which the belief that the said person has committed any scheduled offence is founded, and the amount of money or value of other property believed to have been procured by means of the offence. The application shall also furnish-

[Added by Prevention of Corruption Act, 1988]

(a) any information available as to the location for the time being of any such money or other property and shall, if necessary, give particulars, including the estimated value, of other property of the said person;

(b) the names and addresses of any other person believed to have or to be likely to claim, any interest or title in the property of the said person.

4. Ad interim attachment:-

(1) Upon receipt of an application under Section 3 the District Judge shall, unless for reasons to be recorded in writing he is of the opinion that there exists no prima facie grounds for believing that the person in respect of whom the application is made has committed any scheduled offence or that he has procured thereby any money or other property, pass without delay an ad interim order attaching the money or other property alleged to have been so procured, or if it transpires that such money or other property is not available, for attachment of such other property of the said person of equivalent value as the District Judge may think fit:

Provided that the District Judge may if he thinks fit before passing such order, and shall, before refusing to pass such order examine the person or persons making the affidavits accompanying the application.

(2) At the same time as he passes an order under sub-sec.(1) the District Judge shall issue to the person whose money or other property is being attached a notice accompanied by copies of the order, the application and affidavits and of the evidence, if any recorded, calling upon him to show cause on a date to be specified in the notice why the order of attachment should not be made absolute.

(3) The District Judge shall also issue notices, accompanied by copies of the documents accompanying the notice under sub-sec.(2) to all persons represented to him as having or being likely to claim, any interest or title in the property of the person to whom notice is issued under the said sub-section calling upon each such person to appear on the same date as that specified in the notice under the said sub-section and make objection if he so desires to the attachment of the property or any portion thereof on the ground that he has an interest in such property or portion thereof.

(4) Any person claiming an interest in the attached property or any portion thereof may notwithstanding that no notice has been served upon him under this section make an objection as aforesaid to the District Judge at any time before an order is passed under sub-section (1) or sub-section (3), as the case may be, of Section 5.

5. Investigation of objections to attachment:-

(1) If no cause is shown and no objections are made under Section 4 on or before the specified date, the District Judge shall forthwith pass an order making the ad interim order of attachment absolute.

(2) If cause is shown or any objections are made as aforesaid, the Dist. Judge shall proceed to investigate the same, and in so doing, as regards the examination of the parties and in all other respects he shall, subject to the provisions of this Ordinance, follow the procedure and exercise all the powers of a Court in hearing a suit under the Code of Civil Procedure, 1908, and any person making an objection under Section 4 shall be required to adduce evidence to show that at the date of the attachment he had some interest in the property attached.

(3) After investigation under sub-section (2) of District Judge shall pass an order either making the ad interim order of attachment absolute or varying it by releasing a portion of the property from attachment or withdrawing the order:

Provided that the District Judge shall not-

(a) release from attachment any interest which he is satisfied that the person believed to have committed a scheduled offence has in the property, unless he is also satisfied that there will remain under attachment an amount of the said person's property of value not less than that of the property believed to have been procured by the said person by means of the offence, or

(b) withdraw the order of attachment unless he is satisfied that the said person has not by means of the said offence procured any money or other property.

6. Attachment of property of mala fide transferees:-

(1) Where the assets available for attachment of a person believed to have committed a scheduled offence are found to be less than the amount or value which he is believed to have procured by means of such offence, and where the District Judge is satisfied by affidavit or otherwise, that there is reasonable cause for believing that the said person has, after the date on which the offence is alleged to have been committed, transferred whether after the commencement of this Ordinance or not any of his property otherwise than in good faith and for consideration, the District Judge may by notice require any transferee of such property (whether or not received the property directly from the said person) to appear on the date to be specified in the notice and show cause why so much of the transferee's property as is equivalent to the proper value of the property transferred should not be attached.

(2) Where the said transferee does not appear and show cause on the specified date, or where after investigation in the manner provided in sub-section (2) of Section 5, the District Judge is satisfied that the transfer of the property to the said transferee was not in good faith and for consideration the District Judge shall order the attachment of so much of the said transferee's property as in the opinion of the District Judge equivalent to the proper value of the property transferred.

