

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

**By
B.Ramaiah, I.A.S.,
SECRETARY TO VIGILANCE COMMISSIONER
A . P . VIGILANCE COMMISSION.**

OFFENCES COMMITTED VOILATIONS MADE

Acts under which offences are committed / Rules that are violated

- Prevention of corruption Act 1988 . Indian Penal Code---
(Sections -- 166,,167,168,169,217,218,219, 409, 420-,
468-, 471 and 477A)
- Andhra Pradesh Civil Services (Conduct) Rules1964
- All India Services (Conduct) Rules1968

ACTION TO BE TAKEN RELEVANT ACTS AND RULES

Acts and Rules followed in taking action

- **Cr . P .C**
- **Criminal Law Amendment Ordinance 1944**
- **Andhra Pradesh Civil Services (CCA) Rules 1991**
- **All India Services (Discipline and Appeal) Rules 1969**
- **Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act , 1960 - Rules 1989**
- **Andhra Pradesh Revised Pension Rules 1980.**

APPLICABILITY

Rule 3

- Applicable to all Government servants, except
 - person in casual employment.
- Who are discharged with one month's notice
- Under contract appointment
- Members of all India services
(All India Services (Discipline and Appeal) Rules 1969 are applicable
- applicable to Corporations etc if adopted.

CLASSIFICATION OF SERVICES

Rule5

- **Government servants to whom CCA Rules are applicable are classified in to**
- **The State Services ... Specified in schedule – I**
- **The Subordinate Services ... Specified in schedule – II**

ITEMS DISCUSSED UNDER APCS CCA RULES 1991

- **Placing Employees under suspension pending enquiry**
- **PENALTIES**
- **DISCIPLINARY AUTHORITIES**
- **INITIATION OF DISCIPLINARY PROCEEDINGS**
- **PROCEDURE TO BE FOLLOWED FOR IMPOSING OF MAJOR PENALTY**
- **PROCEDURE – IMPOSING MINOR PENALTY**
- **COMMON PROCEEDINGS**
- **SPECIAL PROCEDURE – WHEN DETAILED PROCEDURE CAN BE DISPENSED WITH**
- **APPELLATE & REVISION AUTHORITIES**
- **STATUTORY FORMS**
- **A.P.C.S. CONDUCT RULES 1964 IN BRIEF**

SUSPENSION

AUTHORITIES COMPETENT

State Services

Rule 13

- as specified in Rule 13.
- Generally (not covered by specific cases) 1st level gazetted officers – Regional Authority (if exists)
- Generally 2nd level (and also for 1st level officer,if no regional Authority is there) by Head of the department.
- 3rd level onwards Government.

Subordinate Services

Rule 14

Immediate Superior gazetted officer (Asst Excise sup., Tahsildar, DCTO, ASP, DSP can not) and officers to whom they are Subordinate.

- Borrowing Authority can place

Rule 30

--CONTD

SUSPENSION -contd

WHEN TO BE PLACED UNDER SUSPENSION

- **when**
 - Disciplinary proceeding are contemplated
 - Engaged in activities prejudicial to the interest of the Security
 - Criminal cases pending – offence may not have bearing on the discharge of official duties. **Rule8(1)**

- **Deemed to be under suspension when**
 - Under detention for more than 48 hours- **Rule8(2)**
 - When convicted – sentenced for imprisonment for a period of more than 48 hours if not dismissed ceases to be in operation if acquitted in the appeal. **Rule 8(2)**
 - Placed under Suspension, pending enquiry -disciplinary proceeding initiated - penalty of dismissal/ removal / compulsory retirement imposed – orders are set – a- side and remitted for further enquiry in appeal or Revision – deemed to be **continued under Suspension** from the date of order of dismissal, removal or compulsory retirement. **Rule8 (3)**

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SUSPENSION -contd

- when disciplinary proceeding are initiated -a penalty of dismissal, removal or compulsory retirement is imposed – if orders are set – a- side and remitted for further enquiry in appeal or Revision – deemed to be under **suspension from the date** service of order of dismissal, removal or compulsory retirement.
Rule 8(4)
- Proceeding to be **issued by competent Authority** under his signature – even in case of deemed Suspension.
- Proceedings be issued in **prescribed formats**.
- Continues **till further orders**.
Rule8(5)
- Authority not competent issues proceedings- later gets ratified by competent Authority – **not valid**.

