

A.P.STATE AND SUBORDINATE SERVICE RULES

1. SCOPE OF THE RULES (Rule 1)

- i. The A.P. State and Subordinate Service Rules, 1996 were issued by the Governor of A.P. in exercise of the powers conferred on him in proviso to art.309 of the Constitution of India (G.O.Ms.No.436 GAD (Ser.D) dt.15.10.1996). These rules are known as GENERAL RULES. They govern the Gazetted and Non-Gazetted posts under the State Government constituted into State and Subordinate Services, along with the special rules or adhoc rules issued by the Government with regard to each category or class of service whether temporary or permanent.
- ii. If any of the provisions in these rules are contrary to any provisions in the special rules applicable to any service concerning any specific matter, then the provision in the special rules will prevail over these rules.

2. METHOD OF APPOINTMENT (Rule 4)

- i. By any one or more of the following methods, as specified in the Special Rules of the concerned service.

(a) Direct recruitment, (b) Promotion, and (c) By transfer (There can be appointment by contract, agreement, on compassionate grounds or re-employment also)
- ii. If the Special Rules indicate more than one method of appointment the cycle or order in which the vacancies shall be filled by different methods should be indicated.
- iii. Direct recruitment shall be made against substantiate vacancies, which mean all vacancies in permanent cadre and all vacancies, in the posts which have been in existence for more than five years. The percentage earmarked for direct recruitment should not be less than 33 1/3% in respect of posts in state services and 30% in respect of posts in subordinate service (G.O.MS.NO 142, GA (Ser.A) Department, dt.13.3.2008.
- iv. The posts earmarked for direct recruitment in the Special/ Adhoc Rules should be filled by direct recruits strictly and not by any other method.

3. QUALIFICATIONS FOR DIRECT RECRUITMENT (Rule 12)

- i. Academic qualification fixed for the post in the Special/Adhoc Rules.

- ii. a. Sound health and active habits and free from any bodily defects or infirmity.
- b. Character and antecedents satisfactory.
- iii. Minimum age of 18 years. Maximum age mentioned in the Special Rules, if so mentioned if not 34 years, which is relaxed up to 5 years for SCs, STs and BCs and up to 10 years for physically handicapped. Relaxed up to 5 years of regular service in the case of those in State Government Service and the Persons who worked in armed forces are allowed to deduct 3 years in addition to the entire service in the armed forces, for SCs and STs when limited recruitment is made relaxation up to 10 years is allowed. Maximum age limit raised by 6 years in GOMs No. 561, GAD (Ser. A) Dt. 11.10.1988 except to the posts of executive nature in Police, Excise, forest and Fire Services. In no case it should exceed 45 years with regard to SCs and STs and 40 years for BCs.
- iv. Disqualifications are: Canvassing or bringing influence, plural marriage not permissible under the personal law applicable to the candidate, dismissal from service previously and conviction in a criminal court. (Persons involved in subversive activities also are not fit for Government service.)

4. ELIGIBILITY FOR PROMOTION/APPOINTMENT BY TRANSFER (Rule - 8) and Rule 12(3) (B)

Satisfactory completion of probation in the category in which he is serving and acquisition of requisite qualifications prescribed in the special rules by the prescribed date.

5. SELECTION AND NON SELECTION POSTS (Rule 5)

- i. All first appointments/ promotions/ appointments by transfer to State Service (Selection posts) shall be made on grounds of merit and ability, seniority being considered only when merit and ability are considered approximately equal. Panels have to be prepared by the appointing authority or any other authority empowered in this behalf.
- ii. Promotion/appointment by transfer to non-gazetted posts (non selection posts) shall be made in accordance with seniority-cum-fitness unless such a member of a service is given promotion or appointment by transfer has been withheld as a penalty.
- iii. List of eligible employees has to be prepared every year (1st September to 31 August of the succeeding year) by the appointing authority for non selection category posts considering the record sheet and qualification prescribed for promotion and by transfer.(rule.6(i)).

- iv. Departmental Promotion Committees have been constituted by Government for promotion to gazetted categories except to the 3rd level gazetted posts, which are within the purview of the APPSC for which a screening committee has been constituted by the government (items 12 and 12-A of rule 2)

6. PREPARATION OF PANELS (Rule 6)

- i. The panel of approved candidates as referred to in item 5 (i) above, shall be prepared by the competent authority in consultation with the Departmental Promotion Committee (DPC) or APPSC as the case may be. The appointing authority shall make appointments from such panels in the order in which the candidates in such panel are arranged, in the order of their preference.
- ii. Panel of candidates for appointment by promotion and by transfer prepared by the DPC concerned shall be prepared ordinarily in the months of September of every year on the basis of estimate of vacancies made reckoning 1st September to 31st August of the succeeding year as the panel year and 1st September as the qualifying date. For preparation of panel the zone of consideration will be 1:3.

AMENDMENTS:

In the said rules:-

- (1) In rule 6(b), the following shall be inserted as first proviso namely.