7. Execution of orders of attachment:-

An order of attachment of property under this Ordinance shall be carried into effect so far as may be practicable in the manner provided in the Code of Civil Procedure, 1908 for the attachment of property in execution of a decree.

8. Security in lieu of attachment:-

Any person whose property has been or is about to be attached under this Ordinance may at any time apply to the District Judge to be permitted to give security in lieu of such attachment and where the security offered and given is in the opinion of the District Judge satisfactory and sufficient, he may withdraw or, as the case may be, refrain from passing, the order of attachment.

9. Administration of attached property:-

(1) The District Judge may, on the application of any person interested in any property attached under this Ordinance and after giving the agent of the [State Government or as the case may be, the Central Government] an opportunity of being heard, make such orders as the District Judge considers just and reasonable for:

[Added by Prevention of corruption Act, 1988]

(a) providing from such of the attached property as the applicant claims as interest in, such sums as may be reasonably necessary for the maintenance of the applicant and of his family and for the expenses connected with the defence of the applicant where criminal proceedings have been instituted against him in any Court for a scheduled offence;

(b) safe guarding so far as may be practicable the interests of any business affected by the attachment and in particular, the interest of any partners in such business.

(2) Where it appears to the District Judge to be just and convenient he may by order appoint a receiver to manage any property attached under this ordinance in accordance with such instructions as the District Judge may from time to time think fit to give; and where a receiver is so appointed, the provisions of Rules 2,3,4 and 5 of Order XL of the First Schedule to the Code of Civil Procedure, 1908 shall be applicable.

[9-A. Administration of attached property where Court ordering attachment has ceased to exercise jurisdiction in India:-

Where any property has been attached under this Ordinance by order of a District Judge made before the 15th day of August, 1947, and such District Judge has after that date ceased to exercise jurisdiction in the territories to which this Ordinance extends;

that order of attachment shall be deemed to an order made by the District Judge within the local limits of whose jurisdiction the Court taking cognizance of the scheduled offence is situate and all functions of the District Judge under this Ordinance in regard to the attached property shall be exercised by that District Judge.]

[Ins.by Act XIV of 1950]

10. Duration of attachment:-

An order of attachment of property under this Ordinance shall, unless it is withdrawn either in accordance with the provisions of this Ordinance, continue in force :

(a) Where no Court has taken cognizance of the alleged scheduled offence at the time when the order is applied for, [one year] from the date of the order under sub-section (1) of Section 4 or sub-section (2) of Section 6 as the case may be, unless cognizance of such offence is in the meantime so taken or unless the District Judge on application by the agent of the [State Government or as the case may be, the Central Government] thinks it proper and just that the period should be extended and passes an order accordingly; or

[Amended by Prevention of Corruption Act, 1988]

(b) Where a Court has taken cognizance of the alleged scheduled offence whether, before or after the time when the order was applied for untill orders are passed by the District Judge in accordance with the provisions of this Ordinance after the termination of the criminal proceedings.

11. Appeals:-

(1) The [State Government or as the case may be, the Central Government] or any person who has shown cause under Section 4 or Section 6 or has made an objection under Section 4 or has made an application under Section 8 or Section 9, if aggrieved by any order of the District Judge under any of the foregoing provisions of this Ordinance, may appeal to the High Court within thirty days from the date on which the order complained against was passed.

[Added by Prevention of Corruption Act, 1988]

(2) Upon any appeal under this section the High Court may, after giving such parties, as it thinks proper, an opportunity of being heard, pass such orders as it thinks fit.

(3) Until an appeal under this section is finally disposed of by the High Court no Court shall, otherwise, than in accordance with the provisions of Section 8 or Section 13, order the withdrawal or suspension of any other of attachment to which the appeal relates.

12. Criminal Courts to evaluate property procured by scheduled offences :-

(1) Where before judgement is pronounced in any criminal trial for a scheduled offence it is represented to the Court that an order of attachment of property has been made under this Ordinance in connection with such offence, the Court shall, if it is convicting the accused, record a finding as to the amount of money or value of other property procured by the accused by means of the offence.

