

	INDEX	PAGE NO
1.	Ethics and social Responsibility	
2.	Maxims for Public Servants	
3.	AP Civil Services(Conduct)Rules 1964	
4.	AP Civil Services(CCA)Rules 1991	
5.	AP Leave Rules	
6.	Pension Rules	
7.	T.A.Rules	

Ethics and Social Responsibilities

THE MALAISE:

Max Weber a German sociologist described for the first time to the history of Bureaucracy, its institutional qualities, characteristics and foibles and suggested an ideal rational organization for this institution.

BRIEFLY STATED

1. Bureaucracy is a hierarchically organized body of human beings who are operating under set codes rules and regulations and paid for their work. Who are subject to constant internecine problems, who are neutral, rule bound (precedent-bound often) and secretive (therein lies its power).
2. It has a rational object for its existence and a rational manner for its performance.
3. The members of this organization are aiming constantly to improve themselves, their status emoluments.

DYS-FUNCTIONAL

Prof. Robert Merton calls dys-functionalism a characteristic of Bureaucratic organization. By that he means that a function performed by a Bureaucrat becomes counter produces bad results which are the antithesis of their objectives. Complicatedness, Corruption, dilatoriness, beating about the bush are now an accepted way of life with Bureaucracy all the world over. It is a question of degree in most countries, more so in developing economies.

THE NEED: SOCIAL RESPONSIBLY

Every Bureaucrat has a responsibility to society. The Directive Principles of State policy in our Constitution clearly gives a purpose and directions to both Central and State Governments. Hence the need for commitment to service of common man and development of the country. An ideal civil servant is one who:

- a. Understands the weakness of himself and his system and works in order to overcome it in the most effective manner for which he has at his command both ancient and modern tools(concept and techniques).
- b. Acts as “change-agent” to help the people of the country who are often steeped in old and useless (often dangerous) traditions in agriculture, social behavior (bounded labour for eg) etc.
- c. Optimizes the scarce resources that are at his command and allocates them towards long, medium, and short range betterment of peoples lot (for e.g. Education is long range input, employment is a short range input) by reducing inequalities.
- d. Innovates and finds solutions rather than complaints.
- e. Brings in a climate of cooperation and good will through quick decisions.

THE SOLUTION

The Bureaucrat must aim at:

- a. Better training of himself and his staff.
- b. Developing a sense of social and ethical responsibility.
- c. Managing laws, rules and regulations to enable him to perform tasks legally.
- d. Developing enormous patience and affection for the downtrodden and even anger at those evil sections of society which keep at check Government’s efforts to reduce social inequalities(Black-moneyed man, Hoarders, Smugglers and like)

Ethical behavior goes beyond a normatively moral behavior (which no doubt is very important). It involves an extra over way of life where a bit of

preaching is added to a lot of practicing of the “brotherly sprit” so that his authority helps him to implement in practice what the concepts preach.

SOCIAL RESPONSIBILITY OF CIVIL SERVANT IN INDIA

Mahatma Gandhi once said that all the Industrialists were to regard themselves as holders of trust for the nation. A civil servant also must adapt this maxim for his existence. Civil services help Governments to make laws and implement them:

- a. For preventing concentration of wealth and monopolistic and restrictive trade practices(M&RTP Act)
- b. For setting up controls in vital sectors of the economy such as Industry(Eg Industry Regulation Act),Food and civil Supplies (Essential Commodities Act, Fertilizers, seeds and pesticides quality control measures)
- c. For better and equitable distribution of assets through measures like
(i). Land Reforms (ii) Subsidized Infrastructure building and subsidies for weaker sections and areas of society (iii) Reservation quotas, scholarships in educational institutional and employment (iv) Minimum wages laws.

All these objectives and tasks need a command civil service.

Maxims for Public servants

I. YOU AND YOUR JOB

1. You are public servant.
2. Effect of any action on the people should never be over looked.
3. Do not forget the human aspects of administration.
4. Be action minded.
5. Be constructive.
6. Collection and master the details and the facts without being their slave.
7. Take scrupulous care of accounting for public funds.
8. Take adequate care in using of government property.
9. Follow rules but do not become their slave.
10. Value official reports, informal discussions and personal visits.
11. Make regular and through inspections.
12. Note the importance of following up of orders or actions.
13. Pick the right man for the right job.
14. Do not neglect uninteresting, unimportant or routine work.
15. Recognize the importance of arriving at quick decisions.
16. Give a patient hearing to all the parties.
17. Not merely do justice, but people should know that justice is done.

II. YOU AND YOUR CO-WORKERS

1. Pick the right man for right job.
2. Maintain the dignity and self confidence of your subordinate.
3. Commend freely and openly, but rebuke sparklingly and secretly.
4. Be objective, responsible and just in confidential reports.
5. Do not let down your colleagues.

6. Put yourself in the other person's shoes.
7. Do your own job and let your subordinates do their own.

III. YOU AND THE PUBLIC

1. You are the servant of the people.
2. Always visualize what impression your actions and orders will make on the people.
3. Administration deals with human beings.
4. Seek public esteem, not cheap properly.
5. Public are interested in your achievements, not in your difficulties.
6. Anonymity, an essential virtue.
7. Public esteem is a tremendous moral booster.
8. Justice and duty before popularity.
9. You are a servant of the people, not of any party.
10. Both your justice and integrity should be demonstrable and provable before the public.
11. There is always room for honest differences of opinion.
12. Accessibility, a great virtue in a public servant.
13. Public impression a useful corrective to official reports.

IV. YOU AND THE PEOPLE REPRESENTATIVES

1. Find your way though advised selfishly.
2. Remember facts are more important than advice.
3. Loyal carry out proper orders and instructions of the political executive.

4. Self interest has a place in public life.
5. Take advice and co-operation from all parties but make your own decision.

V. YOU AND YOURSELF

1. Efficiency in action is yoga.
2. Your health is a must for your job.
3. Develop a health and cheerful personality.
4. Keep abreast of the times.
5. Your job, worthy of choice by pass you.
6. Just rewards shall not by pass you.
7. To thine own self true.
8. A sense of humour is essential.