SUSPENSION-contd

- Comes in to **effect** immediately
- If stationed at a different place or on tour.... from the date of service.
- When holds the charge of Stores etc... from the date of handing over charge.
- When on leave or absent, from the date of dispatch.
Subsistence allowance to be paid -----mention in the order ----
reviewed once in 6 months.
- Shall not leave the Head quarters – not to take up other employment.

SUSPENSION_{-contd}

Review of cases of Suspension

- once in 6 months

members of State Service

- the first review by Regional Authority if issued by Regional Authority.
- The first review by the Head of the Department where order of suspension is issued by the Head of the Department.
- The second and subsequent reviews by the Head of the Department where the order of suspension is issued by Regional Authority / Head of the Department.
- In cases where the Government is the Competent Authority to order suspension, the review by Government only..

Contd..

SUSPENSION-contd

Review of cases of Suspension

members of service in subordinate service-

- ❖ the first review by the appointing authority
- ❖ the second and subsequent reviews by the Regional Authority/ the Head of the Department where no Regional Authority exists.
- Normally shall not be continued for more than 2 years
- when related to cases originated by ACB -representative of ACB to be there during review by committee headed by Secretary .

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PENALTIES

Minor

Rule9(1) to9(v)

- i. Censure**
- ii. With holding promotion**
- iii. -----**
- iv. Withholding increments without cumulative effect.**
- v. a) Suspension**
 - b) Reduction to lower stage in time scale of pay up to 3 years ---- without cumulative effect.**

Major penalties

Rule9(vi) to9(x)

- vi. With holding increments with cumulative effect.**
- vii. a) Reduction in to lower stage –not covered in v (b)-**
 - b) Reduction to lower pay scale in grade**
- viii Compulsory retirement**
- ix Removal e**
- x Dismissal**

Other Penalties

Rule10

- **Fine on a member of last grade servant.**
- **Suspension for not more than 15 days is specified categories.**

DISCIPLINARY AUTHORITIES

State Services

Rule 11

- .. as specified in Rule 11
- Every Head of Department declared to be Appointing authority – in case of 1st and 2nd level officers – penalties from 9(i) to 9(viii)- CCLA even 9 (ix) and 9(x) against Tahsildars
-
- Government in case of other level officers and penalties of 9 (ix) and 9(x) in case of 1st and 2nd level officers.

Subordinate Services

Rule 14

Officer	PENALITY
Immediate Gazetted Officer	9(i) and 9 (iv), 10 (i)
Appointing Authority or Authority to whom he is Subordinate	9 (ii), 9 (v) to (x)
Authorities specified in Appendix – II	As indicated

DISCIPLINARY PROCEEDINGS

- Any disciplinary authority ,competent to impose any of the penalties of 9(i)to9(x),can initiate. **Rule 19**
- If retired ce –can be initiated within 4 years from the date of committing the irregularities ----- after taking permission from the Government. **Rule 9(2) of AP REVISED PENSION RULES1980**
- Irregularity committed while working in lower cadre-the Authority competent to initiate as per the present cadre has to initiate
- **Borrowing Authority** can impose penalties 9 (i) to 9 (vi)
(if feels that a penalty 9 (vii) to 9 (x) is justified one, record to be forwarded to Lending Authority)

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DISCIPLINARY PROCEEDINGS

- initiated under **Rule 20** – if major penalty to be imposed
- initiated under **Rule 22** if minor penalty is felt to be sufficient.
- If initiated under **Rule 20**, a minor penalty may also be imposed as per the results of inquiry.
- If initiated under **Rule 22**, major penalty can not be imposed.
- When two or more employees of same cadre / class or different cadres / classes involved in same case/ irregularity –initiated under **Rule 24** – The Authority to impose penalty of dismissal on the officer of highest cadre to initiate.