(2) In any appeal or revisional proceedings against such conviction, that appellate or revisional Court shall, unless it sets aside the conviction, either confirm such finding or modify it in such manner as it thinks proper.

(3) In any appeal or revisional proceedings against an order of acquittal passed in a trial such as is referred to in sub-section (1), the appellate or revisional Court, if it convicts the accused, shall record a finding such as is referred to in that sub-section.

(4) Where the accused is convicted of a scheduled offence other than one specified in item 1 of the Schedule to this Ordinance and where it appears that the offence has caused loss to more than one Government referred to in the said schedule or local authority the finding referred to in this section shall indicate the amount of loss sustained by each such Government or local authority.

(5) Where the accused is convicted as the same trial of one or more offences specified in item 1 of the Schedule to this Ordinance and of one or more offences specified in any of other items of the said schedule, the finding indicated referred to in this section shall separately indicate the amount procured by means of the two classes of offences.]

[Subs. by Ord. XIV of 1945]

13. Disposal of attached property upon termination of criminal proceedings:-

(1) Upon the termination of any criminal proceedings for any scheduled offence in respect of which any order of attachment of property has been made under this Ordinance or security given in lieu thereof, the agent of the [State Government or as the case may be, the Central Government] shall without delay inform the District Judge, and shall where criminal proceedings have been taken in any Court, furnish the District Judge with a copy of the order of the trying Court and with copies of the judgement or orders, if any, of the appellate or revisional Court thereon.

[Added by Prevention of Corruption Act, 1988]

(2) Where it is reported to the District Judge under sub-section (1) that cognizance of the alleged scheduled offence has not been taken or where the final judgement or order of the Criminal Courts is one of acquittal, the District Judge shall forthwith withdraw any orders of attachment of property made in connection with the offence, or where security has been given in lieu of such attachment, order such security to be returned.

(3) Where the final judgement order of the Criminal Courts is one of conviction the District Judge shall order that from the property of the convicted person attached under this Ordinance or out of the security given in lieu of such attachment there shall be forfeited to Government such amount or value as is found in the final judgement or order of the criminal Courts in pursuance of Section 12 to have been procured by the convicted person by means of the offence together with the costs of attachment as determined by the District Judge and where the final judgement or order of the criminal courts has imposed or upheld a sentence of fine on the said person (whether alone or in conjunction with any other punishment), the District Judge may order, without prejudice to any other mode of recovery, that the said fine shall be recovered from the residue of the said attached property or of the security given in lieu of attachment.

(4) Where the amounts ordered to be forfeited or recovered under sub-section (3) exceed the value of the property of the convicted person attached and where the property of any transferee of the convicted person has been attached under Section 6, the District Judge shall order that the balance of the amount ordered to be forfeited under sub-section (3) together with the costs of attachment of the transferee's property as determined by the District Judge shall be forfeited to [Government] from the attached property of the transferee or out of the security given in lieu of such attachment; and the District Judge may order without prejudice to any other mode of recovery that any fine referred in sub-section (3) or any portion thereof not recovered under that sub-section shall be recovered from the attached property of the transferee out of security given in lieu of such attachment.

(5) If any property remains under attachment in respect of any scheduled offence or any security given in lieu of such attachment remains with the District Judge after his orders under sub-sections (3) and (4) have been carried into effect the order of attachment in respect of such property remaining shall be forthwith withdrawn or as the case may be the remainder or the security returned, under the orders of the District Judge.

[(6) Every sum ordered to be forfeited under this section in connection with any scheduled offence other than one specified in item I of the schedule to this Ordinance shall, after deduction of the costs of attachment as determined by the District Judge, be credited to the Government (being a Government referred to in the said schedule) or local authority to which the offence has caused loss or where there is more than one such Govt. or local authority, the sum shall after such deduction as aforesaid, be distributed among them in proportion to the loss sustained by each].