VI. FINAL MAXIMS

1. Not merely follow and practice these maxims yourself but train and encourage your colleagues, subordinates or co-workers to do the same.
2. Example is better than precept.

NONE OF US IS AS STRONG AS ALL OF US

A.P. Civil Services (Conduct) Rules 1994

GENERAL

- 1.1 Under the proviso to article 309(G O Ms 468 General Administration dept. dated 17-04-1964) of the constitution of India, which empowers the Governor to make rules regulating interalia, the conduct of Government employees, the A.P. Civil services(Conduct) Rules 1964 came to exist.
- 1.2 These rules contain the does and don'ts of Government servants.

SCOPE

2. Government employee is defined as any person who is a member of 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.

FAMILY

1. These rules are also applicable to the members of the family of the government employees. "Member of the family" 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, step-daughter who is no longer in any way dependent upon such employee or of whose custody such employee is deprived by law.

2. FUNDAMENTAL RIGHTS OF INDIAN CONSTITUTION

- 2.1 ARTICLE: 14 Equality before law.
- 2.2 ARTICLE: 15 prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- 2.3 ARTICLE: 16 Equality of opportunity in matters of public employment.
- 2.4 ARTICLE: 19 RIGHTS TO FREEDOM.
 - 2.4.1 Freedom of speech and expression.
 - 2.4.2 Freedom of assembly.
 - 2.4.3 Freedom of association.
 - 2.4.4 Freedom of movement.
 - 2.4.5 Freedom of residence and settlement.
 - 2.4.6 Freedom of profession, Occupation, trade or business.

3. RESTRICTIVE PROVISIONS OF CONDUCT RULES

- 3.1 RESTRICTION ON CONSTITUTIONAL RIGHTS
 - 3.1.1. Taking part in politics and elections.
 - 3.1.2. Joining of and forming associations.
 - 3.1.3. Demonstrations and strikes.
 - 3.1.4. Connection with press and radio, criticism of government.
 - 3.1.5. Acquisition and disposal of property.

4. RESTRICTION ON PERSONAL RIGHTS

- 4.1.1. Private trade and employment.
- 4.1.2. Investing, lending and borrowing.
- 4.1.3. Collection of subscription.
- 4.1.4. Acceptance of gifts.
- 4.1.5. Public demonstrations.
- 4.1.6. Vindication of acts and character.

4.1.7. Canvassing of outside influence.

4.1.8. More than one marriage.

4.1.9. Consumption of intoxication drinks.

4.2. The ultimate aim of such restrictions which forbid the government servant to do certain acts is mainly intended to improve the tone of public service. The relationship between the government and the government servant is governed by the law of master and servant relationship.

4.3. A government servant is expected to maintain a reasonable and decent standard of conduct and not bring discredit to his service by his misdemeanor.

4.4. Thus neglect by a government servant of his wife and his children in a manner unbecoming of a government servant, may be regarded as a good and sufficient reason to justify action being taken against him.

4.5. If the government were to sit back and permit its officials to commit any outrage in their private life, provided it falls short of criminal offence, the result may very well be catastrophic fall in the moral prestige of the administration.

4.6. The state could demand a certain standard of conduct from the government servant not only while performing their official duties but in their private life as well.

4.7. Arguments are often raised to the effect that in view of the complexities of modern life, the consideration of expediency should outweigh the considerations of honesty. Consideration of expediency may be irresistible at times but their evils are merely to be put up with and not to be extolled or prescribed as standards of life and work.

4.8. A public officer is not at liberty to amass fortune by taking illegal gratification even though willingly given.

5.1. EVERY GOVERNMENT SERVANT SHOULD AT ALL TIMES

5.1.1. Maintain devotion to duty.

5.1.2. Maintain absolute integrity, discipline, impartiality and a sense of

Propriety.

- 5.1.3. Do nothing which is unbecoming of such employee or derogatory to the prestige of government.
- 5.1.4. Not act in a manner which will place his official position under any kind of embarrassment.
- 5.1.5. Exercise his best judgment in the performance of his official duties except when he is acting under a direction from his official superior.
- 5.2. Integrity is uprightness, honesty or purity.
- 5.3. Devotion to duty is faithful service.
- 5.4. Unbecoming of a government servant is unmannerly attitude, insubordination, lack of decorum, laziness, corrupt habits, shirking of responsibility and other things which are normally branded as unworthy of a government servant.
- 5.5. The dictionary meaning of misconduct is given as bad management, mismanagement, culpable neglect of an official in regard to his office. It is a transgression of some established and definite law or a forbidden act. It implies a wrongful intension and not a mere error of judgment. Misconduct is something more than mere negligence. It is the intentional doing of something when the does knows to be wrong or which he does recklessly, not caring what the result may be. It is a sufficiently wide expression and covers any conduct which in any way renders a person unfit for his office or is likely to tamper or embarrass the administration. In this sense, grossly improper or unbecoming conduct in public life may also become misconduct and may render an officer liable to disciplinary action.
- 5.6. Moral is concerned with right and wrong or duty which one owes to one's fellow beings or to the society in general.
 - 5.6.1. Moral turpitude is a reprehensible act contrary to the accepted notions of right and customary rule or code of conduct accepted by the society. It would mean anything done contrary to justice, honesty, modesty or good morals.
- 5.7. Corruption includes all improper and selfish exercise of power and influence attached to a public officer.