"Provided that for promotion in respect of Scheduled Caste and Scheduled Tribe candidates only, the zone of consideration in the ratio of 1:3, shall not be applicable in respect of posts whose total core strength is more than five"
- (2) After inserting the above proviso:
 - (a) In the second proviso, for the words "provided that" shall be instituted.
 - (b) In the third proviso, for the words "provided also that" shall be Substituted. C.G.O. MS. No.123 GA (Ser.D) dept-dt.19.4.2003
- iii. The validity of the panel is from 1st September of the year to 31st August of the succeeding year and the vacancies estimated to arise during that period only are to be considered for promotion of the eligible candidates. However, only for those vacancies which arose during the panel year, if there has been delay in issuing orders of appointment / promotions for any administrative reasons, orders of Promotion can be issued up to 31st of December of the year to the candidates from out of the panel already approved and not for the

vacancies that arose after 31st August of the said year. (Govt. Memo. No. 11305/Ser-D/2000 GAD dt.3.3.2000)

- iv. Panels need not be prepared if vacancies are not available for that particular year or where the appointing authority does not consider it necessary.
- v. In the exigencies of administration the Government may however order preparation of panels as frequently as may be necessary.
- vi. Approved panels may also be reviewed by the appointing authority for purposes of inclusion of such of those candidates whose cases were deferred previously for being under suspension or due to pendency of disciplinary proceedings or criminal proceedings but subsequently exonerated, if found fit by DPC/APPSC concerned and for deletion of those who were subsequently placed under suspension or whose work and conduct has come up for adverse notice after their inclusion in the Panel.
- vii. DPCs may undertake review when cases of the followings nature are placed before them:
 - a. When eligible persons were omitted to be considered or ineligible persons were considered by mistake.
 - b. When a person's seniority was revised with retrospective effect.
 - c. When procedural irregularity was committed by DPC, and
 - d. When adverse remarks against a person have been subsequently toned down.
- viii. In cases where it is necessary to consult APPSC, (on the recommendation of screening committee) the panels have to be prepared similarly as above.
- ix. Inclusion of a candidate's name in any panel shall not confer on him any right for appointment. (Rule .6(b))
- x. Persons whose names have been included in the panel but who could not commence probation-their cases have to be considered afresh for the next year's panel along with other qualified candidates having regard to their relative merit and ability.

7. PROMOTION OR APPOINTMENT BY TRANSFER CERTAIN INSTRUCTIONS ISSUED BY THE GOVERNMENT

- i. Employees whose increments were withheld shall not be recommenced for promotion during the period for which the increments were ordered to be withheld, w.e.f. the date of issue of the order imposing the penalty. (Circular Memo.No.34633/ser.C/99 – dt.4-11-1999)
- ii. Any minor penalty bars promotion or appointment by transfer for a minimum period of one year and withholding of increment with cumulative effect bars promotion or appointment by transfer for twice the period for which increment is withheld to both selection and non –selection posts (GO.Ms.No.342 Gad (Ser.C) dt.4.8.97.
- iii. Promotion or appointment by transfer to a higher post in respect of officers who are facing disciplinary proceedings or a criminal case or whose conduct is under investigation is governed by (G.O.Ms No.257 G.A (Ser.C) dt. 10-6-1999)
- iv. Employees against whom there are a series of punishments, which are not subsisting at the time of consideration for Promotion, the D.P.C/ Screening committee have to take into consideration his overall performance which includes past punishments and not merely guided by the fact whether punishment is substituting as on the date of meeting of DPC / Screening committee or on the qualifying date for preparation panel. (Go.Ms No. 203 G.A (Ser - C) dt. 5-5-1999)
- v.
 - (a) If the charges have not been framed or proposed to be framed and the matter is at the stage of preliminary enquiry, no cognizance need be taken and the case may be considered on individual merits, disregarding the allegations under enquiry.
 - (b) Similarly, in case of ACB is completed and it is at the stage of preliminary enquiry the eligibility of a candidate for promotion may be determined without reference to such enquiry.
 - (c) Where inquiry by the ACB is completed and it is proposed to hold regular enquiry the case may be deferred. (Go Ms. No.187 GAD (Ser.B) dt. 25-4-1985)

CONFIDENTIAL REPORTS TO BE CONSIDERED

- i. The DPC should assess on its own the suitability of officers on the basis of their service record, considering the confidential reports for equal number of years in respect of the officers considered, particularly for the last five years out the preceding eight years. Where one or more CRs have not been written during the relevant period the DPC should consider the CRs for the proceeding periods in question.

- ii. In case of direct recruit having less than 5 years of service, CRs for not less than three years should be taken into account.
- iii. If an officer is working in a next higher grade earned, the CRs in that grade may be considered but no extra weightage may be given merely on the ground that he has been officiating in the higher grade (Go Ms. No.291 GAD dt.3-4-90)
- iv. Adverse remarks in CRs not communicated to the person concerned should not be taken into consideration.
- v. Where adverse remarks the CRs are toned down or expunged subsequent to consideration by the DPC, the case of such person would be brought before the same DPC for review.
- vi. The DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs.

8. APPEAL, REVISION AND REVIEW (Rules 23, 24 and 25)

- i. Appeal, against an order of promotion can be made within 6 months from the date of such order to an authority which can entertain appeal against dismissal.
- ii. Member of service may submit a revision petition against the order of the Appellate Authority within 3 months of the order passed by the Appellate Authority to the Govt.
- iii. The power of revision can be exercised by the Government or by the Head of the department on their own motion at any time or application by the aggrieved person within a period of 6 months from of his junior. Persons affected by such revision shall be given an opportunity of making representation against the proposed revision before an order of revision is passed.
- iv. The government may on their own motion or otherwise review any original order passed by them, if it was passed under any mistake of fact or for any other sufficient reasons. The persons who will be affected by such review should be given an opportunity before an order is passed.

