

**TS/AP Civil Services**

**CCA rules 1991.**

**BY-**

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Need of Training:  
Procedural Irregularities To Be Eliminated:

- ✓ The disciplinary inquiry is a highly technical affair and affording of reasonable opportunity is the essence of it.
- ✓ But the inquiring officers are not specially trained for the purpose, with the result that many technical irregularities are creeping into the disciplinary inquiry thus resulting in a challenge in a Court of Law to the consequential action.
- ✓ The short coming can be remedied if only officers are trained in the Law of services in general and disciplinary inquiries in particular.

# TS/AP Civil Services CCA rules 1991

- Contains 46 Rules:
- 2 Schedules
- 4 Appendices
- Schedule I- State Services
- Schedule II – Subordinate Services
- Appendix I – General Subordinate Services
- II – Authorities imposing minor penalties
- III - Authorities imposing minor & major penalties against Subordinate Officers.
- Authorities in respect of Police Etc...

## TS/AP Civil Services CCA rules 1991.

**Q:** Why disciplinary proceedings are inducted in administration?

**A:** Discipline means orderly behavior, i.e.. Voluntary willingness of employees for compliance of Rules , regulations and instructions given by the Government for their employees.

It is a tool used by the administration to impose or to enforce appropriate behavior and conduct to ensure harmony and to increase productivity/services/safety and security in the work place/office or organization.

1) To eliminate improper behavior/conduct among Government employees.

2) To create win-win situation among subordinates and management functionaries.

Note: Employer can take disciplinary action against employees; But not to take vengeance against them.

## Punishments are threefold:

a) It is intended to make Government servant to suffer for his misconduct/mischief in the Government service.

b) It is also intended to work as deterrent to other employees in the office/ organization.

\*C) In addition to the above, it is also intended to Recover the loss caused by the Government Servant due to his negligence or mishandling of things by them, in addition to the punishment proposed.

# TS/AP civil services CCA rules 1991.

Origin :-

Articles 309- COI empowers Governor to make rules.

Article 310- pleasure theory.

Article 311 –

(a) No removal /dismissal without competent authority.

(b) Reasonable opportunity being heard will be given to a G.S .

Article -312 –All India Services .

1. There is no yard stick prescribed to award punishment to Govt. servants under CCA rules.
2. The penalty should be proportionate to the gravity of misconduct or crime.
3. The Disciplinary Authority should act like a judge in discharge of his duties.
4. Action of DA should be based on just and sufficient grounds only .
5. Punishments should be imposed only on good and reasonable grounds .
6. The Inquiry Authority/DA should be with open mind and unbiased.



7. DA/IA should provide reasonable opportunity at all levels in the disciplinary proceedings to the G.s.
8. Double jeopardy is applicable under CCA rules.
9. Procedure prescribed by rules and principles of natural justice should go hand in hand throughout the course of disciplinary case .
10. All actions of DA are subject to judicial review.
11. Whenever the DA rejected the inquiry report he should state cogent reasons for his disagreement.
12. Violations of Code of Conduct Rules or other codes will attract disciplinary actions.
13. Without appointment of IA there is no chance for DA to impose major penalty under these Rules.
14. The DA cannot change the IA according to his whims and fancies'.

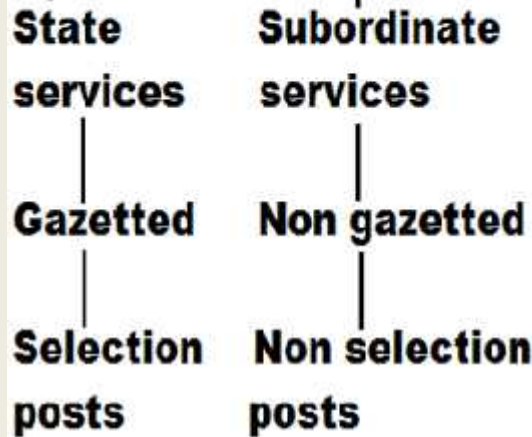
## Note:

Procedure laid down in the rules and principles of natural justice should go hand in hand throughout the disciplinary cases; otherwise the case will be vitiated in the Court of Law.

The Govt. has prescribed all relevant formats for suspension, revocation, charge, punishment etc. under C.C.A rules 1991. the relevant formats must be used, otherwise the disciplinary cases will be vitiated in the A.P.A.T./ Courts.

# TS/AP Civil Services rules 1991

## Classification



Rule no. -8  
suspension

Rule no. 9 (i to v)  
Minor punishments

Rule no.9 (vi to x)  
Major punishments

Rule10. other  
Punishments

1.LGS Appendix i, 2.Forest Gaurds, 3.A.P Police, 4.A.P Spl. ArmedPolice, Firemen of fire dept.for 15 days suspension & fines