6. No government employee can associate himself with an association, the object or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order.
7. He should not participate in strike or absent from duty or work without permission, or neglect his duties with the object compelling any superior officer or government to take or omit take official action or indulge in demonstrative fast like hunger strike or refuse to receive his pay.
8. No gifts can be accepted the prominent exception being a gift of a value of less than Rs. Two hundred from personal friends on ceremonial occasions such as weddings.
9. Every government employee (other than member of last grade service) should, on first appointment to the government service, submit to government a statement of all immovable properties irrespective of its value and movable properties whose value exceeds Rs.20,000/- in the forms prescribed in annexure-I and II to sub-rule(7) of rule 9.
10. He should also submit before 15th January of every year, a declaration in the forms given in annexure I and II of rule 9(7) of all immovable/movable property owned, acquired or inherited by him or held by him on lease/or on mortgage, either in his own name or in the name of any member of his family.
11. No government employee should except after previous intimation to the head of the department acquire or dispose of or permit any of his family member to acquire or dispose of or permit any of his family member to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise either by himself or through others. If such a transaction is conducted from a private dealer(not a regular or reputed dealer), the previous sanction of the head of the department appointing authority/regional officers/district collectors/other district officers, as the case may be , as specified in sub-rule(10) of rule 9 should be obtained. Same is the case with the movable property exceeding Rs 20,000/- in value.
12. The violation of above and or any of the following rules of conduct, would be treated as negligence/misconduct and is requires to be dealt with under the A.P. civil service (CCA) Rules 1991.

RULE NO – NATURE OF PROHIBITION IN THE CONDUCT RULES

4. Strikes.
5. Demonstrations.
6. Acceptance of gifts, services, entertainments, address and other forms of felicitations.
7. Collection of subscriptions or other pecuniary assistance in pursuance of any object.
8. Lending, borrowing and insolvency.
9. Acquiring or disposing of immovable or movable property.
10. Indulging in private trade, business and investment.
11. Promotion and management of companies in private capacity.
12. Private employment.
13. Publication of books.
14. Communication of official documents or information.
15. Connection with press.
16. Participation in radio broadcast and contribution to newspapers and periodicals.
17. Criticism of the policy or action of government or any other state govt or central government.
18. Evidence before any committee, commission or other authority.
19. Taking part in politics and elections.
20. Vindication of acts and character of government employee.
21. Working with or under relatives in government service.
22. Employment of a member of the family in a private firm.
23. Government employee not to deal in his official capacity with matters concerning himself, his relatives or dependants.
24. Influencing authorities for furtherance of interests.
25. Bigamous marriages.
26. Dowry.
27. Drinking.

**Andhra Pradesh
civil services(classification,
control and appeal)Rules 1991**

PART-I: GENERAL (Rule 1-3)

- 1.1. The APCS (CCA) Rules 1991 (G.o.Ms.No.487 GA(Scr.C) Dept., dt 14-09-1992) were published in the A.P. Gazette on 1st July 1992. The rules came into force with effect from 1 October 1992. These rules are intended to be applicable to every government servant who is a member of the civil service of the state, whether permanent or temporary, a government servant whose services are temporarily placed at the disposal of the govt. of India, the government of another state or a company, Corporation or organization owned or controlled by government, or a local or other authority and a central government employee, employee of other state government and employee of a local government of A.P. who is temporarily working with the state government. These rules define disciplinary authority as one who is competent to impose any of the penalties specified in rule 9 or rule 10.

PART-II : CLASSIFICATION(Rule 5-7)

- 2.1. The civil services of the state are classified into:
- i) The state services – included in schedule I (Gazetted officers), and)
 - ii) The subordinate services – included in schedule II – (Non-Gazetted employees).

PART –III : SUSPENSION (Rule -8)

- 3.1 A member of the service may be placed under suspension from service.
- 3.1.1 Where a disciplinary proceedings against him is contemplated or is pending or.
- 3.1.2 Whether in the option of competent authority, he has engaged himself activities prejudicial to the interest of the of the security of the state, Or
- 3.1.3 Where a case against him in respect of any criminal offence is under investigation, inquiry or trail.
- 3.2 The authorities competent to suspend member of state and subordinate service are laid down in rules 12-15. Where the

order of suspension is made by an authority lower than the appointing authority such authority shall forth with report to the appointing authority the circumstance in which the order was made.

- 3.3 A Government servant shall be deemed to have been placed under suspension by an order of the authority competent to place him under suspension.
 - 3.3.1 With effect from the date of his detention if he detained in custody whether on a criminal charge or otherwise for a period exceeding forty eight hours.
 - 3.3.2 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 immediately dismissed or removed or compulsorily retired consequent to such conviction.
- 3.4 An order or suspension may at any time, be modified or revoked by the authority which made the order or by any authority to which that authority is subordinate.
- 3.5 The state Government has prescribed a performance for the order of suspension in G.O.MS.No.411 GA(ser.C) Dept.,dt. 28.7.93 for the guidance of the competent authorities. Similar proforma for continuance under suspension after review, in intervals of six months has been prescribed in Govt.,Memo No.904/ser C/67-1 GAD dt. 29.5.1967.
- 3.6 The object of placing an officer under suspension is generally to facilitate easy collection of evidence from witness who may hesitate to depose against an officer so long as he is in office, or to prevent an officer from tampering with witnesses or records. In many cases it is not quit necessary to keep the officers under suspension after a certain period.
- 3.7 The circumstance in which a disciplinary authority may consider it appropriate to place a Government servant under suspension as indicated by the Government, are detailed below. These are only intended for guidance and shall not be taken as mandatory.
 - 3.7.1 Cases where continuance in office of the Government servant will prejudice the investigation, trail or any inquiry (eg. Apprehended tampering with witness or document).

- 3.7.2. Where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working.
- 3.7.3. Where the continuance in office of the Government servant will be against the wider public interest other than those covered by (1) and (2) above, such as, there is a public scandal and it is necessary to public the Government servant under suspension to demonstrate the police of the Government to deal strictly with officers involved in such scandals particularly corruption.
- 3.7.4 Where allegations have been made against the Government servant and the preliminary inquiry has revealed that a prime facie case is made out which would justify, his prosecution or his being proceed against the departmental proceedings and where the proceedings are likely to end in his conviction and/ or dismissal, removal or compulsory retirement from service.
- 3.7.5 In the first three circumstances, the disciplinary authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prime facie case has been established.
- 3.7.6 Certain types of misdemeanor where suspension maybe desirable in the four circumstances mentioned are indicated below.
- 3.7.7 Any offence or conduct involving moral turpitude.
- 3.7.8 Corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain.
- 3.7.9 Serious negligence and dereliction of duty resulting in considerable loss to Government.
- 3.7.10 Desertion of duty
- 3.7.11 Refusal or deliberate failure to carry out written orders of superior officers.
- 3.7.12 In respect of the types of misdemeanor specified in (9) (10) &(11) above, discretion has to be exercised with care.
- 3.8 It should also be considered at an early stage whether sending the officer on leave (if he is willing to take it) will not be suitable step to take. This of course, will not apply in all serious cases where there is good prima facie case.
- 3.9 The authority competent to suspend the Government servant, while issuing the orders of suspension should invariably

mention in the said order that the suspension is made in the public interest and also indicate the subsistence allowance which should be paid to Government servant concerned. The compulsory retirement until further orders.

