

TSCS (CCA Rules) 1991

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TSCS (CC&A) RULES, 1991

- Consequent on formation of Telangana on 02-06-14, the Government of Telangana adopted the TSCS (CCA) Rules 1991.
- In the Telangana State Civil Services (Classification, Control and Appeal) Rules, 1991:-
 - Throughout the Rules, for the words, “Telangana State”, the word “**Telangana**” shall be substituted, except;
 - (G.O.Ms. No. 190 GA(Services. C) Dept. dated: 27-05-2016)

GENERAL INTRODUCTION

- Disciplinary matters is governed by the provisions emanating from the following four sources.
- Proviso to Article 309 of Constitution of India(service conditions of Government employees).
- TSCS (CCA) Rules,1991
- Executive Orders issued by the Government.
- Principles of Natural Justice
 - Reasonable opportunity to charged officer to explain his view point/case.
 - Evidence against him to be taken in his presence.
 - Opportunity to cross examine the prosecution witnesses.

TSCS (CC&A) RULES, 1991

- TS Civil Services (CC&A) Rules, 1991
 - C: Classification
 - C: Control
 - A: Appeal

When applicable?

- Violation of TSCS (conduct) Rules, 1991
- Violation of Departmental Acts, Rules & Instructions.

CLASSIFICATION

- ⦿ This rule applies to the following category of Civil Services of the State.
- The State Services (Gazetted)
- The Sub ordinate Services (Non-Gazetted & class IV)

CONTROL

- ⊙ Suspension (Rule 8)
- ⊙ Disciplinary Action
 - Minor (Rule 9 & 10)
 - Major (Rule 9)
- ⊙ Imposing of punishment
 - Minor Penalties (Rule 22)
 - Major Penalties (Rule 20)

SUSPENSION- WHEN

- ⊙ Disciplinary proceeding is contemplated or is pending
- ⊙ Official has engaged himself in activities prejudicial to the interest of the security of the State
- ⊙ Criminal case is under investigation, inquiry or trial
- ⊙ Moral Turpitude
- ⊙ Corruption
- ⊙ Misappropriation
- ⊙ Disproportionate assets
- ⊙ Serious negligence
- ⊙ Dereliction of duty
- ⊙ Desertion of duty

DEEMED SUSPENSION

- ⦿ Detained in custody, whether on criminal charge or otherwise, for a period exceeding 48 hours
- ⦿ Conviction for an offence and imprisonment exceeding 48 hours

WHO CAN SUSPEND?

- The appointing authority
- Any other authority to which the A.A. is subordinate
- Disciplinary authority
- Any other authority empowered by the Government

MINOR PENALTIES

- i. Censure
- ii. With-holding of promotion
- iii. Withholding of increments of pay without cumulative effect
- iv.(a) Suspension who is already suspended under Rule 8
 - (b) Reduction to lower stage in the time scale without cumulative effect not exceeding 3 years.

MAJOR PENALTIES

- (v) Withholding increments of pay with cumulative effect.
- (vi)(a) Reduction to a lower stage in the time - scale of pay for specified period
 - To earn increments or not during the period of reduction
 - Reduction will or will not effect future increments
- (b) Reduction to a lower time scale of pay, grade, post or service
 - Bar to promotion to that from which he was reduced
 - With or without direction for restoration to that from which he was reduced
 - His seniority and pay on such restoration

MAJOR PENALTIES....

- (vii) Compulsory retirement
 - (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
- (shall be imposed in proved cases of misappropriation, bribery, corruption, moral turpitude, forgery and outraging the modesty of women)

Rule 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 number of the Telangana Last Grade Services and on a person holding any of the posts specified in Appendix-I to these rules:

- (i) Suspension for a period not exceeding fifteen days—**
 - (a) On Forest Guards**
 - (b) On directly recruited members of the
Telangana Police Subordinate Service
and the Telangana Special Armed Police Service:**
 - (c) On Station Officers, Engineers, Sub—Officers,
Leading Firemen, Driver-Mechanics , Driver-
Operators, Firemen-Mechanics, Firemen and
equivalent ranks of the Telangana Fire Subordinate
Service:**

Rule 11.Disciplinary Authorities in respect of State Services

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

Rule 13. Authorities competent to suspend members of State Services

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

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

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

Rule17. Special Provision in respect of Police Officials employed in Anti-Corruption Bureau, Vigilance and Enforcement Department and Lokayukta and Upa-Lokayukta

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

RULE 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 penalty

(Subs.by G.O.Ms.205, G.A.D.,5-6-1998]

EXECUTIVE INSTRUCTION

District Collectors authorized to call for explanations of District Officials and intimate disciplinary action under Rule 19(1) – Validity – Reg.

(Memo. No. 24313/ Ser. C /2000.G.A. (Ser. C) Dept., Dt. 26-07-2001)

Rule 20. Procedure for imposing major penalties

The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry

Rule 22. Procedure for imposing minor penalties

Rule 23. Communication of orders

Rule 24. Common Proceedings

Rule 25. Special procedure in certain cases

- i) Conviction on a criminal charge
- ii) It is not reasonably practicable to hold an inquiry in the manner provided in these rules, or
- iii) In the interest of the security of the State

APPEAL

- ⦿ Appeal – within 3 months
- ⦿ Revision - 1 year after appeal petition disposed
- ⦿ Review – New evidence – Government may review within 3 years

CONSTITUTIONAL PROVISIONS

- Constitutional safeguards against arbitrary dismissal
 - Article 311
 - No employee can be dismissed or removed without inquiry.
 - The charged officer should be informed of the charges.
 - He should be given reasonable opportunity.
- No dismissal or removal by authority subordinate to appointing authority.