## Control

## Appeal rules 1991

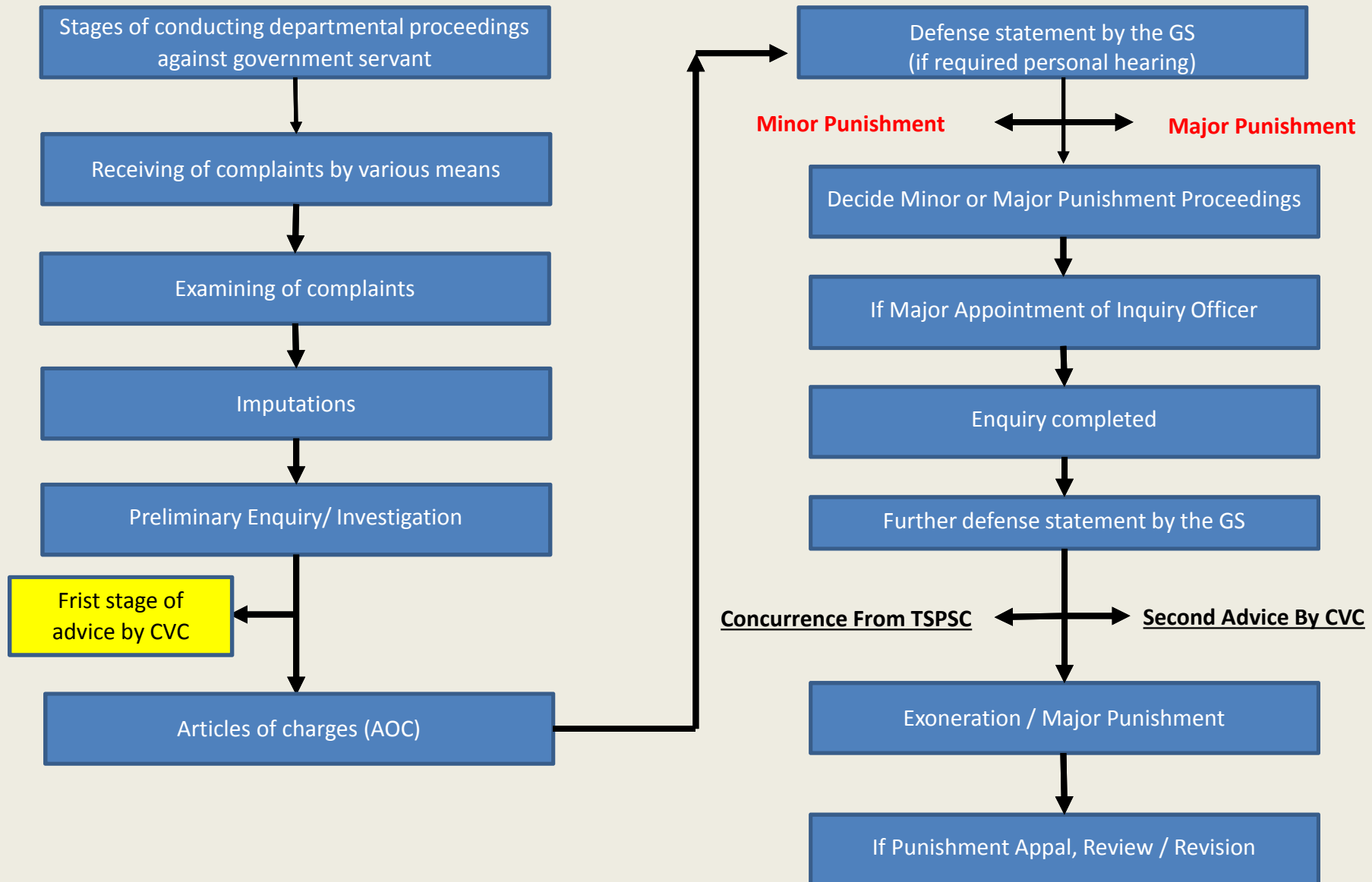


Govt servant

**These Rules shall apply for every  
Government Servants except the  
following**

1. All India Services
2. Judges of High court
3. Casual Labour
4. Contractor Labour
5. Village Establishment

## Stages of Conducting Departmental Proceedings Against Government Servant



## **Complaint:**

Public petitions, news items, TV scrolls, inspection reports, internal audit reports, surprise checks by ACB/Vigilance/and other source of information.

1. Study and analyze the complaint by DA/CA.
2. List out that all facts need to be verified.
3. Site inspections if necessary.
4. Identify the required evidence relating to the complaint.
5. List out the documents/persons who will provide necessary information and evidence on the matters raised by the complainant.
6. When the surprise check is involved, carry out without delay.
7. Ask the complainant to provide any additional information available with him.
8. Talk to the informers if they got firsthand information.

### **Note:**

- ✓ The above and other relevant points noted in recording imputations basing on the complaints and entrust preliminary enquiry officer (PEO) to gather relevant material to sustain the charges.
- ✓ After collecting the information, the veracity of the complaint and preliminary enquiry is to be matched

## PRELIMINARY ENQUIRY OFFICER

1. PEO should be a senior officer over the government servant.
2. He should be conversant with CCA rule 1991.
3. He should apply skill/tactics to elicit information from public as well as complainant.
4. He should provide useful witnesses to come forward to help in the proceedings.
5. There is no bar for PEO to interrogate the GS also or even exparte.
  1. PEO should also be conversant with conduct rules, financial codes and other relevant codes applicable for GS.
  2. Imagination, tenancy relevant procedures, regulations and also found eyewitness if any.
  3. Immediately seize all the connected registers and records and protect them from being tampered.

## IMPUTATIONS OF MISCONDUCT

Sustenance of imputations of misconduct or misbehavior into distinct charges by the DA.

- What are imputations?
- Should deal with each article of charge separately.
- Precise and categorical recitation of relevant and ` specific omissions or commissions.
- There should not be vague or open-ended statements.
- No reference to be made about PE or investigation or
- Internal observations on file, CVC, ACB, EC advice (or) general conduct (or) e-petition.



## **DOCUMENTARY EVIDENCE:**

Evidentiary value of relevant, provable and reliable to be secure.

A. Confirming to the articles of charge and imputations there too.

B. Support the particulars of given allegations such as Figures, dates, names and timings etc.

## **WITNESSES:**

Recording of witnesses from the public having direct bearings on the allegation levelled against GS

- a. Capable of authenticating the documents to be relied upon
- b. They should withstand in the cross examination

NOTE: CHARGES SHOULD BE PICKED UP FROM THE IMPUTATIONS AFTER THE DISCIPLINARY AUTHORITY FULLY SATISFIED THAT THE PROPOSED CHARGES SHOULD BE SUSTAINED IN THE INQUIRY/JUDICIAL REVIEW.