- 4.1 The authorities which are empowered to suspend certain members of state services are specified in rule.13. Where no such specific provision is made the concerned Head of the Department / appointing authority is competent to suspend members holding initial Gazetted posts. In respect of all other state services, the state Government are competent to suspend. In respect of Non – gazetted officers of subordinate services, authorities mentioned in rule 14 and in Appendices I, II, III, & IV are empowered to suspend the categories of employee specifically mentioned therein. In the absence of specific provision, the immediate superior Gazetted officer vide 14(1) (a) or higher authority including appointing authority or any highest authority (including Government) is competent to exercise this power of suspension in respect of subordinate services.
- 4.2 In trap cases, the Government servant should be suspended immediately after the trap basing on the preliminary report of the Anti Corruption Bureau. If there is likely to be any interregnum between the trap and the actual relief of the trapped officer after being placed under suspension, the competent authorities should consider whether the officer could be transferred immediately so that material evidence is not destroyed and that arrangements should be made to relieve trapped officer forthwith.
- 4.3 In disproportionate assets cases, the accused officer need not be suspended immediately following the registration of the cases. But he may be transferred to a far off non – local post to avoid likelihood of his tampering with the records and influencing the witness.
- 4.4 If, however, the Anti Corruption bureau finds during investigation that there is reasonable ground for believing the accused officer has deliberately failed to co-operate with the investigating agency or that he is trying to tamper with the official records or influencing the witnesses or bringing pressure on the investigating officers, it is open to the disciplinary authority to place the accused officer under

suspension, at that stage, based on the recommendation of the Anti Corruption Bureau to that effect.

- 4.5 In case other than those mentioned above, the disciplinary authority should consider and device the desirability of placing the accused officer under suspension, if he is not already under suspension as and when charge sheet is failed against him in the court or where after investigation, it is decided to initiate regular departmental action for imposing any of the major penalties and a charge memorandum is served in this regard.
- 4.6 The cases of loss and fraud are usually reported to the police and officials involved who are placed under suspension continue to be under suspension till they surrender or are apprehended by the police and prosecuted, resulting in either the cases dragging on for a long time or if and when the absconding officials are apprehended and proceeded against they are required to be paid the subsistence allowance, if they produce a certificate of non-employment.
- 4.7 In such cases, the disciplinary authorities shall take the following action.
 - 4.7.1 A certificate should be obtained from the local police authorities to the effect that whereabouts of the officials concerned are not known. This certificate should be placed on record in the connected file.
 - 4.7.2 A brief statement of the allegations should be prepared and kept on the file.
 - 4.7.3 The disciplinary authority should himself record on the file the fact that the whereabouts of the official concerned are not known and that the police authorities have also certified to that effect and, therefore, it is not reasonably practicable to hold the inquiry contemplated under Rule 20. The disciplinary authority can then take recourse to rule 25 where there is provision to dispense with the enquiry. Reasons for not holding inquiry should then be recorded in writing the disciplinary authority issue orders imposing such penalty as it deems fit. The allegations and charges have to be briefly discussed in the punishment orders. Normally in such cases, the punishment that could be meted out would be either removal or dismissal from service.

- 4.8 A reference to the report/recommendation made by the higher authority, Anti Corruption Bureau and Vigilance & Enforcement dept.should be avoided in the orders of suspension issued by the competent authority in order to establish that the competent authority has exercised his power independently.
- 4.9 Where the work and conduct of an emergency employee are not satisfactory he should not be placed under suspension pending inquiry as it involves financial loss to Government nor should disciplinary action be initiated against them but he should be discharged from service in terms of his appointment by an innocuous order so far avoid complication.
- 5.1 Review of the orders of suspension after a period of six months should be undertaken as specified below, The reviewing authorities may obtain the particulars of a suspended Government Servant in the proforma prescribed in G.O.Ms.NO.517,GA(ser.C)Dept., dt.27.7.77 for the purpose of reviewing suspension orders beyond six months.
 - 5.1.1 In case of Gazetted officers, the first review of the orders of suspension beyond a period of six months shall be undertaken by the Head of the department provided the original orders of suspension was not issued by Government and orders issued, if so decided to continue the officer under suspension until further orders. In such cases the second and subsequent reviews at intervals of six months will be undertaken and orders for continuance of the officer under suspension until further orders for continuance of the officer under suspension until further order will be issued by the Government.
 - 5.1.2 If the original order of suspension was issued by Government, all the review including the first review shall be undertaken by the government themselves and orders for continuance of the officer under suspension until further orders will be issued by the Government.
- 5.2 In the case of non-gazetted officers first review of the orders of suspension beyond a period of six months shall be undertaken either by the authority next above the appointing authority or by the Head of the Department, as the case may be, and orders issued if so decided, to continue the officer under suspension until further orders.

- 5.2.1 The next review beyond a period of one year from the date of suspension shall be undertaken by the Head of the Dept. and orders issued by him, if so decided to continue the officer under suspension until further orders.
- 5.2.2 Any further review for continuing or otherwise of an officer under suspension beyond a period of one and half years from the date of suspension at intervals of six months shall be undertaken by the Government and orders for continuance of the officer under suspension until further orders will be issued.
- 5.3 At the end of review as laid down above,if it is decided by the competent authority / Head of the Department /Government as the case may be, that the member of the service need no longer be kept under suspension, orders should be issued forthwith revoking the order of suspension reinstating him to service.
- 5.4 It may not be desirable to place an officer under suspension for a long period or indefinitely. Therefore, in all case where a member of service is placed under suspension, action regarding investigation of inquiry as the case may be, should be undertaken on priority basis with utmost speed at all levels and the disciplinary proceedings should be finalized and orders issued within a period no exceeding ordinarily one year as far as possible. Even in respect of criminal cases filed in the special courts for S.P.E and A.C.B. cases, efforts should be made by authorities concerned that the trail is completed at the earliest possible period so that the member of service is not continued under suspension for longer period.
- 5.5 However an outer limit of two years has been prescribed from the date of suspension, failing which the Govt., Servant may be reinstated without prejudice to the proceedings being pursued. In exceptional cases ,even beyond two years, especially in case where there is deliberate delay caused due to non cooperation of the employee concerned.
- 5.6 Payment of subsistence allowance should not be withheld pending review of suspension.