9. TEMPORARY APPOINTMENT (Rule.10) (INCLUDING DIRECT RECRUITMENT, PROMOTION AND APPOINTMENT BY TRANSFER)

- i. When it is necessary to fill up a vacancy emergently in public interest in a post borne in any cadre of service and if filling up of such vacancy in accordance with the rules is likely to cause undue delay the Appointing Authority may appoint a person temporarily otherwise than in accordance with the rules, either by direct recruitment or by promotion or appointment by transfer as may be specified as the method in respect of that post in the special rules. (Formats to be adopted for temporary appointment by transfer were prescribed in Govt. Memo No. 1054/SER.A/85-2, GAD dt.6.3.1986).
- ii. Only the persons having the qualifications can be so appointed. When qualified persons are not available, unqualified persons can be appointed on temporary basis, and being replaced by qualified persons as soon as possible when such qualified persons are available.
- iii. A person so appointed has no preferential claim to the post in future. He shall not be regarded as probationer.
- iv. The appointing authority can terminate the service of the person appointed temporarily at any time without notice and without assigning any reasons, if appointed by direct recruitment or revert him to a lower post if promoted / appointed by transfer.
- v. The practice of making in charge arrangements on own scale of pay of the incumbent is discouraged. Whenever filling up of vacant post is considered expedient in the exigencies of administration, action has to be taken by the concerned appointing authority to fill up the post following the relevant special/ adhoc rules duly placing proposals before the DPC/ APPSC as the case may be or by making full additional charge arrangements provided for in the FRs.
- vi. Person appointed temporarily is not eligible for an increment in the time scale of pay applicable unless he passes the test, or completes the training or acquires the qualifications prescribed in the special rules, as a condition for grant of increment.

10. TIME LIMIT FOR JOINING POSTS (Rule 11)

- i. Direct recruitment: 30 days from the date of dispatch of the order of appointment by registered post with acknowledgement due. If he fails to join within the stipulated period of 30 days, the offer of appointment shall be treated to have been cancelled and the name of the candidate shall be deemed to have been omitted from the list of approved candidates.
- ii. Otherwise than by direct recruitment: 15 days from the date of receipt of the order of appointment sent by R.P. Acknowledgement due or by other means. If he fails to join within the stipulated period of 15 days or evades joining the new post by proceeding on leave, he shall lose his promotion right offer for the current panel year and the name of the candidate shall be placed before the next DPC for consideration in the next panel year.

In the case of non-selection posts, the name of the candidates who does not join within the stipulated time in the promotion posts shall be considered for promotion again after a period of one year from the date of offer of appointment subject to availability of vacancy (G.O.Ms. No. 145 GA (Ser. D) dt. 15-6-2004)

11. SPECIAL REPRESENTATION (RESERVATION) (Rule 22)

- i. A feature of direct recruitment to any service is giving special representation in services to the socially backward class of citizens. This is as a measure of social justice backed by certain important constitutional provisions viz Art. 15(3) and (4), 16(4) and 335 of the constitution of India.
- ii. The benefit of reservation is available in A.P. State in favour of scheduled castes, scheduled tribes, backward classes, women, physically handicapped, ex-servicemen, meritorious sportsmen and such other categories as may be prescribed by the Government from time to time and the manner specified in the General Rules or special rules. Communities belonging to SCs and STs and BCs already notified, can be seen in schedule-I appended to the rules.
- iii. The principle of reservation shall apply in all appointments to a service class or category:
 - a) By direct recruitment, except when the Government by a general or special order made in this behalf, exempt such service, class or category.
 - b) Otherwise than by direct recruitment, the principle of reservation in the matter of promotion and appointment by transfer involving promotion in so far as it relates to S.Cs and S.Ts only shall to such services, class or category whose total strength of the post is more than five (G.O.Ms.No.123 GA (Ser-D) dt. 19-4-2003)

[Substituted in G.O.Ms.No.123, G.A. (ser.D) Dept., dt.19.04.2003]

- 2.(a) The unit of appointments for the purpose of direct recruitment shall be hundred vacancies, of which fifteen shall be reserved for Scheduled Castes, Six shall be reserved for Scheduled Tribes, Twenty five shall be reserved for the basis of open competition and subject to rule 22-A of these rules.
- 2.(a)(i) The unit of appointment for the purpose of reservation in the matter of promotion and appointment by transfer involving promotion shall be hundred vacancies of which fifteen shall be reserved for Scheduled Castes and six for Scheduled Tribe employee as per the roster points in sub –rule 2(e).
- A. in the case of appointments / promotions to the posts referred to in clause 2(a)(i) above, the panels of eligible candidates for promotions, the names of eligible Scheduled Caste and Scheduled Tribe employees from the feeder

Category have to be shown against the roster points earmarked for them irrespective of their seniority position in the feeder category.

- B. If a Scheduled Caste and Scheduled Tribe employee gets a higher place in the eligible candidates list by virtue of his seniority in the feeder category he need not be adjusted in a lower position which is earmarked for and Scheduled Caste and Scheduled Tribes employees as per roster system. Such roster point has to be filled up by moving up an Scheduled Caste and Scheduled Tribe employees who is below ion the seniority list in the feeder category.
- C. Filling up the roster points shall continue till the required percentage of Scheduled Caste and Scheduled Tribe candidates is obtained. Once the required percentage is obtained by taking into account both the Scheduled Caste and Scheduled Tribe candidates who are found in the lists of candidates fir for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of Scheduled Tribe employees against roster point has to be stopped.
- D. Unutilised roster points after the required Scheduled Caste and Scheduled Tribes percentage is met, shall lapse.
- E. If required number of Scheduled Caste and Scheduled Tribe employees are not available in the feeder category to obtain the required representation in the promotion category. The vacancies earmarked for Scheduled Caste and Scheduled Tribe employees according to the roster points will be carried forward.