## **DISCIPLINARY AUTHORITY DONT'S**

1. Let of with a warning/to be more careful in future/a lenient view was taken all this type of things should not be passed while issuing final orders of the disciplinary case.
2. GOMS No 680 GAD services C Department, Dated 1.11.2008, against any government servants while filing charges. That is slack supervision/ not processing files properly should not be mentioned in the charge memo.
3. Government servants are not supposed to charge recklessly
4. Disciplinary action should not be taken on flimsy grounds
5. The authorities should instill confidence of the employees and to work without fear
6. Under no circumstances the CA should keep an employee under suspension more than 6 months without framing articles of charges (Now it has been reduced to 3 months by the honorable Supreme Court).
7. Mere fact that the government servant has been granted bail doesn't give him the right to be restored to duty immediately.
8. Humiliation and harassment against any government servant should not be warranted.
9. Consolidated instructions on misappropriations of government money wide GOMS No 25 GAD services C dated 3.2.2004 (This should be well acquainted with by all the disciplinary authorities or competent authority)

## Preliminary enquiry:

**Aim:** Collection of records, registers, witness and documents to frame the charges and also to sustained them.

- It is mandatory in any disciplinary proceedings to initiate charges against erring employees after preliminary enquiry.
- DA should satisfy before any action to be initiated against GS.
- It may be ex parte too.
- It is also permissible to interrogate the GS.
- Note: GS should not be charged recklessly and without good and sufficient reasons.
- The principle of natural justice are not applicable for preliminary enquiry.

## Admission guilt:

In a answer or defence statement against charges levelled against GS and then he/she admitted on all the charges framed against them, there will be nothing more for the DA to enquire into.

## Exparte proceedings:

- Disciplinary proceedings should be concluded even if the GS withdrawn from inquiry abruptly (Not filed defence statement nor evading receive charge memo).
- Inquiry should be held valid even if the GS absence deliberately .
- In fact the GS should not utilize the cross examination an account of his absence.
- Even then the inquiry conducted in his absence will not be unfair.
- The GS lost reasonable opportunity to meet evidence during course of inquiry to defend him.

## **CHARGE DEFINITION:**

A CHARGE SETS OUT THE NATURE OF ACCUSATION IN GENERAL TERMS, SUCH AS, NEGLIGENCE IN PERFORMANCE OF DUTIES, INEFFICIENCY, BREACH OF CONDUCT RULES, ETC.

COMPLAINT → RECORDING IMPUTATIONS → After verification

- Should carefully with documents and witness = AOC
- Study the complaint to sustain the charge
- 
- PRECAUTIONS TO BE TAKEN: Initial stage disciplinary proceedings in drawing a charge sheet.
  - When there is some act in violation of rules in different service manuals, circulars, codes, guidelines etc
  - Important is to quote the rule or order in support of charge invariably, the breach which has been committed in the charge
  - Competent authority only to be taken where full facts have been gathered and evaluated in the AOC
  - There should be incontrovertible evidence that a misconduct has been committed
  - All available and required evidence should be collected.
  - Evidence of witness should be reduced and signed by the witness.
- AOC: Clear, unambiguous, provable material should all be signed by the authority

# Charge

- After preliminary verification DA will frame charges against G.S.(but it is a must)
- It should be drafted in prescribed format (II in GOMS no 82 GA service C 1.03.1996)
- Charge should have basis. (petition, inspection report , audit report, misappropriation, embezzlement of cash etc)
- Place, time, date and year of misconduct done should be specified.
- Violation of code of conduct rule should be mentioned.
- Violation of administrative /financial lapses or other codes in vogue.
- List of documentary evidence.
- List of witness. (recorded for the purpose)

# Charge how it should be?

- 1. Prima facie proven essence of allegation.**
- 2. Language should be brief, clear, precise and unambiguous and free from vagueness.**
- 3. Separate charge for each misconduct be mentioned.**
- 4. Should not contain expression of opinion of the D.A.**
- 5. Should not be the other charge which was already adjudicated**
- 6. Preferably in third person**
- 7. Avoid multiplication of charges.**
- 8. If its issue is delayed and issue without any justification.**



## **Grounds for the challenging of charge**

- 1. If it is not in conformity with the law or procedure.**
- 2. Non application of mind by the D.A.**
- 3. If it does not disclose any violation of code of conduct rules.**
- 4. If it is vague.**
- 5. If it is stale allegation.**
- 6. If it is issued with malafied intention.**
- 7. If it discloses Bias.**

## **Minor punishment rule 9 (I to v)** **with or without Inquiry.**

- I. Censure: Promotion will be stopped for one year.
- II. With holding of promotion: Period should be mentioned in the orders.
- III. Omitted.
- IV. With holding increment without cumulative effect (not exceeding 3 years).
- v.(a) Suspension: Where he was already suspended.
- v.(b) Reduction to a lower stage in time scale not exceeding three years. (not adversely effect for pension)

- **However if DA consider necessary , depending upon the nature of charge held, an Inquiry as in the case of major penalty proceedings to arrive at truth , he may hold such Inquiry after considering the representation of GS and record of Inquiry. If any concluded the D.A may take appropriate decision on the findings of I.A. and penalty to be imposed.**

## **Major penalties**(rule 9 vi-x)

**VI. With holding increment with cumulative effect.**

**VII. Lower stage of time scale, grade, post or service.**

**VIII. Compulsory retirement.**

**IX. Removal.**

**X. Dismissal.**

- **There is no chance for the DA to impose Major punishment without conducting Inquiry.**

## **Procedure for imposing minor punishment**

- In case of minor penalty the employee should be informed in writing of proposal to take action against govt. servant and the imputation of misconduct /misbehavior on which action is proposed to be taken and give a reasonable opportunity to make such representation within the stipulated time.
- If it is not necessary to conduct an Inquiry, the D.A. can imposed minor punishment.