PART –IV : CONTROL (Rule 9-10)

- 6.1 Control is sought to be achieved by providing for the imposition of the following penalties on Government servant for their acts of negligence and misconduct. These penalties

may be imposed on members of the state and subordinate services for good and sufficient reasons.

1 MINOR PENALTIES

- I. Censure
- II. Withholding of promotion
- III. Recovery from pay of the whole or any part of the pecuniary loss caused to the state Government or local authority of corporation, by negligence or breach of orders.
- IV. Withholding of increments without cumulative effect
- V. Suspension (as a specific penalty) where a person has already been suspended under rule 8.

2 MAJOR PENALTIES

- VI. Withholding of increments with cumulative effect.
- VII. Reduction to lower rank in the seniority list, or to a lower post, not or being lower than to which he was directly recruited, or to lower time scale not being lower than to which he was directly recruited or to a lower stage in a time scale.
- VIII. Compulsory retirement
- IX. Removal
- X. Dismissal

6.2 It is misnomer to consider the minor penalty as of little or no significance. According to GOMs.No.342 GAD(Ser) dt. 4-8-97, any minor penalty debars promotion for minimum period of one year.

6.3 The penalty of fine vide rule 10(i) may be imposed only on a member of last grade service and holders of other posts specified in Appendix I to the rules.

6.4 The penalty of suspension for a period not exceeding 15 days may be imposed of forest guards, directly recruited members of A.P. Police Subordinate service, A.P. Special Armed Police service and certain categories of A.P. Fire Subordinate service, vide rule 10(ii).

6.5 "Censure" is formal penalty which in the form of reprimand imposed on a person who is guilty of a blame worthy act of omission or negligence.

6.6 Removal of person does not disqualify him from future employment but dismissal shall ordinarily disqualify him from future employment.

- 6.7 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 for breathing to do any official act, is established, the penalty of removal or dismissal shall be imposed.

AUTHORITIES COMPETENT TO IMPOSE PENALTIES ON GAZETTED OFFICER

- 7.1 The authorities which are competent to impose certain penalties on some members of the state service are given in rule 11. In the absence of such specific provision in rule 11, the general rule is that every Head of the Department declared to be the appointing authority may impose on any member of the state service holding an initial gazetted post under his control, any of the penalties except removal and dismissal from service. He may also impose the penalty of recovery from pay on a member of the state service working under him excepting on such member who is placed immediately below his rank. Government alone have the power to remove or dismiss Gazetted officers. Government being a higher authority to the Head of the Department and appointing authority can impose any penalty on Gazetted officers after consultation with the A.P Public Service Commission.

COMPETENT AUTHORITIES TO IMPOSE PENALTIERS ON SUBORDINATE SERVICE (Rule14)

- 7.2 The authorities competent to impose certain penalties on members of some subordinate service (Non- Gazetted) are specified in rule 14 and in appendices II,III& IV. In the absence of such specific provision, The general rule is that the penalties of (i) Censure (ii) Fine (clause (i) of rule 10) (iii) withholding of increments (Clauses (i) and (iv) of rule 9) can be imposed on a government servant by his immediate superior gazetted officer or where the appointing authority for such member is a non gazette office, such officer or any higher authority. The officer next above the immediate superior Gazetted officer or appointing authority or any higher officer may impose the penalty or recovery from pay.

PERSON LENT (Rule 30)

- 7.5 Where the service of a person has been lent by one department to another, the power to impose the penalty of compulsory retirement or removal or dismissal shall lie with the lending authority. The borrowing authority shall where it considers the imposition of the above penalties necessary appoint an inquiry officer or itself hold an inquiry and forward the record to the lending authority. The borrowing authority may impose the other penalties after consulting the lending authority.
- 7.6 Where the services of a person are lent to a company or corporation or an authority subordinate to the state Government, the borrowing authority may, subject to the terms of deputation suspend him pending inquiry or impose the penalties (i) to (iv) of rule 9 or clause (i) of rule 10 except in the case of posts where Government alone are empowered to suspend or impose such penalties.
- 7.7 Where the borrowing authority suspends a member of service lent to it, it shall report the circumstance to the lending authority and in case the lending authority does not agree, replace his service at the disposal of the lending authority.
- 7.8 Same procedure as above shall be followed in respect of officers borrowed by in Government of A.P. from the Government of India, other state Government, a company, a corporation, organization, local or other authority(Rule 31)

PART –V : PROCEDURE FOR IMPOSING PENALTIES (Rules 20,21,22 & 23)

MINOR PENALTIES (Rule 22)

- 8.1 No order imposing the penalties (i) to (v) of rule 9 or rule 10 shall be passed on a member of a service by the authority competent to impose the penalty except after the member of the service is informed in writing of the imputations of misconduct or misbehavior and the proposal to take action

against him and given an opportunity to make representation and the representation, if any, is taken into consideration. Where an inquiry has been conducted under rule 20, there is no need to give any further opportunity to the delinquent officer and a minor penalty maybe imposed on the basis of evidence adduced during the inquiry.