[2(a) to 2(a)(i)E- Substituted in G.O.Ms.No. 123, GA (Ser.D) Department, dt.19.04.2003]

1. See G.O.Ms.No.5, SW (SW.ROR.I) Dept., dt.14.02.2003 and

2. G.O.Ms.NO. 21, SW (ROR.I) Dept., dt. 18.03.2003)

iv.a) In a unit of 100 vacancies the present policy of reservation in appointments for various categories is as follows:

SCs ..15, STS..6, BCs..25 -Total46

(Among BCs:BC(A)...7, BC(B)...10, BC(C)... 1,BC(D)...7 Total.... 25)

- b) Out of the remaining 54 vacancies to be filled by open competition, if the Special Rules provide for appointment for Physically handicapped...3, Ex. servicemen-2, and Meritorious sportsmen one percent, respectively.
- v. These appointments which are to be made in the order of rotation in a unit of 100 vacancies are watched through the rosters prescribed. Rosters should be maintained for each category, class, category of service, whether regular or

temporary. As per the existing policy, the points reserved for various categories in the roster are as follows:

STs	8, 25, 33, 58, 75, 83	(6)
SCs	2,7,16,22,27,41,47,52,62,66,72,77,87,91,97	(15)
BCs:		
BC(A)	4,20,29,45,54,70,79	(7)
BC(B)	10,24,35,49,60,74,81,85,95,99	(10)
BC(C)	...14	(1)
BC(D)	18,39,43,64,68,89,93	(7)
Total		(46)

Out of the balance of 54 (to be filled by open competition):

- (i). PHYSICALLY HANDICAPPED: 6, 31, 56 (3)
(6-Visually; 31 Hearing, 56- Orthopedically handicapped)
- (ii). EX. SERVICEMEN: 12,37 (2)
- (iii). MERITORIOUS SPORTSMEN: No particular point reserved for one percent. To be filled against next available OC vacancy (O.C vacancies are to be filled on the basis of merit).
- (iv).a If in any recruitment, qualified candidates belonging to SCs STs, BCs (all 4 groups) including women in these categories are not available for appointment to any or all the vacancies reserved for them, a limited recruitment confined to candidates belonging to that category shall be made immediately after general recruitment to select and appoint qualified candidates from among the persons belonging to these categories to fill such reserved vacancies.
- b) Even after conducting limited recruitment, any of the vacancies reserved for S.C.s, S.T.s, B.C.s, (all 4 groups) and women still remain unfilled for want of qualified candidates, such vacancies/ vacancy may be allotted to open competition only after obtaining orders of the Government.
- c) Equal number of vacancies if so filled up by OC shall be carried forward for three consecutive years. Such vacancies form additional vacancies in addition to the vacancies which arise for such persons during those years and they have to be filled up first.

d) During the 3rd succeeding year S.C. vacancies by STs. and ST. vacancies by S.C.s can be filled, if qualified candidates in the respective groups are not available.

e) Similarly in B.C if qualified candidate of a particular group is not available, vacancy will accrue to the next group (G.O.Ms.No.65, GA (Ser.D) dt.15-2-97).

(The principle of carry forward in respect of vacancies for BCs (all 4 groups) shall be w.e.f 18-3-1996 and in respect of women shall be w.e.f 28-10-96)

vii. Persons belonging to SC,ST,BC, Women, PH and Ex. Servicemen shall be considered for open competition vacancies on the basis of merit and the number of appointments reserved for those categories shall not be affected when they are so selected to OC vacancies.

viii. At no selection for recruitment other than any limited recruitment made, the No. of reserved vacancies including additional vacancies reserved shall exceed 52% of the total No. of vacancies for selection and all vacancies in excess of 52% of the total No. of vacancies for which recruitment is made on any particular occasion shall be treated as unreserved.

Provided further that the carry forward vacancies and current reserved vacancies in a recruitment shall be available for utilization even where the total No. of such reserved vacancies exceed 52% of the vacancies filled in the recruitment, in case the overall representation of SCs and STs BCs (all 4 groups) and women in the total strength of the concerned grade or cadre, has not reached and the prescribed percentage of reservation of 15% for SCs and 6% for STs, 7% for BC(A), 10% for BC(B), 1% for BC(C) and 7% for BC(D), respectively (rule 22 (i)).

ix. Where there is only a single solitary post borne in the class or category of service, the rule of special representation shall not apply for appointment to such post (rule 22(j)).

x. In respect of appointments by promotion or recruitment by transfer from subordinate service in state service, where such appointments or recruitment by transfer is made on the principle of merit and ability seniority being considered only when merit and ability are approximately equal, the claims of any member of the SCs and STs shall be considered for such appointment on the basis of seniority subject to fitness. However, a member of the SC or ST possesses superior merit and ability he shall be allowed to supercede not only others but also the members of SCs and STs as the case may be (Rule 22(k)).