Major penalty, rule no 20 CCA rule s 1991, recasted in GO MS No:383 Services Department Dated 19/12/2003 drastically amended as per GOMS. 337 GA service © dated 22/07/2006

- 1. After confirmation of preliminary verification D.A: frame charges against G.S.**
- 2. Explanation by the G.S within : 10 days.**
- 3. D.A should hear the G.S at the time of defence statement.**
- 4. DA should obtain the signature of the Govt. servant on, how may of charges agreed or denied.**
- 5. The DA should ask whether any documents required for G.S. if so, he will send them to I.A. during the course of Inquiry.**

- 6. Inquiry Officer/Presenting officer will be appointed by D.A(both should be senior officers over G.S.)**
- 7. D.A will ask the GS to choose defence Asst.**
- 8. On the opening of Inquiry day fixed at place & time of conducting Inquiry by I.A, he will inform P.O and G.S.**
- 9. G.S. after the verification of documents he will attend for regular Inquiry along with P.O.**
- 10. The I.A will hear the case and draw up a program to complete the Inquiry within 2 or 3 days.**

- 11. On the day of Inquiry the I.A starts Inquiry with the presentation of the case by P.O.**
- 12. Then G.S is allowed for cross examination the P.O.**
- 13. The P.O will reexamine the case before the I.A.**
- 14. Basing on the examination cross examination and reexamination of witness and documents by the P.O. and G.S. prepare the list charges proved or not proved basing on the reasons and evidence.**
- 15. I.A. submits its report on Inquiry to the D.A.**



- 16. G.S. & defence Asst. will answer the P.O. suitably to the written briefs.**
- 17. D.A. will supply Inquiry report to the G.s to file his defence statement if any within 15 days .**
- 18. D.A. will conclude Inquiry after obtaining approval vigilance & A.P.P.S.C, and issue final orders of major punishment.**
- 19. Appeal / revision / review can be taken up at the dept. level.**
- 20. If aggrieved the G.S. can approach A.P.A.T / H.C / S.C.**

## Guidelines for Inquiry Officers – Highlights:

- ❖ The IA should conduct inquiry on the charges which were denied by the GS.
- 1. Domestic inquiry must be bonafide and honest.
- 2. IA appointment should be made on his name, not by his designation.
- 3. IA is a Quasi –Judicial Authority.
- 4. IA should acquainted with the case properly.
- 5. He should be well acquainted with the procedure of conducting domestic inquiry.
- 6. Inquiry recorded by his predecessor will hold good.

7. I.A should be with open mind/ unbiased.
8. He should neither be a witness nor any interest in the outcome of the case.
9. He should provide fair chances for the both parties.
10. He should not put leading questions to the PO; but can seek clarity.
11. He cannot apply technicalities and procedures of courts to find out truth.
12. Commonsense point of view will be more appreciated in domestic inquiry.

13. Minor mistakes and small omissions may be ignored.

14. He should be fair and firm.

15. He should be judicious.

16. He should not impart his personal knowledge into the inquiry.

17. No discrimination among the charged officers by the IA in case of common proceedings.

18. IA's findings should be based on entirely on the evidence adduced.

19. He should just do what is Lawful without being a legalist.

## **ASSESSMENT OF EVIDENCE AND REPORT OF INQUIRY AUTHORITY:**

1. IA should ascertain, what was their role assigned to the GS specifically to the charge, what was expected of him, and what he did or committed to do.
2. He should conclude logically whether and which of the articles proved or not.
3. Then Judge whether the GS with in his knowledge and experience behaved with due care and attention prudently and honestly.
4. Whether the GS violated the law, rules, procedures he has expected to follow while discharging duties.

5. Whether the GS knew or ought to have known the propriety and the results of his acts.

6. Every act of GS is expected to his bonafide, honest and reasonable.

7. The IA considering the oral and documentary evidence, circumstance evidences , witness should then be recorded in conclusion of each charge proved or not.

8. IA should particularly ensured that replies on facts which have come into evidence and which the GS had opportunity to refute it.

After the conclusion of inquiry he shall prepare a report to the DA.

**The IA report shall contain the following:-**

- 1. Articles of charges and the statement of misconduct or misbehavior.**
- 2. defence statement of GS.**
- 3. An assessment of evidence in respect of each charge.**
- 4. The findings on each article of charge and reasons thereof.**
- 5. The further defence statement if any submitted by GS.**
- 6. The oral and documentary evidence assessed during course of inquiry and their impact on their charges.**
- 7. Written briefs filed by PO and answers by GS during the course of inquiry.**

IA should submit the inquiry report to the DA who has appointed, within a reasonable time.

If not charges will be framed against the IA under Rule (3) (1) of Code of Conduct Rules for his negligence to conduct inquiry in inordinate delay.



## Standard proof required in domestic inquiry and in criminal trail.

	<b>Domestic inquiry</b>		<b>Criminal trail</b>
1	Pre-ponderance of probabaility	1	Proof beyond the reasonable doubt
2	Quasi-Judicial inquiry	2	Pucca Judicial proceedings
3	Misconduct / Misbehaviour in official duties	3	Offences committed against State /Law
4	Punishments will be imposed as per Rule No 9 (I to X) in CCA Rules	4	Punishments will be given as per the prescribed procedure laid down in Law/ Rules
5	Evedece Act is not applicable	5	Evidence Act is totally applicable
6	Hear say evidence is admissible	6	Hear say admissible is not applicable
7	Some evidences is necessary	7	Total evidences is required
8	Cr.Pc is not applicable	8	Cr. Pc is applicable
9	Reasons and findngs are on admissable in common paralance	9	Reasoms and findings should be strictly in logical frame work <sup>41</sup>

## **Principles of natural justice in CCA Rules, 1991:**

Aim: To prevent miscarriage of justice.