- 8.2 The record of proceedings in such cases of minor penalty should contain
 - 8.2.1 A copy of the intimation to the Government servant of the proposal to take action against him.
 - 8.2.2 A copy of the statement of imputations of misconduct or misbehavior delivered to him.
 - 8.2.3 His representation, if any
 - 8.2.4 The evidence produced during the inquiry, if any.
 - 8.2.5 The advice of the APPSE, if any
 - 8.2.6 The finding on each imputation of misconduct or misbehavior.
 - 8.2.7 A disciplinary authority competent to impose any of the penalties specified in clauses (i) to (v) of rule 9 or in rule 10, may institute disciplinary proceedings against an Government servant for the imposition of any of the penalties specified in clauses (vi) to (ix) of rule 9, notwithstanding that such disciplinary authority is not competent to impose any of the latter penalties.

MAJOR PENALTIES (Rule 20)

- 9.1 An elaborate procedure is prescribed in rule 20 for imposing major penalties. Under article 311 of the Constitution, no civil servant can be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the chargers and given reasonable opportunity of being heard in respect of those charges. In every case where it is proposed to impose on a member of service of any of the major penalties of reduction, compulsory retirement, removal and dismissal,

the disciplinary authority shall appoint an inquiry officer or itself hold an inquiry.

- 9.1.1 Under clauses (4) of rule 20, it is the responsibility of the disciplinary authority to undertake the work of framing charges and to deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of imputation of misconduct or misbehavior and list of document and witness by which each articles of charges is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified , a written statement of his defence and to state whether he desires to be heard in person.
- 9.1.2 On receipt of the written statement of defence, or if no written statement of defence is submitted by Government Servant, the disciplinary authority may itself inquire into such of the articles of charges as are not admitted in the former case and into all charges in the later case, Ex,parte or appoint an Enquiry Officer under rule 20(2).
- 9.1.3 A presenting officer to present the case on behalf of the Government in support of the articles of charge may be appointed by the disciplinary authority, vide clause 5(c) of rule 20.
- 9.1.4 The Government servant may either appear himself in person before the inquiry authority or may take the assistance of any other Government servant or retired Government servant to present the case on his behalf subject to the conditions laid down in clause (8) of rule 20.
- 10.1 On receipt of inquiry report, the Disciplinary authority shall first furnish a copy of inquiry officer's report to the person charged and allow a reasonable time not exceeding one month, to submit his further representation, if any, on inquiry officer's report, vide rule 21 (4).

- 10.2 There is no need to give any opportunity to the charged officer to make a representation against the penalty proposed to be imposed, in view of Art.311(2) of the Constitution as amended by the 42nd amendment act 1976 to the Constitution of India.
- 10.3 Where the authority to impose the punishment is the State Government, it is necessary, before passing an order, to consult the AP Public Service Commission. With a view to hastening the process of finalization of cases, Government ordered that the department should forward the proposals to the APPSC in complete shape including information on all the items referred to in the check list appended to Govt. Memo No.655/Ser C/90-1 GAD dt.17.8.90. A copy of the letter of the Public Service Commission containing its advice, may, if applied be supplied to the accused Government servant. Where such advice has not been accepted, a brief statement or 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, vide rule 44.
- 10.4 The final order containing the decision of the authority competent to impose the penalty, should be a self contained speaking order. Even where the order is passed by the Government, the order of the should set out briefly the relevant facts, findings, advice of the Commission and Government's decision thereon. It should be signed by an order should be communicated to the accused Government servant and his acknowledgment in token of having received it, should be obtained and kept on record.
- 10.5 The following types of cases may merit action for imposing one of the major penalties. These are meant for guidance and are not to be treated as yardstick for imposing a major penalty.

- 10.5.1 Cases in which there is a reasonable ground to believe that a penal offence has been committed by Government servant but the evidence forthcoming is not sufficient for prosecution in a court of law eg.,
- 10.5.2 Possession of Disproportionate assets.
- 10.5.3 Obtaining or attempting to obtain illegal gratification.
- 10.5.4 Misappropriation of Government property, Money, stores.
- 10.5.5 Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate.
- 10.5.6 Falsification of Government records.
- 10.5.7 Gross irregularity or negligence in the discharge of official duties with a dishonest motive.
- 10.5.8 Misuse of official position or power for personal gain.
- 10.5.9 Disclosure of secret or confidential information even though it does not fall strictly within the scope of official secrets act.
- 10.5.10 False claim on the Government like T.A. claims, reimbursement claims etc.,
- 11.1 The procedure laid down in rule 20 of the AP Civil Services (CCA Rules) in regard to the imposition of major penalties, need not be followed in certain exceptional cases, as mentioned in rule 25, viz:
 - 11.1.1 When a person is punished on the ground of conduct which has led to his conviction on a criminal charge.
 - 11.1.2 Where an authority competent to impose penalty is satisfied that for some reason to be recorded by that authority in writing ,it is not reasonably practicable to give to that person an opportunity of showing cause.

- 11.1.3 Where the Governor is satisfied that in the interest of security of the state it is not expedient to give to that person such an opportunity or to hold such inquiry.
- 11.1.4 Where it is proposed to impose any of the penalties specified, on the basis of the report of the Lokayukta or Upalokayukta, the disciplinary authority shall take action on the basis of the recommendation contained in that report (rule 27).

COMMON PROCEEDINGS (Rule24)

- 12.1 According to rule 24 where two or more members of the same service or different services are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such members, may make an order directing that disciplinary action against all of them may be taken in a common proceeding, If the authorities competent to impose the penalty of dismissal on such members are different, such authorities not being the Government, 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 others.
- 12.2 It is for highest authority who orders joint inquiry to see that the penalty imposed is proportionate to the seriousness of the charges held proved, keeping in view their degree of culpability / seriousness of lapses held proved, while imposing the penalty in such cases.
- 12.3 When two or more persons are involved in one case, the magnitude of involvement of all the delinquent officer may not be the same and the degree of culpability may also vary from person to person. As such it may not be possible to impose the same penalty uniformly on all the charged officers, irrespective of the degree of their involvement. If the same penalty is imposed on all such delinquent and magnitude

officers involved in a case, ignoring their degree of culpability and involvement, such action is liable to be questioned. As such, it may not be legally valid to prescribe any guidelines or yardsticks for imposing penalty in such cases. The competent authority who orders such a joint inquiry should ensure that the members of service involved in disciplinary cases are imposed the penalties keeping in view their degree of culpability / seriousness of lapses/ charges held proved.