RESERVATION FOR WOMEN (Rule 22-A)

33.1/3% reservation in all categories of posts in O.C, SC, ST, BC (all 4 groups), PH and meritorius sportsmen quota where men and women are

equally suitable. The posts for which they are better suited than men, preference shall be given to them. Posts which are exclusively reserved for being filled by women they shall be filled by women only.

Roster points fixed for Women in each category against the points shown above:

- a. SC 2, 22, 47, 66, 87
- b. ST 8, 58
- c. BC (A) 4, 45, BC (B) 10, 49, 81, 99; BC(C) 14 in every third 100 points roster and BC(D)...18, 64
- d. Physically Handicapped:
6th point for visually handicapped women in the 1st 100 points roster cycle.
31st Point for hearing handicapped women in the second 100 points roster cycle.
56th point for orthopaedically handicapped women in 3rd 100 points roster cycle.
(GO.Ms. No. 72 Women Development and Child Welfare (W.H.Desk) Department, dt. 5-8-97.)
- e. OC 1, 6, 12, 17, 23, 30, 34, 38, 44, 50, 55, 59, 65, 71, 78, 84, 90, 96
- xi. The appointing authorities are responsible for proper implementations of the reservation policy and any violations will be viewed seriously by the Government, resulting in severe disciplinary action.

EXTENSION OF RESERVATION POLICY

Other than Government departments the rule of reservation has to be followed in the following organizations:

- a. All companies and corporations under the control of the Industries and Commerce Department of the government.
- b. All subsidiaries of the Government and Government undertakings.
- c. All joint venture undertakings where government or government undertakings have 31% or more of the share holding.
- d. Joint ventures where the government undertakings have 26% or more of share holding, but do not have majority in shares are advised to follow the rule as far as possible.
- e. Also local bodies and universities, voluntary organisations receiving grant in aid from Government and private educational institutions.

- f. Village officers.
- g. Appointments of work charged and contingent staff except those required for emergencies like accidents, flood relief, restoration and relief etc.

xii. ENFORCEMENT MACHINERY:

The government appointed inspecting Asst. Commers; in the social welfare department with supporting staff to ensure scrupulous implementation of the reservation policy and other concessions provided for SCs/ STs/BCs. They are empowered to inspect all government offices, local bodies, statutory corporations, PSUs Cooperative institutions, marketing committees etc., for verifying the implementation of the rule of reservation and submit detailed reports as to how it is being implemented pinpointing the lapses if any, on the part of the appointing authorities. The Employment exchanges are also inspected to see while sponsoring candidates, whether the interests of SC, ST, BCs are protected. Severe Disciplinary action will be taken against the appointing authorities for the lapses, if any, viewing the matter very seriously.

12. PROBATION (Rule16)

- i. Probation means the period during which a fresh entrant to a service or a person appointed to a higher post for the first time either by promotion or by transfer from another service is put on test for determining his fitness to hold the post in a service, class or category. Probationer means a member of a service, class or category who is on probation and yet to complete it. Approved probationer is one who has satisfactorily completed his probation in a service, class or category (rule.2)

ii. COMMENCEMENT OF PROBATION (Rule 16-a)

- a. If appointed regularly in accordance with rules of the service from the date of joining duty or such other date as may be specified by the appointing authority.
- b. If appointed temporarily under rule 10 ie., otherwise than according to rules and subsequently appointed to the same post in accordance with rules-from the date of his subsequent appointment or from an earlier date as the appointing authority may determine, subject to the condition that his commencement of probation from an earlier date shall not adversely affect any person who has been appointed earlier or simultaneously, to the same service, class or category in the same unit.
- c. A person appointed to a service otherwise than by direct recruitment, shall be deemed to have commenced probation from the date from which he has been continuously on duty in such service for a period of not less than 60 days from the date of joining duty having been appointed on regular basis in accordance with the rules.

This rule will not apply to those who are appointed in consultation with the APPSC or DPC or any other agency for recruitment specified by Government (rule 16-b)

iii. PERIOD OF PROBATION

- a. Every person appointed by direct recruitment to any post shall be on probation, from the date on which he commences probation, for a period of two years within a continuous period of three years.
- b. Every person appointed to any post by promotion or by transfer shall be on probation from the date on which he commences probation, for a period of one year within a continuous period of two years (rule. 16 (c))
- c. Whenever a continuous period of duty is prescribed as probation in the service rules, leave taken by a probationer constitutes a break in the continuity of probation (Annexure XII to FRs)

IV. PERIOD WHICH COUNTS TOWARDS PROBATION

- a. Entire service put in that category of service.
- b. Service in a higher category of the same service or class or in any other service (State or Subordinate) to the extent of the period of duty performed by him in the latter service, during which he would have held the post in the former service but for such appointment in the latter service.

V. PASSING OF TESTS DURING PROBATION (Rule 16-e&f)

- a. If a person is required to pass the prescribed tests or acquire any qualification as prescribed in the special rules, within the period of probation he should do so, failing which the appointing authority may either extend the probation or discharge him from service.
- b. If the results of the tests to be passed, which the probationer has appeared, are not known before the expiry of the prescribed period of probation or extended period of probation he shall continue to be on probation until the results of such tests or examinations are published.
- c. Any delay in the issue of an order discharging a probationer shall not entitle him to be deemed to have satisfactorily completed his probation.