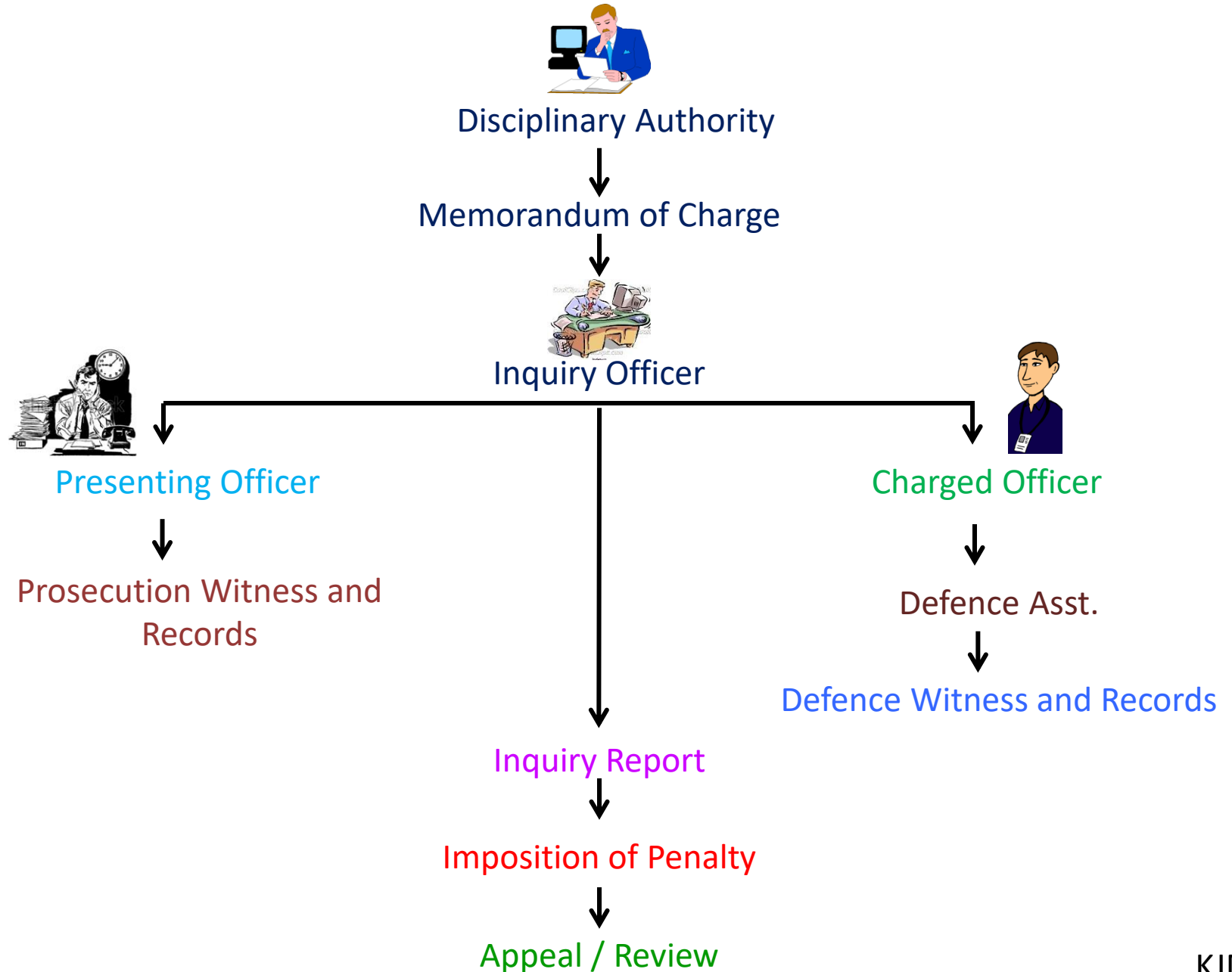
SAFEGUARDS OF ART 311

- No dismissal or removal or reduction in rank without inquiry in which:-
 - charge should be communicated to the Govt. Servant concerned.
 - should be given reasonable opportunity of being heard in respect of charges; and
 - penalty may be imposed only on the basis of evidence adduced during the inquiry.

EXCEPTIONS IN ART 311

- Conviction on a criminal charge
- Not reasonably practicable to hold inquiry
 - Appointing authority to be satisfied.
 - Reasons to be recorded in writing.
- In the interest of the security of the state
 - President / Governor to be satisfied.

DISCIPLINARY PROCEEDINGS AT A GLANCE



A Government employee who enter into any transaction concerning any movable property exceeding(rupees one lakh) in value whether by way of purchase, sale or otherwise, shall with report such transaction to govt.

(GO no. 528, GA (Ser – C) Dated 19-08-2008)