[Subs. by A.O., 1950]

14. Bar to other proceedings:-

Save as provided in Section 11 and notwithstanding anything contained in any other law,-

(a) no suit or other legal proceeding shall be maintainable in any Court-

(i) in respect of any property ordered to be forfeited under Section 13 or which has been taken in recovery of fine in pursuance of an order under that section, or

(ii) while any other property is attached under this Ordinance, in respect of such other property-

by any person upon whom a notice has been served under Section 4 or Section 6 or who has been made an objection under sub-section (4) of Section 4; and

(b) no Court shall, in any legal proceedings or otherwise pass any decree or order, other than a final decree in a suit by a person not being a person referred to in clause (a) which shall have the effect of nullifying or affecting in any way any subsisting order of attachment of property under this Ordinance, or the right of the District Judge to hold security in lieu of any such order of attachment.

15. Protection of action taken:-

No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance.

THE SCHEDULE

(See Section 2)

Offences in connection with which property is liable to be attached

1. [X X X] Omitted by Prevention of Corruption Act, 49 of 1988

2. An offence punishable under Sec.406¹[or Sec.408] or Sec.409 of the Indian Penal Code, where the property in respect of which the offence is committed is property entrusted by His Majesty's Government in the United Kingdom or in any part of His Majesty's dominions or the Central or a ²[State] Government or a department of any such Government or a local authority ³[or a Corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by Government or a Government Company as defined in Section 617 of the Companies Act, 1956 (1 of 1956) or a Society aided by such Corporation, authority, body or Government company] or a person acting on behalf of any such Government or department or authority ³[or Corporation or body or Government Company or Society].

3. An offence punishable under Sec.411 or Sec.414 of the Indian Penal Code, where the stolen property in respect of which the offence is committed is property such as is described in the preceeding item and in respect of which an offence punishable under Sec.406 ¹[or Sec.408] or Sec.409 of the said Code has been committed.

4. An offence punishable under Sec. 417 or Sec. 420 of the Indian Penal Code, where the person deceived is His Majesty's Government in the United Kingdom or in any part of His Majesty's dominions for the Central or a ²[State] Government or a department of any such Government or a local authority ³[or a corporation established by or under a Central Provincial or State Act, or an authority or a body owned or controlled or aided by Government or a government company as defined in Section 617 of the Companies Act, 1956 or a Society aided by such Corporation, authority, body or Government Company [or a person acting on behalf of any such Government or department or authority ³[or corporation or body or Government Company or Society]].

³[4-A. An offence punishable under the Prevention of Corruption Act, 1988.

5. Any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in item 2,3,and 4 and 4-A].

1. Added by Ordinance XIV of 1945.

2. Subs. by A.O. 1950.

3. Ins. by Prevention of Corruption Act, 1988.

(19)
A.P. Departmental Inquiries
(Enforcement of Attendance of Witnesses and
Production of Documents) Act, 1993.

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The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 1st February, 1993 and the said assent is hereby first published on the 2nd February, 1993 in the Andhra Pradesh Gazette for general information :-

ACT No. 7 OF 1993

An Act to provide for the Enforcement of Attendance of Witnesses and Production of Documents in certain Departmental Inquiries and matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth year of the Republic of India, as follows :-

1. Short title and extent :-

(1) This Act may be called the Andhra Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1993

(2) It extends to the whole of the State of Andhra Pradesh.

2. Departmental enquiries to which the Act shall apply :

The provisions of this Act, shall apply to every Departmental Inquiry made in relation to,-

a) Officers and servants of High Court and Courts subordinate to the High Court in the State;

b) persons appointed to the judicial service of the State;

c) persons appointed to public services or posts in connection with the affairs of the State;

d) persons, who having been appointed to any public service or post in connection with the affairs of the State on deputation to,-

(i) any local authority in the State;

(ii) any corporation (other than a local authority) established by or under any law for the time being in force and owned or controlled by the State Government;

(iii) any Government Company, within the meaning of section 617 of the Companies Act, 1956 Central Act 1 of 1956 in which not less than fifty one per cent of the paid-up share capital is held by the State Government or any company which is a subsidiary to such Government Company;

(iv) any society registered under the Societies Registration Act, 1860 Central Act 21 of 1860 or the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 F Act I of 1350F in its application to the State of Andhra Pradesh which is subject to the control of the State Government.