VI. CHANGE IN THE DATE OF COMMENCEMENT OF PROBATION

A probationer who fails to pass the prescribed tests or acquire the special qualifications prescribed within the period of probation or within the extended period of probation and whose probation is further extended by Government till the date of his passing such tests or acquiring such qualifications, shall be deemed to have commenced probation w.r.t. the date to be fixed by the Government which would be anterior to the date of his passing the tests or

acquiring such special qualifications. However, that the interval between the two dates shall be equivalent to the prescribed period of probation whether on duty or otherwise and seniority of such probationer shall be determined w.e.f. the date so fixed. This sub rule shall not apply in the cases of persons appointed to a class or category or grade in a service prior to 9-3-81 and whose seniority in the said class, category or grade was fixed under the then sub rule(b) of rule 33 prior to the said date (rule 16.h)

vii. SUSPENSION, TERMINATION AND EXTENSION OF PROBATION (Rule 17)

- a. If the probationer fails to pass the prescribed tests or acquire the prescribed qualifications the appointing authority may extend his probation to enable him to pass the tests or acquire special qualifications prescribed, as the case may be not exceeding one year whether on duty or otherwise in such service, class or category, in which case his increment is postponed until he completes his probation. Such postponement of increment is not a penalty and shall not affect future increments after he completes probations.
- b. At any time, before or after the expiry of the period of probation the appointing authority may extend the probation by not more than one year in case it is not extended as stated above (for not passing of tests etc.) or terminate the probation and discharge the probationer from service, after giving him one month's notice or one month pay in lieu thereof of such notice, on account of unsatisfactory performance of duties or unsatisfactory conduct or for any other sufficient reason to be recorded in writing.(Termination of probation is not considered as a penalty)
- c. At any time before the expiry of the prescribed period of probation, the appointing authority may suspend the probation of the probationer and discharge him for want of vacancy.
- d. If the special rules prescribe postponement of increments as a penalty for failure to pass a special test or acquire a special qualification and if the person concerned has reached the maximum of the time scale of pay applicable to him, it will render him liable to the penalty of reduction to the next lower stage in the time scale of pay.
- e. **APPEAL AGAINST DISCHARGE OF PROBATIONER UNDER SUB ITEM (v)(a)** above can be made within 30 days from the date of receipt of the order of discharge, to the authority to which an appeal would be against an order of dismissal passed by the competent authority. Such an authority, either on its own motion or otherwise revise any order discharging the probation within one year of the date of such order.
- f. When probationer is restored to service on appeal, the period on and from the date of discharge to the date of restoration, shall be treated as laid down in rule 17 (e) (iii) and (iv).

viii. DECLARATION OF PROBATION (Rule 18)

- a. At the end of the prescribed period of probation the appointing authority shall consider the probationer's suitability for satisfactory declaration of probation and issue an order to that effect if the service is satisfactory during the period of probation. The decision to declare the satisfactory completion of period of probation or to extend or discharge him should be taken within a period of 8 weeks of the expiry of prescribed period of probation. The appointing or higher authority should communicate the lapses on the part of the probationer well in advance to the expiry of period of probation so that he may rectify such lapses, (rule 18(b)(i)).
- b. If the probationer fails to give satisfaction to appointing authority which should be based on work and conduct or if he has not made use of the opportunities given to him, the appointing authority can discharge the probationer after giving one month's notice, as already mentioned above.
- c. The competent authority shall assess the outlook, character, ability, and aptitude for the work of the probationer before the probation is declared. If no order of satisfactory declaration of probation is issued (when all satisfied) even after one year of completion of probation or extended period of probation, the probationer shall be deemed to have satisfactorily completed his probation with retrospective effect from the date of expiry of the prescribed or extended period of probation and a formal order to that effect may be issued for purpose of record.

However, this deeming provision will not apply if charges have been communicated to the probationer during the period of probation or the extended period of probation or for failure to pass the prescribed tests or acquire the qualification within the period of probation (rule 18(b) (ii)).

- ix. The power exercisable by the appointing authority, other than State Government can be exercised by any higher authority to whom such authority is administratively subordinate whether directly or indirectly (rule 20).

13. CONFIRMATION (Rule 21)

- i. Soon after a person is declared or deemed to have satisfactorily completed his probation, he shall be confirmed as a member of that service to which he was [been appointed initially i.e., for the first time, by the appointing authority.

There is no need to have vacancy in a permanent post.

- ii. During his entire service, a person shall be confirmed only once, i.e. in the initially recruited service irrespective of the fact whether he is promoted within the same service or appointed by transfer to any other service, from time to time.

