

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

**By  
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## **OFFENCES COMMITTED –VOILATIONS MADE - ACTION TO BE TAKEN RELEVANT ACTS AND RULES**

**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**

**Acts and Rules followed in taking action**

- **Criminal Law Amendment Ordinance 1944**
- **Andhra Pradesh Civil Services ( CCA ) Rules1991.**
- **All India Services ( Discipline and Appeal ) Rules1969**
- **Andhra Pradesh Civil Services ( Disciplinary Proceedings Tribunal ) Act ,1960**
- **Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal ) Rules1989**
- **Andhra Pradesh Revised Pension Rules 1980.**

# APPLICABILITY OF CCA RULES --- CLASSIFICATION OF SERVICES

- **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**

**Rule3**

**(All India Services ( Discipline and Appeal ) Rules1969 are applicable)-applicable to Corporations etc if the Rules are adopted.**

- **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**

**Rule5**

## **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**

# PLACING GOVERNMENT EMPLOYEES UNDER SUSPENSION

## AUTHORITIES COMPETENT

### State Services

### Rule 13

- Officers of different cadres by officers of different cadres of higher authorities 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 not 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 employees borrowed under Suspension.

**Rule30**

**--CONTD<sup>5</sup>**

# PLACING GOVERNMENT EMPLOYEES UNDER SUSPENSION-contd

## WHEN TO BE PLACED UNDER SUSPENSION

- Only the Authority competent has to issue proceedings of placing Govt. Employee under suspension.
  
- Government servant can be placed under Suspension when  
**Rule8(1)**
  - Disciplinary proceeding are contemplated
  - Engaged in activities prejudicial to the interest of the Security
  - Criminal cases are pending – offence for which one is charged may not have bearing on the discharge of official duties.
  
- Deemed to be under suspension when
  - Under detention for more than 48 hours- from the date from which the Detention comes to be in operation. **Rule8(2)**

**Contd..**

## PLACING GOVERNMENT EMPLOYEES UNDER SUSPENSION-contd

---Placed under Suspension, pending enquiry -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 have continued under Suspension from the date of order of dismissal, removal or compulsory retirement.

**Rule8 (3)**

---- 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)**

**Contd..**

## PLACING GOVERNMENT EMPLOYEES UNDER SUSPENSION-contd

- 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.



## **PLACING GOVERNMENT EMPLOYEES UNDER 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.**

## PLACING GOVERNMENT EMPLOYEES UNDER SUSPENSION-contd

### Review of cases of Suspension

- once in 6 months
- **members of service in State Service** - the first review by Regional Authority if order of suspension is 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. .

## **PLACING GOVERNMENT EMPLOYEES UNDER SUSPENSION-contd**

- **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 – Review Committee to take up review- representative of ACB to be there during review.**

# PENALTIES

## Minor Rule9(1) to9(v)

- i. Censure
- ii. With holding promotion
- iii. Omitted
- 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 Removed from Service
- x Dismissal from Service.

## 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

### Rule11

- Specific authorities as per the cadre of the officer against whom penalty to be imposed ..... 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

### Rule14

<b>Officer</b>	<b>PENALITY</b>
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

## INITIATION OF DISCIPLINARY PROCEEDINGS

- Any disciplinary authority ,competent to impose any of the penalties of 9(i)to9(x),can initiate. **Rule 19**
- If the Government employer is retired from Service – Disciplinary proceeding can be initiated within 4 years from the date of committing the irregularities ----- after taking permission from the Government.  
**Rule9(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)

---contd

## **INITIATION OF DISCIPLINARY PROCEEDINGS**

- **Disciplinary proceedings are initiated under Rule 20 – if major penalty to be imposed**
- **Disciplinary proceedings are 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 – proceedings to be initiated under Rule 24 – The Authority to impose penalty of dismissal on the officer of highest cadre out of those involved has to initiate the proceeding.**

## **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 may be preliminary enquiry held by department – allegations made along with clear documentary proof or enquiry or investigation conducted by ACB or any other investigating agency.
- A charge should briefly, clearly and precisely 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) from .....to ..... 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.

**Contd..**

- **Statement of implication to be there for each charge.**
- **The list of witnesses to be shown.**
- **Articles of Charges are served with a memorandum which indicates that –**
  - 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.**
- **Once written statement of defence is filed – charges may be dropped / minor penalty is imposed / Inquiry authority (Rule 20 (4)) is appointed.**

**Contd..**

- **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 be informed that he can take the assistance of serving / retired Govt. employee (Defense Assistant) – but cannot be a legal practitioner unless 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.**

**Contd..**

## **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 as witness.
- The inquiry authority may put question to the witness.