3. Definitions:

In this Act, unless the context otherwise requires,-

(a) "Competent Authority" means the authority competent to appoint the Inquiring Authority;

(b) "Departmental inquiry" means an inquiry under and in

accordance with,-

(i) any law made by the State Legislature or any rule made thereunder; or

(ii) any rule made under articles 229, 234 or the proviso to article 309 or continued under article 313 of the Constitution of India;

held into any allegation of lack of integrity against any person to whom this Act applies;

(c) "Government" means the State Government of Andhra Pradesh.

(d) "Inquiring Authority" means an officer or authority appointed by the competent authority to hold a departmental inquiry and includes any officer or authority, who is empowered by or under any law or rule for the time being in force to hold such inquiry;

(e) "Lack of integrity" includes bribery or corruption and any mala fide act of omission or commission;

(f) "Notification" means notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(g) "Prescribed" means prescribed by rules made under this Act;

(h) "State" means the State of Andhra Pradesh.

4. Authorisation of Inquiring authority to exercise the powers specified in section 5.

Where in any departmental inquiry it is necessary to summon as witness, or call for any document from, any person or a class or category of persons, the Inquiring Authority may exercise the power specified in section 5 in relation to any such person or a person within such class or category, at any stage of the departmental inquiry, if he is authorised by order in writing in this behalf by such officer not below the rank of Secretary to Government as the State Government may, by notification in the Official Gazette designate, and different officers of such rank may be designated for different class or classes of departmental inquiries or for different local areas of the State.

5. Power to authorise inquiring authority to enforce attendance of witnesses and production of documents.

Central Act V of 1908.

(1) Every Inquiring Authority authorised under section 4, (hereinafter referred to as "the authorised inquiring authority") shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) requiring the discovery and production of any document or other material which is producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record or copy thereof from any court or office;

(e) issuing commission for the examination of witnesses or documents;

(f) any such other matters as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the authorised inquiring authority shall not compel,-

(i) the Lokayukta or Upa-Lokayukta or any member of their staff to appear before him to give any evidence relating to any information obtained by them in the course of, or for the purposes of, any investigation under the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983 or to produce evidence recorded or collected by them in connection with such information;

(ii) the Reserve Bank of India, the State Bank of India and subsidiary banks as defined in clause(k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and transfer of Undertakings) Act, 1980 or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, the Industrial Development Bank of India established under Section 3 of the Industrial Development Bank of India Act 1964, the Export-Import Bank of India established under section 3 of the Export-Import Bank Act, 1981, the National Bank for Agriculture and Rural Development established under Section 3 of the National Bank for Agriculture and Rural Development Act 1981, the Industrial Reconstruction Bank of India established under Section 3 of the Industrial Reconstruction Bank of India Act, 1984, the Industrial Credit and Investment Corporation of India established

under the Indian Companies Act, 1913 the Industrial Finance Corporation established under section 3 of the Industrial Finance Corporation of India Act, 1948, State Financial Corporations established under the State Financial Corporations Act, 1951, National Housing Bank established under section 3 of the National Housing Bank, 1987 or any company or Co-operative Society carrying on the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949, or any other public financial institution so notified by the Central Government,-

(a) to produce any books of accounts or other documents which the Reserve Bank of India, the State Bank of India, the Subsidiary Banks of the State Bank of India, any corresponding new bank, the Regional Rural Bank, the Industrial Development Bank of India, the Export-Import Bank of India, the National Bank for Agriculture and Rural Development, the Industrial Reconstruction Bank of India, the Industrial Credit and Investment Corporation of India, the Industrial Finance Corporation of India, the State Financial Corporations, the National Housing Bank, or any company or Co-operative Society carrying on the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949 claims to be of a confidential nature or any other public financial institution so notified by the Central Government; or

(b) to make any such books or documents, a part of the record of the proceedings of the departmental inquiry; or

(c) to give inspection of any such books or documents, if produced, to any party before it or to any other person.