- 12.4 The disciplinary authority should take a comprehensive view by taking into account the totality of the circumstance and the extent of involvement of each of delinquent officers while inflicting the punishment.

ACQUITTAL by COURTS

- 13.1 The supreme Court of India in Corporation of Nagpur Vs Ramachandra (1981)(2Sec 714 –AIR 1984.SC.626) has made the following observations:
- 13.1.1 “ The other question that remains is if the respondents are acquitted in the criminal cases or not, the departmental inquiry pending against the respondents would have to continue. This is a matter which is to be decided by the Department after considering the nature of the findings given by the criminal court. Normally where the accused is acquitted honorably and completely it would not be expedient to continue a departmental inquiry on the very same charges or grounds or evidence, but the fact remains, however, that merely because the accused is acquitted, the power of the authority concerned to continue the departmental inquiry is not taken away or is its discretion in any way fettered. However, as quite some time has elapsed since the departmental inquiry has started, the authority concerned will take into consideration this factor in coming to the conclusion if it is really worthwhile to continue the departmental inquiry

in the event of the acquittal of the respondents. If, however, the authority feels that there is sufficient evidence and good grounds to proceed with the inquiry, it can certainly do so”.

13.1.2 In the light of the above judgment of the Supreme Court of India it is clear that the accused officer by the competent court, is no bar to initiate departmental inquiry against the delinquent officer.

13.1.3 The disciplinary authority may, if it comes to the conclusion that an order imposing a penalty on a Government servant on the ground of conduct which had led to his conviction on a criminal charge should be issued, pass such an order without waiting for the period of filing an appeal, or, if an appeal, has been filed, without waiting for the decision in the first court of appeal. Standard form I for such an order is annexed to Government Memo No.169/Ser.C/77-8 GAD dt.10-2-78.

13.1.4 Whether, despite the acquittal, the facts and the circumstance of the case are such as to call for a departmental action against the Government servant on the basis of the misconduct on which he was previously convicted, departmental inquiry may be ordered, in standard form no.II annexed to the Government memo.

13.1.6 In case where Government employee is removed or dismissed or reduced in rank after complying with the requirement of article 311(2) of the Constitution of India or of the provisions of rule 20 of the A.P. Civil Services (Classification, Control and Appeal) Rules, then the order of removal, dismissal or reduction in rank, is not affected by his acquittal in a criminal court, if he is prosecuted in addition to the departmental action taken against him. If however, a Government employee removed or dismissed or reduced in rank, solely on the ground of conduct which led to his conviction on a criminal charge, without complying with the requirement of the

aforesaid article or rule and if his conviction is eventually set aside by the appellate court, or by High Court, in revision, then the order of removal, dismissal, or reduction in rank as the case may be cannot stand, and that order will have to be reviewed.

UNAUTHORIZED ABSENCE – WILFUL AND PROLONGED ABSENCE FROM DUTY WITHOUT PROPER LEAVE

- 14.1 In circular Memo No.4481/A/128/FR I/88,Fin & plg.(Fin Wing FR.I) dept.,dt.7-7-88 Government have issued instruction ordering concerned departmental authorities to initiate disciplinary action against those employees who remained absent from duty without proper leave and pass appropriate orders on the basis of the disciplinary proceedings by following the procedure laid down in APCS(CCA) Rules. In spite of these instructions the following questions arise for consideration;
 - 14.1.1 Whether a member of service who remained absent from duty without proper leave can be permitted to join duty if he gives joining report pending further action to determine or regulate the period of absence by taking disciplinary action or otherwise.
 - 14.1.2 Whether the resignation tendered or request for voluntary retirement made by a member of service who has remained absent without proper leave can be accepted without determination of the period of unauthorized absence.
- 14.2 According to FR18 and rule 5-A of the A.P. Leave rules,1933 and the Note-I there under, no Government servant should be granted leave of any kind for a period exceeding five years and that willful absence from duty not covered by grant of any leave shall be treated as “ dies-non” for all purposes viz, Increments leave and pension.

14.3 Neither FR 18 nor Rule-5 of the A.P Leave rules, can be constructed to mean;

14.3.1 That the member of service who remains absent from duty without proper leave cannot be permitted to join duty if he gives a joining report

(or)

14.3.2 That such member of service ceases to be in service by such absence so as to discharge him from service in terms of FR18.

14.4 With therefore follows from this is that if a member of service who remains absent without any leave gives a joining report it should be ensured by the competent authority that he is permitted to join immediately pending initiation of the disciplinary action for unauthorised absence, incase such action has already not been initiated against him and in all such cases the period of unathorised absence has to be treated as dies –non accordance with the Note –I FR 18 and Rule 5-A aforesaid. This treatment of unauthorised absence as dies – non is distinct from disciplinary action taken or to be taken against the employee concerned.

14.5What FR 18 and Rule 5 of the AP leave Rules mandates is that no member of service shall be granted leave of any kind for continuous period exceeding five years without the specific approval of Government. No inference can be drawn from these rules that disciplinary action against a member of service cannot be taken unless he is continuously absent for more than five years without any leave.It is not all necessary for the authority competent to wait for a period of five years to initiate disciplinary action against the member of service for his absence from duty willfully or unauthorisedly. In all such cases the disciplinary proceedings can be initiated against such member of service who remained absent without any leave straight way by following the procedure laid down in Rule 20

of APCS (CCA) Rules,1991 for unauthorised absence without leave which constitutes good and sufficient reasons for initiating disciplinary action under the said rules and such other misconduct as having secured gainful employment elsewhere during his absence from duty without leave. In all such cases the inquiry officer has to be directed to complete the inquiry within a fixed time say within a period of 2 months. The charges framed against the employee concerned should be communicated by Registered post with acknowledgment due. If however the employee is not available at the last address given by him the charge memo should be got published in the A.P. Gazette and inquiry should be conducted exparte for taking necessary action against him. Even in such cases where an employee reports back to duty, he should be permitted to join duty without prejudice to the action contemplated or pending against him. If the employee applies for contemplated or pending against him. If the employee applies for leave on medical grounds along with the joining report and extends leave on the same grounds beyond three months he should be referred to medical board for examination and necessary action may be taken against him on the basis of the medical report.