They don't supplant the law; but supplement of it.

- The departmental inquiries also have to be held in accordance with the principles of natural justice; which are fully incorporated in CCA Rules, 1991.
- The duty of the IA towards GS to ensure Principles of natural justice to be applied carefully.
- IA delegate of DA have clear responsibility towards DA.
- Departmentally inquiry should be bonafide and honest.
- The role of IA to find out all the truth and facts of each charge against GS.

\*\*\* IA need not follow legal techniques and judicial precedence. The IA primarily concerned with the principles of natural justice are that.....

- The GS should be given opportunity to present his case fairly.
- Evidence should be taken in the presence of GS.
- He should be given an opportunity to cross examine witness and also documents of Managements.
- He should also given opportunity to produce his own witness and documents.
- If the PO having legal background, the GS can also engage a legal expert as defence Asst.
- Procedural fairness may be incorporated in a disciplinary case to meet the end of justice.

- GS should be given an adequate notice about the proceedings, including reasonable time and opportunity to file his defence statement.
- Proceedings should be done to be fair to all parties.
- Ignore irrelevant matters in the case.
- Fair play and due process of law shall be maintained throughout in disciplinary case.

\*\*\*The principle of natural justice only operate in areas not covered by any law validly made.

# defence Asst.

The G.S can have a assistant of defence in his case before I.A  
(G.O.memo No.657/service-c/94.4.GAD 09.03.1995 and rule 20(5) C.C.A. rules as amended in G.O.m.s no.8388/ ser.-C GAD 12.03.2004)

- 1) He should be an employee of A.P Govt.
- 2) He should not be linked with the case otherwise.
- 3) He should not act as defence Asst. in more than 2 cases by that time.

Note-If the P.O is legal expert then the G.S shall also have defence Asst. with legal knowledge.

**RULE # 32**

ORDERS AGAINST WHICH NO APPEAL LIES.

No appeal shall lie against :-

- i. Any order made by the governor.
- ii. Any other order of an interlocutory nature of step in aid of final disposal of a disciplinary proceeding, other than the order of suspension.
- iii. Any order passed by IA in the course of inquiry under rule number 20.

# Introduction – Appeal

By providing an appeal in the relevant civil service rules, a G.S has been given a right to move a higher authority against the order of punishment or otherwise passed against him by an authority lower than the appellate authority. The right to appeal from the Disciplinary Authority should be decided on the footing of law applicable to each case.

The basic principle of appeal is that, that in the event of the subordinate authority being legally competent to pass the order the appellate authorities order as it would washes it and takes its place.

# Appellate Authority (CCA rules 1991)

Appellate Authority is the authority who can entertain an appeal of the Govt. servant submitted by G.S against the order of penalty passed by the disciplinary authority / competent authority.

The appellant authority is under obligation to consider:-

- I. Whether the procedure has been complied with and if not, whether such noncompliance has resulted in violation of any conditional provision or in the failure of justice.
- II. Whether the findings are warranted by the evidence or record; and
- III. Whether the penalty is adequate, inadequate or Severe.



**He can confirm, enhance, reduce or set aside the penalty or remit the case with any direction as he deems fit.**

**The AA has the power even to enhance the penalty in the appeal submitted by the effected employee for relief. While enhancing the penalty, the appellant should be given an opportunity to make representation against such enhancement to a major penalty an Inquiry should be conducted if not already held.**

## ORDERS AGAINST WHICH APPEAL LIES

Subject to the provisions of rule 32 a GS may prefer an appeal on all or any of the following;

- i. An order of suspension made or deemed to have been made under rule 8.
  - ii. An order imposing any of penalties specified under rule 9 and 10 made DA or Appellate authority OR revising Authority.
  - iii. An order enhancing the penalty under rule 9 or rule 10.
  - iv. An order discharging him in accordance with the terms of contract.
  - v. An order reducing or withholding the maximum pension, including an additional pension to him under rules governing the pension.
2. Subject to the rule 32, a member of subordinate service may prefer appeal against an order passed by an authority subordinate to the government.

Varying to his disadvantage in conditions of service, pay, allowances or pension as regulated in the rules contrary of service.

Interpreting to his disadvantage, the provisions of any rules or contract of service, whereby his conditions of service pay and allowances or pension are regulated.

- a. By providing an APPEAL in the relevant civil services a GS has been given a right to move the higher authority against the order of punishment or otherwise passed against him by the authority lower than the appellate authority.
- b. The right of appeal against the DA should be decided on the footing of LAW applicable to each case.
- c. The basic principles of appeal is that, in the event of the subordinate authority being legally competent to pass an order the appellate order as it were washes and takes its place.

## **RULE 35:-**

Period of limitation of appeals.

No appeal preferred under these rules shall be entertained within 3 months from the date on which a copy of the order is received.

## **RULE 36.**

1. Appeal shall be in his own name (name of the GS)
2. It should contain all material statements and arguments relied upon and complete in itself.
3. Shall not contain any disrespectful or improper language.
4. GS directly files an appeal and furnishes a copy to DA (to offer his remarks and comments to AA).
5. The DA should send full particulars without awaiting for directions from AA.
6. Where CDS and arguable points raised in the appeal, the AA is bound to apply his mind to all such points and issue a speaking order.
7. AA is Quasi-judicial officer.

## **RULE 38:-**

In case of the government passed original orders (final orders) shall not be entitled to appeal by the GS. (but he shall be entitled to make separate representation in his name, within a period of 3 months from the date of receipt of an order. A petition may be filed to the government for REVIEW of the orders passed by any of the following grounds.