PROCEDURE TO BE FOLLOWED FOR IMPOSING OF MAJOR PENALTY

- As per **Art. 311**, Government Servant cannot be removed / dismissed from Service without providing opportunity and conduct of proper inquiry.
- Initiated under **Rule 20**
- Any authority competent to impose any of the penalties from 9 (i) to 9 (x) can initiate.
- Articles of charges to be forwarded – may be drafted by Subordinate officers – but – to be **issued** by Disciplinary Authority.

Contd

- **Basis** - preliminary enquiry– investigation by ACB or any other investigating agency.
- charge be brief, clear and precise- identify the misconduct / misbehavior committed and the conduct Rule violated.
- Preferably in third person.
- Charge should not contain expression of opinion as to the guilt of the Government servant. It starts with “that” to convey that it is **only an allegation and not a conclusion**.
- **Specimen charge:**

That Sri (name and designation) at the time of framing the charge), while functioning as (designation at the time of commitment of irregularity) fromto obtained illegal gratification of Rs.1000 promising to (activity) which constitutes misconduct or failure to maintain absolute integrity and devotion to duty and commission and unbecoming of a Government servant in violation of Sub Rule (1) and (2) of Rule 3 of the APCS (Conduct) Rules 1964.

- **Statement of implications** to be there for each charge.
- The list of **witnessess** to be shown.
- **Articles of Charges** are served with a memorandum which indicating
 - Disciplinary proceedings are initiated under Rule 20
 - Informed to appear in person and specific day in the office of disciplinary authority and file written statement of defence (not exceeding 10 days).
 - Inquiry will be held as regards to the charges denied.
 - He is warned against bringing pressure – misconduct under **Rule 24 APCS (Conduct) Rules 1964.**

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- Once written statement of defence is filed – charges may be dropped / minor penalty is imposed / Inquiry authority (Rule 20 (2)) is appointed
- Inquiry authority is appointed if charges are denied or W.S. of defence is not filed. **Rule 20(2)**
- Disciplinary authority may also conduct Inquiry in person
- **Presenting officer** is also appointed under Rule 20 (5) – senior to the charged officer.

- Charged officer can take the assistance of serving / retired Govt. employee (**Defense Assistant**) –legal practitioner only when the P.O is a legal practitioner.
- Disciplinary Authority shall inform the charged officer to furnish the list of documents which he **intends to verify** – made available if not felt that they can not be.
- Privileged documents – preliminary report (if not included in the list of documents) ,file where in disciplinary proceedings are dealt, Advice of vigilance commission, character roll of the employees need not be made available.
- Articles of charges, written statement of defence, other documents to be furnished to Inquiry authority.

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Inquiry

- Notice to C.O. and P.O to attend on specific date and time.
- C.O.is permitted to verify documents.

Evidence on behalf of D.A.

- The evidence of witnesses on behalf of D.A. is recorded.
- Cross examination by C.O. is permitted.
- Re-examination by P.O is permitted.

Evidence on behalf of C.O.

- Witness are examined and recorded – P.O can cross examine – C.O. may re-examine.
- The C.O may present himself as witness.
- The inquiry authority may put question to the witness.

- After completion of evidence, P.O. and C.O may be asked to file **written briefs**.
- P.O. and C.O. can file **further reports**
- Inquiry authority to discuss evidences – gives reasons for findings – **findings be based only on evidence adduced** – specifies whether charge is proved or not- shall not propose penalty
- Report prepared by inquiry authority – witnesses adduced, written briefs, etc., to be submitted to D.A.

Action on inquiry report

- I . A May be asked to conduct further inquiry.
- If felt charges can be dropped or minor penalty is imposed
- If felt that major penalty is to be imposed – copy of inquiry report along with specific remarks of D.A/ Disagreement factors ,if any, communicated to C.O -- informing to show Cause why a major penalty can not be imposed.
- If D.A. is not competent to impose the proposed penalty, the entire record along with report to be transmitted to the authority competent to impose the proposed penalty – such authority has to verify judiciously and then take further action.
- If C.O retired from service, record be submitted to the Government.
- There is no punishment of “warned” ‘let off’ .