- 14.6 According to the note under Rule 6-A of AP leave Rules read with proviso to FR 73, a temporary Government servant working under emergency provisions, who remains absent from duty after applying for leave or extension of leave to which he is not entitled to under the rules shall be deemed to have been discharged from duty with effect from the date from which he is not entitled to any leave unless the leave applied for is granted in relaxation of relevant rules. Where such a temporary employee absent himself unauthorisedly or without sufficient justification, action should be taken immediately for discharging him from service invoking this

rule,by issuing an innocuous order indicating the provisions under which the employee stands discharged.

REQUEST FOR “ RESIGNATION” WHILE ABSENT

- 14.7 Resignation by a member of service is governed by general rule 30 of A.P. State &Sub. Service Rules 1996.
- 14.7.1 A resignation of member of service, who is placed under suspension from service pending investigation or inquiry into grave charges or who is deemed to have been suspended under rule 8 of the APCS ((Classification, Control and Appeal)Rules 1991 shall not be accepted during the period of suspension.
- 14.7.2 The consequence of the resignation as laid down in General rule 30 is that not only the service rendered by the member of service in a particular post held by him at the time of resignation but also all his previous service under the Government will stand forfeited. In view of his consequence the regulation of the period of unauthorised absence would be of no consequence and the acceptance of such resignation tendered by the member of service who remained absent from duty without leave need not wait the determination of unauthorised absence.
- 14.8 Where Government servants, while being unauthorisedly absent or where their leave was refused, have sought for voluntary retirement on completion of 20/33 years of qualifying service in accordance with rules 43 and 44 Revised Pension Rules,1980,respectively, the competent authorities concerned have failed to take action to accept them promptly, resulting in unintended benefit to the employee concerned. In case of retirement on completion of 20 years of qualifying service as provided under Rule 43 of Revised Pension Rules 1980, a Government servant who gives a notice in writing of his intention to retire voluntarily shall not retire unless the

notice given by him 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. In case of voluntary retirement on completion of 33 years of qualifying service as provided under rule 44 of Revised Pension Rule,1980, the appointing authority has to issue orders permitting the Government servant to retire from service. In normal course, in either case, the voluntary retirement can be accepted/ permitted as the case may be, pending determination of the period of unauthorised absence. In cases where it is contemplated to take disciplinary action against the employee concerned, it would be appropriate to frame charges against him before he retires from service so that further action may be pursued in accordance with Rule 9 of Revised pension Rules unless the charges are grave and acceptance of such notice would not be in public interest. As such, acceptance of notice of voluntary retirement need not await the determination of the period of absence, provided the Government servant concerned has rendered 20/33 years of qualifying service. Even in case where an employee is permitted to retire voluntarily, departmental proceedings can be instituted with the sanction of Government in respect of cause of action which arose or an event which took place not more than four years before such institution, in terms of Rule 9 of revised Pension Rules.

- 14.9 Whenever an official continues to remain absent from duty or overstays leave without permission and his whereabouts are not known, or fails to reply to official communication, the disciplinary authority may initiate action under Rule 20. In all such cases , the competent authority should, by a registered acknowledgment due letter addressed to the official at his last known address, issue a charge – sheet in the form prescribed for the purpose and call upon the official to submit a written statement of defence within a reasonable period to be

specified by that authority. If the letter is received undelivered or if the letter having been delivered, the official does not submit a written statement of defence on or before the specified date or at a subsequent stage does not appear in person before the inquiry officer, or otherwise fails or refuse to comply with the provisions APCS(CCA) Rules, the inquiring authority may hold an ex parte inquiry. The notices all hearings should be served on the accused or communicated to him unless the first notices says that the enquiry will continue from day to day.

PART-VI :APPEALS (Rule 32-39)

- 15.1 No appeals lies against any order passed by the Governor under clause (iii) of rule 25, any order of an interlocutory nature in and of the final disposal of disciplinary proceedings and any order rule 20, vide rule 32.
- 15.2 A Government servant may prefer an appeal against the order of suspension made under rule 8, an order imposing any of the penalties specified in rule 9 or Rule 10 by the disciplinary authority , or appellate or revising authority , an order enhancing the penalty imposed under rule 9 or rule 10, an order of discharge for a contract appointment exceeding a period of five years and an order reducing or with holding pension, vide rule 33.
- 15.3 An appeal from an order of High Court shall to the Governor and from any other authority including Heads of department shall lie to the Government and an appeal from an order passed by lower authority shall lie to the Head of the department.
- 15.4 No appeal shall be entertained unless it is preferred within 3 months of receipt of the order by the appellant. The appellate authority, if satisfied, may entertain an appeal after expiry of the above period (Rule 35 & 43). Every appeal shall be

complete in itself and presented to the appellate authority. A copy there of shall be sent to authority, which made the order appealed against, who shall offer his comments on the appeal and furnish relevant records to the appellate authority (Rule 36).

- 15.5 A member of subordinate service shall be entitled to appeal from an order passed by an authority, imposing on him any of the penalties, to next higher authority vide rule 34 (1) (iii).
- 15.6 The appellate authority is under obligation to consider (i) whether the procedure has been complied with and if not whether such non compliance has resulted in violation of any Constitutional provision or in the failure of justice ; (ii) whether then findings are warranted by the evidence on record ; and (iii) whether the penalty is adequate, inadequate or severe. He can confirm, enhance or reduce or set aside the penalty or remit the case with any direction he deems fit.
- 15.7 The appellate authority, thus, has power to enhance the penalty in an appeal submitted by the affected employee for relief. While enhancing the penalty, the appellate should be given opportunity to make a representation against such enhancement and incase of enhancement to a major penalty, an inquiry should be conducted if not already held, vide rule 37.
- 15.8 The power of Revision /Review vesting in certain specified authorities under rules 40 & 41 can be exercised broadly, in the same manner as in an appeal. A time limit of six months is laid down for this purpose in clause (iv) of rule 40(1) unless this time limit is relaxed under rule 43.