1. When an order was not passed by the CA .
2. When reasonable opportunity was not provided to him to defend himself.
3. If there is an evident error or omission in the order such as:
  - a. Failure to apply the law of limitation
  - b. Error of procedure apparently on record.
  - c. When the petitioner has made a discovery of NEW MATTER or EVIDENCE was not within his knowledge or it could not be adduced by himself before imposing penalty.

### NOTE

Any petition for REVIEW which does not satisfy the above grounds shall be summarily rejected. Government pass such an order as it may think proper in respect of any petition for review that has been admitted under this rule.

## **RULE 39:- IMPLEMENTATION OF ORDERS IN APPEAL.**

The authority which made the order against shall give effect to the orders passed by AA.

### **RULE # 40.**

REVISION: Where the revisory authority decides to interfere with the order of exoneration passed by CA.

1. The principles of FAIRNESS demands
  2. That the adequate opportunity given to the employee to make a representation.
- STATE OF BIHAR VS SHEO NARAYAN SINGH AIR 1997 SC 711: (1997) 11 SC 691: 1997 2 112.
  - The power of revision/ review vested with certain specified authorities who executed the things broadly in the same manner as in the case of appeals.
  - Here THE POWER OF REVISION CAN BE EXERCISED IN SUMOTO ALSO.

## REVIEW

RULE # 41 (AMENDEDED VIDE G.O.Ms No 64 GA (Ser- C) department dated 27-02-1998.

1. Only when a reference made by HOD
2. When a new material evidence could not be produced or not available at the time of passing an order under revision.
3. Which has the effect of changing nature of the case. OR
4. It has been brought to the notice, provided further that the government shall exercise the provision of review within a period of 3 years.

## **SPEAKING ORDERS:-**

Final Orders are speaking orders and are free from ambiguity or vagueness.

An order which contain not only the conclusions and directions but also the reasons that have lead to conclusions.

## **Essential Ingredients of Speaking order:-**

**Context:-** The order the narrate the background of the case. The circumstances that have caused the issues of the orders have to be brought out clearly in the introductory portion of the order.



Contention:- Rival submissions by different parties, where ever applicable must be brought out in the order.

Consideration:- The order should explicitly evaluate the submissions made by the parties vis-à-vis each other in the light of relevant statutory provision.

Conclusion:- Outcome of the consideration is ultimate purpose of the order. It should be ensured that each conclusion arrived at the order must rest on **FACTS** and **LAW**.

- **Importance of prescribed formats in disciplinary cases in accordance with CCA Rules – 1991:**

Certain important instructions for Competent Authorities on prescribed formats:

1. Forms prescribed for issue of orders by Competent Authorities are meant the basic requirements to protect a disciplinary case not be vitiated in the court of Law during judicial review.
2. They are not be adapted mechanically; but adapt suitably considering the facts and circumstances of the case.
3. Extraneous expressions like “draft” “specimen” should be avoided.
4. No reference should be made to the ACB, the vigilance Commission or such others or to any correspondence with them in the body of order or outside of it.

5. Order should be issued by the CA under his signature only. When Government are the CA the order should be expressed “ By Order in the name of Governor of TS/AP as the case may be, it should be signed by an Authorised Officer.
6. The related rules and regulations etc...should be gone through to satisfy the requirements of the provisions are met.
7. If the orders issues are defective and not in corrective format such orders are liable to be challenged in the courts merely on **TECHNICAL GROUNDS**.

With a view of avoiding such situations and bring uniformity in forms of orders having regard to the provisions considered in TS/AP CS CCA Rules – 1991. It has been considered desirable in prescribed model formats of orders for the guidance of CA's who are empowered to such orders in disciplinary cases.

Note: Accordingly Government direct all CA's to issue such orders considering of relevant proformas vide G.O.MS. NO 487, GAD, (Ser. C Dept), Dated: 14-09-1992.

• **ANNEXURE – I:**

• **Form of order of suspension (where charges sheet has been issued) Under Rule 8(1) of TS/AP CS CCA Rules – 1991:**

• Sub: Public Services – Sri/Smt..... Suspension form service - orders issued.

• Ref:

• And whereas the Government of TS/AP/undersigned being the CA (Appointing Authority/Other CA) considered it necessary to place Sri/Smt.....

• Under suspension into grave charge or charges afore mentioned.

• Now, therefore in exercise of powers conferred by sub rule (1) of rule 8 of TS/APCS, CCA Rules – 1991, the Government of TS/AP (Appointing Authority/other CA) hereby place/s and said Sri/Smt.....under suspension from the date of communication for this order and he/she shall continued to be under suspension in **public interest** until the conclusion of **disciplinary proceedings/ termination of all proceedings** relating to criminal charge or charges.

- It is further ordered that during the period of this order remain this force the HQ's of Sri/Smt..... (Name & Designation of Govt. Servant) shall be .....not to leave the HQ's without obtaining the previous permission of the undersigned.
- It is further ordered that during the suspension order Sri/Smt..... (Name & Designation of Govt. Servant) shall be paid **subsistence allowance** equivalent to the leave salary on half pay leave.. The DA and other compensatory allowances shall be paid along with subsistence allowance .
- The quantum of subsistence allowance will be reviewed and revise in terms of FR 53 (1)after 3 months, pending review he/she shall continued to draw the subsistence allowance now sanctioned.
- (Added in G.O.MS.No.296, Financial Planning (FW.FR.II), Dated: 14-10-1996.)

Signature:

Name and Designation of  
the Suspending Authority:

## **ANNEXURE – II:**

### **Form of order of suspension (where disciplinary proceedings are contemplated) under ) Under Rule 8(1) of TS/AP CS CCA Rules – 1991:**

Sub: Public Services – Sri/Smt..... Suspension form service - orders issued.