PROCEDURE – IMPOSING MINOR PENALTY

- **Issue of charge memo – communication of articles of charges to the Government servant – (Rule 22)**
- **May hold inquiry , if required as per procedure laid down in Rule 20**
- **Once explanation is received order is passed.**

COMMON PROCEEDINGS

Rule 24.

- When more than one Govt. Servant involved in commission of irregularity.
- The authority competent to impose a penalty of dismissal against the officer of higher cadre out of those involved in commission of irregularity, has to initiate
- The order should specify – authority which functions as D.A. (be competent to impose the penalty)
- whether procedure in Rule 20 and Rule 21 or Rule 22 shall be followed.

SPECIAL PROCEDURE – WHEN DETAILED PROCEDURE CAN BE DISPENSED WITH

- When penalty is imposed on the ground of conduct which has led to his conviction proceedings along with conviction order to be sent. **Rule 25**
- Disciplinary Authority feels that it is not possible to hold detailed enquiry – detailed reasons to be specified. **Rule 25**
- Where the Governor is satisfied, in the interest of the security of the state. **Rule 25**
- On the basis of the recommendation of Lokayukta and upalokayukta – copy of the report of Lokayukta - upalokayukta to be furnished to Government servant. **Rule 27**
- Complaints committee Report on allegations of Sexual harassment and atrocities on women shall be deemed to be an inquiry report – copy of the report to be furnished. **Rule 27**

APPEALLATE & REVISION AUTHORITIES

No appeal lies against

Rule 32

- Any order made by the Governor
- Any order of an interlocutory in nature.
- Any order passed in the course of procedure under Rule 20.

Appeal lies

- to the Governor on the order passed by the High Court. Rule 34
- To the Government on order of Head of the Department
- Appeal to next higher Authority from an order passed by other than the Government and Head of the Department
- Appeal to be filed within 3 months Rule 35

- Appellate Authority to verify whether placing the appellant under Suspension is justified or not /whether procedure was followed in the Disciplinary proceedings/whether quantum of punishment is adequate or inadequate or warranted. **Rule 37**
- Appellate Authority may confirm, enhance or reduce the penalty or remit back to Disciplinary Authority.
- If the original order is passed by the Govt. — Review lies under Rule 38 within 3 months. **Rule 38**

Revision lies

- to Govt. if order in appeal is passed by the Head of the Department
- against orders passed by others to the Head of the Department
- be filed within one year-
- Revision may be taken suo-moto within 4 years **Rule 40**
- Govt. may also review the order of passed in revision by other authorities ,only when Head of the Department refers. **Rule 41**

“When Vigilant angle is involved- Vigilance Commission must be consulted at different stages”

Whereever required, A P P S C to be consulted before penalty is imposed.

STATUTORY FORMS

➤ Issued vide G.O.Ms.No.82, GAD, dt.01.03.1996.

Sl. No	Purpose	Form
1	Certificate to be filed by Govt. Servant under suspension - not employed else where	I
2	Articles of charges (Rule 20)	Form-II, Annexure-I, II, III
3	Revocation of suspension order	III
4	Appointment of Inquiry Authority	IV
5	Appointment of P.O.	V
6	Memorandum of charge Rule (22)	VI
7	Memorandum of charge Rule (22) (if inquiry to be held)	VII
8	Order for taking disciplinary action in common proceedings	VIII

STATUTORY FORMS

➤ Issued vide G.O.Ms.No.411, GAD, dt.20.07.1993.

Sl. No	Purpose	Form
1	Order of Suspension under Rule 8(1) – where charges were framed	Annexure I to the G O
2	Order of Suspension under Rule 8(1) – when Disciplinary Proceedings are contemplated	Annexure II to the G O
3	Order of Suspension under Rule 8(1) – when criminal cases are pending	Annexure III to the G O

Thank You