14. SENIORITY (Rule 33)

- i. The seniority of a person in a service, class or category or grade is determined by the date of his first such appointment to service, class or category or grade (rule 33 (a)).
- ii. At the time of passing an order appointing two or more persons simultaneously to a service, the appointing authority may fix either for the purpose of rule of reservation in appointment or for any other reason the order of preference among them. When such an order has been fixed seniority among them shall be determined accordingly (rule 33b)
- iii. Whenever a notional date for promotion is assigned such date shall be taken into consideration for computing the qualifying length of service in the feeder category for promotion to next higher category. Such notional date should be counted for the purpose of declaration of probation also in the feeder category (Rule 33 c).
- iv. Where a member of a service, class or category is reduced to a lower service, class or category for a specific period.
 - a. If such reduction does not operate to postpone future increments, the seniority of such a person, on re-promotion shall, unless the term of the order of punishment provides otherwise, be fixed in the higher service, class or category at which it would have been fixed but for his reduction.
 - b. If the reduction operates to postpone future increments, the seniority of such a person on re-promotion shall, unless the terms of the order of punishment provide otherwise, be fixed giving credit for the period of such service earlier rendered by him in the higher service, class or category (Rule 33-e).
- v. The seniority of a retrenched employee on reappointment shall be determined in accordance with the date of reappointment (Rule 33-f).
- vi.a. The seniority of person transferred on his own request from one unit of appointment to another unit of appointment on administrative grounds, shall be determined w.r.t. the date of his seniority in the former unit (Rule 35-a).
- b. The seniority of a person who is a transferred on his own request from one unit of appointment to another unit of appointment, shall be fixed w.r.t the date of his joining duty in the later unit of appointment (Rule 35-b).
- vii.a. The seniority of the persons selected by the APPSC or other selection authorities, by direct recruitment, shall be w.r.t their ranking assigned irrespective of their date of commencement of probation in that category (Rule 36-i)
- b. The seniority of the person promoted or appointed by transfer including probationer shall be w.r.t the dates from which they were placed on probation and if the dates of commencement of the probation is the same, whoever is aged shall be senior (Rule 36(ii) and (iii)).

- c. In respect of persons appointed by transfer on administrative grounds seniority shall be determined from the date on which he was placed on probation in the original department (rule 36(iv)) and in respect of persons on request transfer seniority shall be determined from the date of his joining in the new department / unit(Rule 36(v)).
- viii. Appeal against seniority has to be made within 90 days from the date on which junior was promoted and as regulated by Rule 26.
- ix. The candidates recruited directly by the APPSC who are reallocated from one unit to another unit in accordance with rule 4(c) (see item no. 19) shall be assigned seniority below the 1st regular candidate in the concerned class or category in the unit to which he is reallocated (Rule 37).
- x. Seniority once fixed cannot be altered subsequently without notifying to the affected person and giving an opportunity to him to represent against the proposed action.
- xi. Interse seniority between direct recruits and promoters to a category of service has to be regulated as per the instructions in Para 14 of circular Memo. No. 16 ser.A 98-99 GAD dt. 21-4-1999.

15. POSTINGS AND TRANSFERS (Rule 38)

- i. Transfer is an incidence of service and the power to transfer need not be traced to any rules. It is also an implied condition of service and the appointing authority has a wide discretion in the matter. Government is the best judge to decide and to distribute and utilize the services of its employees.
- ii. Postings and transfers may be made to any post borne on the cadre of such service, subject to the provisions of the Presidential Order, as the case may be.
 - a. If he is of a subordinate service within the unit of appointment, and
 - b. If he is of state service any where in the State (limited to territorial jurisdiction of the local cadres)
- iii. Transfers and postings shall be made by the appointing authority or such other authority subordinate to the appointing authority to whom such power had been delegated, within their respective jurisdiction, subject to units of appointment under the Presidential Order.
- iv. The Head of the Department may transfer a member of a service from unit of appointment to another unit appointment where the presidential Order is not applicable.
- v. In respect of members of the State service where Government are the appointing authority and the Head of the department is competent to grant

leave shall also be competent to issue reposting orders such person on return from leave.

- vi. The State Government on its own motion or on a proposal made by the Head of the department, order for sufficient reasons, the transfer of members of State or subordinate service from the local cadres organized under the Presidential order, to office of the concerned Head of the department and offices notified under the said order as state level offices or special offices or major development projects and vice versa.
- vii. The appointing authority or any other authority superior to such appointing authority, require a member of the state or subordinate service in any post borne on the cadre of any body wholly or substantially owned or controlled by Government.
- viii. Some guidelines issued by Government with regard to postings and transfers:
 - a. No Government employee may be transferred from one place to another before he serves there for a period of three or two years, as the case may be, except on grounds of promotion or as a measure of penalty or at his own request in very special cases.
 - b. Where any deviation from the guidelines has to be made, prior sanctions of the superior authority should be obtained before such transfer is affected. A monthly periodical report should be submitted by the competent authority to the Head of the department/ Government. Deviations of these instructions result in disciplinary action (Govt. Memo. No.864/Ser.A/85-1 GAD dt 3-7-85)
 - c. With regard to posts identified as focal points employees should not be allowed to continue indefinitely in such posts in order to prevent malpractice and corruption.
 - d. Posts shall be classified as highly preferred, preferred and normal, depending on the location of the posts in the office situated in capital city/ District head quarters/ other places, respectively and employees shall be given postings to these places on rotation. 9G.o.Ms.No.531, GAD (Ser.A) dept, dt. 23-9-1989)
 - e. If there is a grievance against a transfer order, an appeal can be made to the next higher authority (Govt. Memo No. 116 GAD (Ser.A) dt.21-2-90)
 - f. Requests for transfer on medical grounds for self or spouse for cancer, heart operation, neuro surgery, bone T.B. kidney transplantation treatment, have to be considered on selective basis for treatment to places where such medical facilities are available and not to be accepted as a matter of course. It should not be for focal posts (GP.Ms.236, GAD (Ser.A) dt.27-5-96).
 - g. Employees who retire within one year may not be transferred from their places of working except on promotion or on own request or as a measure of penalty. (GO.Ms.379 GAD (Ser.A) dt.29-8-96).