Ref:

Whereas it has come to the notice of Govt. of TS/AP/undersigned who is CA (Appointing Authority/Any other CA).

And whereas disciplinary proceedings against Sri/Smt.....are contemplated.

And whereas the Govt. of TS/AP (Appointing Authority/Any other CA) after careful consideration of the available material and having the due regard to the circumstances of the case, are satisfied that it is necessary to place Sri/Smt..... Under suspension.

- Now, therefore, the exercise of powers conferred by subsection of rule-8 of TS/AP CS, CCA Rules – 1991. The Govt of TS/AP/undersigned (Appointing Authority and any other CA) hereby place the said Smt/Sri..... under suspension from the date of communication of this order and she/he will continue to be under suspension until the conclusion of disciplinary proceedings /termination of all proceedings relating to criminal charge/s.
- It is further ordered that during the period of this order remains in force the HQ's of Sri/Smt.....(name and Designation) shall be .....(name of place).....The said Sri/Smt.....shall not leave HQ's without obtaining the previous permission of undersigned.

Signature:  
Name and Designation of  
the Suspending Authority:



## • ANNEXURE – III:

- **Form of order of suspension (where a case has been registered and it is under investigation) Under Rule 8(1) of TS/AP CS CCA Rules – 1991:**
- Sub: Public Services – Sri/Smt..... Suspension form service - orders issued.
- Whereas it has come to the notice Govt. of TS/AP/undersigned who is CA (Appointing Authority or any other CA) alleging that:-
- And whereas a case has been registered by the ACB/Officer in charge by Police Station.....in crime no: .....u/s.....of .....
- And whereas it is considered that his/her continuance in office will prejudice the investigation.
- And whereas the Govt. of TS/AP/undersigned (Appointing Authority or any other CA) after careful consideration of available material and having due regard to the circumstances of case or satisfy that the criminal charge under investigation is connected with his Official position as Govt. Servant and involved moral turpitude and therefore consider it is necessary to place Sri/Smt.....under suspension.

Now, therefore, in exercise powers conferred by sub rule (1) 8 of TS/AP CS, CCA Rule – 1991, the Govt. of TS/AP/undersigned) Appointing Authority/any other CA hereby place/s the said Sri/Smt.....under suspension from the date of communication of this order and he/she will continue to be suspension until the conclusion of disciplinary proceedings relating to the criminal charge/s.

[

It is further ordered that during the period of this order remains in force, the HQ's of Sri/Smt.....(Name and Designation of Govt. Servant) shall be .....(Name of Place) and the said Sri/Smt..... Shall not leave HQ's without obtaining the previous permission of the undersigned.

Signature:

Name and Designation of  
the Suspending Authority:

- **TS (CS) CCA Rules – 1991:**

- Prescribed formats for disciplinary cases to avoid vitiation of cases in the court of Law.
- G.O.M.S. No: 82, General administration (Ser. C) Dept, Dated: 01-03-1996.
- **ORDER:**
- Under the provisions of TS CS CCA Rules – 1991 the Competent Authority should issue orders in disciplinary cases after due consideration in the relevant proforma annexure to this order indicated below.
- 1. Under FR 53(2) the suspended official shall submit to the Competent Authority a certificate that she/he is not engaged in any other employment, business, profession or vacation. The format of certificate shall be the form shown in next slide.

# FORM- I:

## Non Employment Certificate

**ANNEXED TO G.O.MS.No. 82, GA. \*SER. C) Dept..., Dated:  
01.03.1996**

**Standard form of Certificate to be furnished by the suspended  
official under F.R. 53(2)....**

I ..... (name of  
Government Servant( having been placed under suspension by Order  
No:....., Dated: ..... while holding the post  
of ..... do hereby certify that I have not been employed in  
any business.

Signature

Name of the Government Servant:

Address:

**Note:** This certificate given by the suspended official every month to draw sustenance allowance.

## **FORM – II**

### **STANDARD FORM OF ARTICLES OF CHARGES**

**PUBLIC SERVICES – Sri .....(name and designation)  
.....Dept...-Departmental Proceedings under Rule -20 of the  
TS/AP CS CCA -1991 – Article of Charges – Issued.**

G.O.Rt.No: .....

Dated:.....

#### **ORDER:**

1. It is proposed to hold an inquiry against Sri..... (name and designation) .....Dept in accordance with the procedure laid down in Rule 20 of TS/AP CS CCA Rules, 1991.
2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges. (annexure-I). A list of documents by which, and a list of witness by whom the articles of charges are proposed to be sustained are also enclosed in annexure-II and III.

3. Sri..... (name and designation) is directed to submit within 10 days of the receipt of this order, a written statement of his/her defence.
4. Sri..... (name and designation) is informed that an inquiry will be held only in respect of those articles of charges are not admitted. He/she should therefore especially admit or deny each article of charge.
5. Sri..... (name and designation) is further informed that if he/she does not submit his/her written statement of defence on her before the date specified in Para 3 above further action will be processed based on the material available.

6. Sri..... is invited to Rule 24 of TS/AP CS Conduct Rules – 1964 under which no govt Servant shall bring or attempt bring any political or outside influence to bear upon the superior authority to furtherance of interest in respect of matters pertaining to his service under the government. If any representation received on behalf of from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri..... Is aware of such representation and that it has been made at his instance and action shall taken against him fro violating Rule No; 24 TS/AP CS Conduct Rues – 1964.

The receipt of memorandum may be acknowledged .

( I the name of Disciplinary Authority)

To,  
Sri.....

**Contd.....**

# ANNEXURE – I

Statement of articles of charge framed against Sri.....  
(name and designation).