(3) Every process issued by an authorised inquiring authority for attendance of any witness or for the production of any document shall be served and executed through the District Judge within the local limits of whose jurisdiction the witness or other person, on whom the process is to be served or executed, voluntarily resides or carries on business or personally works for gain and for the purpose of taking any action for the disobedience of any such process, every such process shall be deemed to be a process issued by the District Judge.

(4) Every authorised inquiring authority making any departmental inquiry under this Act shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

(6) Territorial limits in which powers specified in section 5 may be exercised:

For the purpose of exercising the powers specified in section 5, the territorial jurisdiction of every authorised inquiring authority shall extend to the whole of the State of Andhra Pradesh.

(7) Power to make rules:

(1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment, is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(20)

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CONSTITUTION OF INDIA

Extract of Articles

Fundamental Rights

12. Definition.-

In this part, unless the context otherwise requires, "the State" includes Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

13. Laws inconsistent with or in derogation of the fundamental rights.-

(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

(3) In this article, unless the context otherwise requires :-

a) "law" includes any ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;

b) "laws in force" includes laws passed or made by a legislature or other competent authority in the territory of India before the commencement of this constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

(4). Nothing in this article shall apply to any amendment of this constitution made under article 368.

14. Equality before law.-

The State shall not deny any person equality before the law or the equal protection of the laws within the territory of India.

15. Prohibition or discrimination on grounds of religion, race, caste, sex or place of birth.-

(1) The State shall not discriminate against any citizen on grounds only of religion race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-

(a) access to shops, public restaurants, hotels and places of public entertainments, or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any social and educationally backward classes of citizens or for Scheduled Castes and the Scheduled Tribes.

16. Equality of opportunity in matters of public employment.-

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

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19. Protection of certain rights regarding freedom of speech, etc.-

(1) All citizens shall have the right --

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form association or unions;

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India (and)

(f) (***)

(g) to practice any profession, or to carry on any occupation, trade or business.

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20. Protection in respect of conviction for offences.-

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

21. Protection of life and personal liberty.-

No person shall be deprived of his life or personal liberty except according to procedure established by law.

22. Protection against arrest and detention in certain cases.-

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of 24 hours of such arrest excluding the time necessary for the journey from the place of arrest for the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

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24. Prohibition of employment of children in factories, etc.-

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

32. Remedies for enforcement of rights conferred by this Part.-

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other Court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

50. Separation of judiciary from executive.-

The State shall take steps to separate the judiciary from the executive in the public services of the State.

77. Conduct of business of the Government of India.-

(1) All executive action of the Government of India shall be expressed to be taken in the name of the President.

(2) Orders and other instruments made and executed in the name of the President shall be authenticated in such a manner as may be specified in Rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

(3) The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.

(4) xxx

124. Establishment and constitution of Supreme Court.-

(1) There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a large number, of not more than seven other Judges.

(2) (—)

(3) (—)

(4) A Judge of the Supreme Court shall not be removed from his Office except by an order of the President passed after an address by each house of Parliament supported by a majority of the total membership of that house and by a majority of not less than two-thirds of the members of the house present and voting has been presented to the President in the same Session for such removal on the ground of proved mis-behaviour or incapacity.

(5) Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the mis-behaviour or incapacity of a Judge under clause (4).

(6) (—)

(7) No person who has held office as a Judge of the Supreme Court shall lead or act in any Court or before any authority within the territory of India.

132. Appellate jurisdiction of Supreme Court in appeals from High Courts in certain cases.-

(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order of a High Court in the territory of India, whether in a Civil, criminal or other proceeding if the High Court certifies under article 134-A that the case involves a substantial question of law as to the interpretation of this constitution.

(2) (—)

(3) Where such a certificate is given any penalty in the case may appeal to the Supreme Court on the ground that any such question as aforesaid has been wrongly decided.

Explanation: - For the purpose of this article, the expression "final orders" includes an order deciding an issue which, if decided in favour of the appellant, would be sufficient for the final disposal of the case.