- h. First level gazette officers, except those belonging to Police Dpt. may be allowed to be posted to their native districts but not to local jurisdiction comprising their native Mandal Division (G.O. Ms. No. 418 G.A. (Ser.A) Dt. 24.6.1991).

16. RESIGNATION (Rule 30)

- i. An employee can resign his appointment and this resignation shall take effect from the date of relief if he is on duty, after the acceptance of resignation of the competent authority.
- ii. If on leave, from the date of communication of order of acceptance or on the expiry of leave as decided by the appointing authority.
- iii. In other cases from the date of communication of orders of acceptance or resignations.
- iv. The resignation of the member of a service shall not be accepted against whom disciplinary proceedings are instituted under the C.C.A rules or investigation, enquiry or trial is initiated.
- v. Withdrawal of resignation after acceptance by the appointing authority is not permissible without the orders of Government.
- vi. An employee who resigns his appointment shall forfeit all his previous service under the Government.
- vii. The person reappointed with the approval of the Government shall be treated as fresh entrant to Government service and the past service shall not be counted for any benefit or concession under any rule or order.
- viii. Where a member is selected by direct recruitment to another post, his lien or probationary rights in the original post shall be retained for a period of 3 years or until his probation is declared in that post. If he does not return to original post within 3 years, he shall be deemed to have resigned that post but however he is eligible for the benefits accrued to him for the past service.

17. RELINQUISHMENT OF RIGHTS (Rule 28)

Any member of a service may relinquish any right or privilege to which he is entitled to, if in the opinion of the appointing authority such relinquishment is not opposed to public interest. Such relinquishment once made shall be final and irrevocable. However, conditional relinquishment of right for a temporary period is not permitted.

18. RELAXATION OF RULES (Rule 31)

- i. Under rule 31, the Governor has the power to relax the rules or special rules in favour of any person or class of persons, in such a manner as may appear

to be just and equitable to him where such relaxation is considered necessary in public interest or where the application of rule or rules is likely to cause undue hardship to the person concerned (rule 31)

- ii. The Head of the Department also has the power to relax any rule or rules in favour of any person or class or category of persons whose post or posts carry a scale of pay less than that of the junior assistant in his department in so far as it relates to transfer, promotion or the service conditions, in such a manner as may appear to be just and equitable of such rule or rules would cause undue hardship to the person or persons concerned. However, such relaxation cannot be granted in regard for appointment by transfer of a person who is not qualified for appointment to the post of junior assistant or equivalent post (rule 32).
- iii. The State Government may on their own motion or otherwise review the orders of relaxation issued or cancel such order within a period of six months from the date of such relaxation order, if it is found that the said order was passed under mistake of fact or law or in ignorance of any material or for any sufficient cause to be recorded in writing. Order cancelling the relaxation should not be issued without giving an opportunity to the person concerned of making representation against the proposed action (rule 32-b)

19. REALLOTMENT OF CANDIDATES SELECTED BY APPSC

Should be with mutual consent of the appointing authorities concerned and with the consent of the APPSC. Such reallocation shall be strictly in conformity with the provisions of the A.P. Public Employment Organizations Of Local Cadres and Regulations of Direct Recruitment Order, 1975 (rule 4 - c)

20. LANGUAGE TEST IN TELUGU (Rules 13&14)

- i. Every person appointed to a service shall, within the period of probation pass the language test in Telugu, failing which his probation shall be extended and increments in the time scale of pay shall be postponed without cumulative effect till he passes the test. Person who has not passed the test shall be allowed time till the expiry of a total three years period from the date of appointment by extending probation.

A Person who was appointed to a service but who has not passed the Language Test in Telugu is allowed time up to 30-6-2001 for passing the test, with no further extension of time. Those who are appointed on or after 1-11-1956 should pass the test by 1st July 2001, subject to those who are in service and not completed 45 years of age by that date shall be discharged from service w.e.f 1st July 2001, if they fail to pass the said test by that time.

- ii. A person who has passed the SSC or its equivalent examination or any order higher examination with Telugu as the medium of instruction and examination

or with Telugu as one of the subjects shall be exempted from passing the test. A person who crossed the age of 45 years is also exempted.

21. DEPARTMENTAL TESTS

There is some misconception regarding exemption from passing the departmental tests to those who have completed 45 years of age. This has been clarified in the following adhoc rule issued in G.O.Ms. No. 225 GA (Ser-C) Department, dt. 18-5-1999:

"Not withstanding anything contained in the Andhra Pradesh State and subordinate Service Rules or in the Special Rules or in adhoc rules, the government employees who have crossed 45 (forty five) years of age shall be exempted from passing the departmental tests prescribed in the Special Rules or adhoc rules for the purpose of promotion to the next higher category i.e. Promotion or appointment by transfer involving promotion to a post above the one held by him or her if they could not get even one promotion after their initial appointment.

Provided that the Person who already got a promotion once when no tests are prescribed for the higher post, the exemption is not applicable to him or her if he or she is to be considered for further promotion to next higher category where tests are prescribed. (This adhoc rule is applicable from the Panel year 1997-98)

Provided further that the exemption is applicable in case of departmental tests or special tests only, where they are Prescribed as a pre requisite for Promotion and this exemption shall not be applicable where like technical or academic qualifications are prescribed for promotion to the next higher category of posts.

Provided also that the exemption shall not be applicable for declaration of Probation, where passing of departmental tests or special tests is a precondition for declaration of Probation.