**Contd..**

- After completion of production of evidence, P.O. and C.O may be asked to file written briefs.
- P.O. and C.O. can file further reports on the contentions raised in written brief.
- Inquiry authority submits inquiry report.
- Inquiry authority to discuss evidences – gives reasons for findings – findings be based only on evidence adduced – specify whether charge is proved penalty proved / not proved.
- Report prepared by inquiry authority – witnesses adduced, written briefs, etc., to be submitted to D.A.

### Action on inquiry report

- I . A May be directed to conduct further inquiry.
- If felt that charges can be dropped or that minor penalty is sufficient – final orders can be issued.

- If felt that major penalty is to be imposed – the D.A. has to communicate a copy of inquiry report along with specific remarks of D.A/ Disagreement factors . to C.O informing to show Causewhy 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 the C.O retires from service, the entire record to be submitted to the Government.
- There is no punishment of “warned” ‘let off’ .
- Before imposing penalty, advice of vigilance commission to be obtained whenever required.

## PROCEDURE – IMPOSING MINOR PENALTY

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

## COMMON PROCEEDINGS

- 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 **Rule 24.**
- 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 Government**
- **Any order of an interlocutory in nature.**
- **Any order passed in the course of procedure under Rule 20.**
- **Orders passed under Rule 8,9,10 are appealable. Rule 33**
- **Appeal lies to the Governor on the order passed by the High Court.**  
**Rule 34**
- **Appeal lies to the Government on any order passed by the Head of the Department**  
**Rule 34**
- **Appeal to next higher Authority from an order passed by other than the Government and Head of the Department**  
**Rule 34**
- **Appeal to be filed within 3 months**  
**Rule 35**

**Contd..**

- 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. **Rule 37**
- 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 – take up Revision suomoto 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**

## STATUTORY FORMS

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

<b>Sl. No</b>	<b>Purpose</b>	<b>Form</b>
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.

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

## **A.P.C.S. CONDUCT RULES 1964 IN BRIEF**

<b>Rule</b>	<b>Content</b>
<b>3(1)</b>	<b>Government servant to have devotion to duty</b>
<b>3(2)</b>	<b>Shall not behave - unbecoming of employees/derogatory to the prestige of Govt.</b>
<b>3(3)</b>	<b>Not to act - official position is placed in embarrassment</b>
<b>3(4)</b>	<b>When does something under the direction of superiors - be obtained in writing.</b>
<b>3(5)</b>	<b>to ensure integrity and devotion of duty by all subordinates.</b>
<b>3(6)</b>	<b>shall not employ one below the age of 14</b>
<b>3A</b>	<b>not to join association whose activity is prejudicial to sovereignty of Government.</b>
<b>3B</b>	<b>COURTEOUS to public</b>
<b>3C</b>	<b>not to be discourteous or discriminate ----- not to indulge in sexual harassment – ( details specified)</b>
<b>4</b>	<b>Shall not participate in strike – other such things (details)</b>
<b>5</b>	<b>Not participate in demonstration – against sovereignty of Government.</b>

**Contd..**

<b>Rule</b>	<b>Content</b>
<b>6</b>	<b>Shall not accept gifts – not to accept any felicitations – stay in guest houses of private persons.</b>
<b>6A</b>	<b>To intimate to Govt. and within 15 days when foreign currency or articles worth Rs.10000 is received.</b>
<b>7</b>	<b>Not to ask for subscription in any firm.</b>
<b>8</b>	<b>Not involve in lending /borrowing of money</b>
<b>9</b>	<b>To inform whenever immovable properties are acquired – details are given intimated. Acquisition of movables worth Rs 100000 above should be informed</b>
<b>10</b>	<b>Shall not engage in private trade.</b>
<b>11</b>	<b>Not to manage/ promote private companies.</b>
<b>12</b>	<b>Not to take up private employment without prior permission.</b>
<b>13</b>	<b>Shall not publish books without permission.</b>
<b>14</b>	<b>Shall not communicate official information.</b>
<b>15</b>	<b>Not to have connection with press – without permission.</b>
<b>16</b>	<b>Not to participate in radio broad cast etc., - without prior permission.</b>

**Contd..**

<b>Rule</b>	<b>Content</b>
17	Shall not criticise the policy of the Government.
18	Not to give evidence before the commissions with out permission
19	Shall not associate/take membership in political party.
20	Relates to approach press or court for the vindication of his official duty/act which is subject matter of adverse criticism.
21	When works with subordinates who are his relatives – be informed to Govt.
22	Information as regards to getting a member of family in a private firms with which official connections are there.
23	Shall not deal the issues related to himself – dependents – in official capacity.
24	Shall not bring influence/extraneous influence for personal furtherance.
25	Shall not indulge in bigamous marriage
25A	Shall not give/ take /abet to give dowry
26	Shall not take intoxicating drinks while an official duty.



***Thank You***