134. Appellate jurisdiction of Supreme Court in regard to criminal matters.-

(1) An appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India if the High Court .-

(a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death; or

(b) has withdrawn for trial before itself any case from any Court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death; or

(c) certifies under article 134-A that the case is a fit one for appeal to the Supreme Court :

Provided that an appeal under sub-clause (c) shall lie subject to such provisions as may be made in that behalf under clause (1) of article-145 and to such conditions as the High Court may establish or require.

(2) Parliament may by law confer on the Supreme Court any further powers to entertain and hear appeals from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India subject to such conditions and limitations as may be specified in such law.

134A. Certificate for appeal to the Supreme Court.-

Every High Court, passing or making a judgment, decree, final order, or sentence, referred to in clause (1) of article 132 or clause (1) of article 133, or clause (1) of article 134-

(a) may, if it deems fit so to do, on its own motion, and

(b) shall, if an oral application is made, by or on behalf of the party aggrieved, immediately after the passing or making of such judgment, decree, final order or sentence, determine, as soon as may be after such passing or making, the question whether a certificate of the nature referred to clause (1) of article 132, or clause (1) of article 133 or, as the case may be sub-clause (c) of clause (1) of article 134, may be given in respect of that case.

136. Special leave to appeal by the Supreme Court.-

(1) Notwithstanding anything in this chapter, the Supreme Court may, in its discretion, grant specially to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any Court or Tribunal in the territory of India.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any Court or Tribunal constituted by or under any law relating to the armed forces.

137. Review of judgments or orders by the Supreme Court.-

Subject to the provisions of any law made by Parliament or any rules made under Article 145, the Supreme Court shall have power to review any judgment pronounced or order made by it.

141. Law declared by Supreme Court to be binding on all Courts.-

The law declared by the Supreme Court shall be binding on all Courts within the territory of India.

148. Comptroller and Auditor General of India.-

(1) There shall be a Comptroller and Auditor General of India who shall be appointed by the President by warrant under his hand and seal and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court.

(2) (—)

166. Conduct of business of the Government of a State:

(1) All executive action of the Government of a State shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in Rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the State, and for the allocation among Ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Constitution required to act in his discretion.

217. Appointment and conditions of the office of a Judge of a High Court.-

(1) Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court, and shall hold office in the case of an additional or acting Judge, as provided in article 224, and in any other case until he attains the age of sixty two years;

provided that

(a) a Judge may by writing under his hand addressed to the President, resign his office;

(b) a Judge may be removed from his office by the President in the manner provided in clause (4) of article 124 for the removal of a Judge of the Supreme Court;

(c) the Office of a Judge shall be vacated by his being appointed by the President to be a Judge of the Supreme Court or by his being transferred by the President to any other High Court within the territory of India.

(2) (—)

(3) If any question arises as to the age of a Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final.

218. Application of certain provisions relating to Supreme Court to High Court.-

The provisions of clauses (4) and (5) of article 124 shall apply in relation to a High Court as they apply in relation to the Supreme Court with the substitution of references to the High Court for references to the Supreme Court.

226. Power of High Courts to issue certain writs.-

(1) Notwithstanding anything in article 32 every High Court shall have powers through out the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders, or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them for the enforcement of any of the rights conferred by part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without -

(a) furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

(b) giving such party an opportunity of being heard makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the Counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is opened; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

(4) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.

229. Officers and servants and the expenses of High Courts.-

(1) Appointments of officers and servants of a High Court shall be made by the Chief Justice of the Court or such other Judge or officer of the Court as he may direct:

Provided that the Governor of the State ³[* * *] may by rule require that in such cases as may be specified in the rule no person not already attached to the Court shall be appointed to any office connected with the Court save after consultation with the State Public Service Commission.

(2) Subject to the provisions of any law made by the Legislature of the State, the conditions of service of officers and the servants of a High Court shall be such as may be prescribed by rules made by the Chief Justice of the Court or by some other Judge or Officer of the Court authorised by the Chief Justice to make rules for the purpose:

Provided that the rules made under this clause shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor of the State ³[* * *]

(3) The administrative expenses of a High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of the State, and any fees or other moneys taken by the Court shall form part of that Fund.

233. Appointment of District Judges.-

(1) Appointments of persons to be, and the posting and promotions of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.

234. Recruitment of persons other than District Judges to the Judicial Service.-

Appointments of persons other than District Judges to the Judicial service of a State shall be made by the Governor of the State in accordance with rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.

235. Control over subordinate Courts.-

The control over district courts and Courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial services of a State and holding any posting inferior to the post of district judge shall be vested in the High Court, but nothing in this article shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the condition of his service or as authorizing the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.

309. Recruitment and conditions of service of persons serving the Union or a State.-

Subject to the provisions of this constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State:

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

310. Tenure of office of persons serving the Union or a State.-

(1) Except as expressly provided by this Constitution, every person who is a member of a defence service or of a civil service of the Union or of an all-India service or holds any post connected with defence or any civil post under the Union holds office during the pleasure of the President, and every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State.

(2) Notwithstanding that a person holding a civil post under the Union or a State holds office during the pleasure of the President, or, as the case may be, of the Governor of the State, any contract under which a person, not being a member of a defence service or of an all-India service or of a civil service of the Union or a State, is appointed under this constitution to hold such a post may, if the President or the Governor, as the case may be, deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation, if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.-

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an enquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges: (Certain words omitted by sec. 44 of the Constitution (Forty-second Amendment) Act, 1976, with effect from 3-1-1977.)

[Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:] (Substituted by sec. 44, ibid for certain words, with effect from 3-1-1977.)

Provided further that this clause shall not apply

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.

(3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

312. All India Services.-

(1) Notwithstanding anything in Chapter VI of Part-VI or Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation one or more all India services including an all India judicial service common to the Union and the States, and, subject to the other provisions of the Chapter, regulate the recruitment, and conditions of service of persons appointed, to any such service.

(2) The services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article.

(3) The All India Judicial Service referred to in clause (1) shall not include any post inferior to that of a District Judge as defined in article 236.

(4) The law providing for the creation of the all India judicial services aforesaid may contain such provisions for the amendment of chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this constitution for the purpose of article 368.

316. Appointment and term of office of members.-

(1) The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission, by the Governor of the State:

Provided that (xxx)

(2) A member of Public Service Commission shall hold office for a term of six years from the date on which he enters upon his office or until he retains, in the case of the Union Commission, the age of sixty five years, and in the case of a State Commission or a Joint Commission, the age of sixty two years whichever is earlier;

Provided that—

(a) a member of a Public Service Commission may, by writing under his hand addressed, in the case of the Union Commission or a Joint Commission, to the President, and in the case of a State Commission, to the Governor of the State, resign his office;

(b) a member of a Public Service Commission may be removed from his office in the manner provided in clause (1) or clause (3) of article 317.

(3) xxx

317. Removal and suspension of a member of a Public Service Commission.-

(1) Subject to the provisions of clause (3), the Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehavior after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.

(2) The President, in the case of the Union Commission or a Joint Commission, and the Governor in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything in clause (1), the President may by order remove from office the Chairman or any other member of a Public Service Commission if the Chairman or such other member, as the case may be, -

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

(4) If the Chairman or any other member of a Public Service Commission is or becomes in anyway concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purpose of clause (1), be deemed to be guilty of misbehaviour.

320. Functions of Public Service Commission.-

(1) (—)

(2) (—)

(3) The Union Public Service Commission or the State Public Service Commission as the case may be, shall be consulted -

(a). (—)

(b). (—)

(c). on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;

(d). xxx

(e). xxx

Provided that the President as respects the all-India services and also as respects other services and posts in connection with the affairs of the Union, and the Governor ²[* * *], as respect other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances,

(4) (—)

(5) (—)

324. Superintendence, direction and control of elections to be vested in an Election Commission.-

(1) (—)

(2) (—)

(3) (—)

(4) (—)

(5) Subject to the provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine;

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment;

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(6) xxx