**Article – I:** That the said Sri..... (name and designation)  
while functioning as ..... during the  
period.....

## **Basis of Charge:**

**Article – II:** That during the aforesaid period and while  
functioning in the aforesaid office, the said Sri.....  
(name and designation).

## **Basis of Charge:**

**Article – III:** That during the aforesaid period and while  
functioning in the aforesaid office, the said Sri.....  
(name and designation).

## **Basis of Charge:**



## **ANNEXURE – II**

**List of documents by which the articles of charge framed against Sri..... (name and designation) are proposed to be sustained.**

## **ANNEXURE – III**

**List of witnesses by whom the articles of charge framed against Sri..... (name and designation) are proposed to be sustained.**

# FORM – III

## STANDARD FORM OF ORDER FOR REVOCATION OF SUSPENSION ORDER

(Rule 8(5) (c) of TS/AP CS CCA Rules – 1991.)

MEMO. Rc. NO.....

Dated: .....

Sub:

Ref:

1. Whereas an order placing Sri..... (name and designation) of govt Servant) under suspension was made / was deemed to have been made by ..... On .....
2. Now, therefore, (the authority which made or deemed to have made the order of suspension or any authority to which that authority is subordinate) in exercise of powers conferred by class – III of sub rule 5 of Rule 8 TS/AP CS CCA Rules – 1991, hereby revoke the said order of suspension with immediate effect.

(In the name of competent authority/ Disciplinary authority)

To

1. Sri.....(name and designation of suspended officer).
2. Sri.....(name and designation of appointing authority).
3. Sri.....(name and designation of lending authority).
4. Sri..... (name and designation of authority making order of suspension).

# FORM – IV

## STANDARD FORM OF ORDER RELATING TO APPOINTMENT OF INQUIRING AUTHORITY

(Rule 20 of TS/AP CS CCA Rules – 1991.)

MEMO. Rc. NO.....

Dated: .....

Sub:

1. Whereas an inquiry under rule 20 of TS/AP CS CCA Rules – 1991 is being held against Sri..... (name and designation).
2. And whereas it is considered that an Inquiry Authority should be appointed to inquire into the charges framed against Sri.....
3. Now, therefore, in exercise of powers conferred by sub rule 2 of rule 20 of said rules, the Disciplinary Authority hereby appoints Sri..... (name and designation of Inquiry Officer). As Inquiry Authority to inquire that charges framed against the said Sri.....

Signature

Designation of Competent Authority

Copy to Government.....

Copy to Inquiry Authority.....

Copy to Lending Authority of the Government Servant.....

# FORM – V

## STANDARD FORM OF ORDER RELATING TO APPOINTMENT OF PRESENTING OFFICER

(Rule 20 (5) (C) of TS/AP CS CCA Rules – 1991.)

MEMO. Rc. NO.....

Dated: .....

Sub:

Ref:

Whereas an inquiry under rule no:20 of TS/AP CS CCA Rules – 1991, is being held against Sri..... (name and designation of Govt. Servant).

And whereas it is considered that a Presenting Officer should appointed to present on behalf of the Disciplinary Authority the case in support of the articles of charge.

Now, therefore, the Disciplinary Authority in exercise of the powers conferred by sub rule 5 (of Rule no 20 of the said rules is here by appoints .....Sri..... (Designation of the Presenting Officer) a Presenting Officer.

(IN THE NAME OF DISCIPLINARY AUTHORITY )

Copy to:

Signature and Designation.....

1. Presenting Officer.....
2. Government Servant.....
3. The Inquiry Authority.....

# FORM – VI

## STANDARD FORM OF MEMORANDUM OF CHARGE FOR MINOR PENALTIES

(Rule 22 of TS/AP CS CCA Rules – 1991)

MEMO. Rc. NO.....

Dated: .....

Sub:

Ref:

Sri..... (designation).....in working (office in which working).....is hereby informed that it is to proposed to take action against him/her under Rule No 22 of TS/AP CS CCA Rules – 1991). A statement of imputations of misconduct or misbehaviour on which the action is proposed to be taken is enclosed.

Sri/Smt..... Is hereby given an opportunity to make such representation as he/she may wish to make against the proposal.

If Sri/Smt..... Fails to submit his/her representation within 10days of the receipt of this memorandum, it will presumed that he/she has no representation to make and orders will be liable to be passed against Sri/Smt..... **EXPARTE.**

The receipt of this memorandum should be acknowledge by Sri/Smt .....

(IN THE NAME OF DISCIPLINARY AUTHOITY)

To

Sri/Smt.....

# **FORM – VII**

## **STANDARD FORM OF INITIATION OF MINOR PENALTY PROCEEDINGS**

**(In case where Disciplinary Authority decides to hold the inquiry)**

**(Rule 22 of TS/AP CS CCA Rules – 1991)**

MEMO. Rc. NO.....

Dated: .....

Sub:

Ref:

1. In continuation of memorandum no.....date.....issued under rule no 22 of TS/AP CS CCA Rules – 1991, it is necessary to hold an inquiry against Sri..... Under Rule no-22 of TS/AP CS CCA Rules – 1991. The substance of imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge and the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-I). A list of documents by which a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-II & III).

**Contd.....**

2. Sri.....is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence.
3. He is informed that an inquiry will be held only in respect of those article of charge as are nor admitted. He should therefore, specifically admit or deny each article of a charge.
4. Sri..... Is further informed that if he does not submit his written statement of defence on or before the date specified in Para 2 above or otherwise fails to or refuses to comply with provisions rule no 20 and 22 of the said rules of TS/AP CS CCA Rules, 1991 or the orders/directions issued i pursuance of the said rules the Inquiry Authority may hold the inquiry against **EXPARTE...**

5. The attention of Sri.....his invited to rule no 24 of TS/AP CS Code of Conduct Rules, 1964, under which no Govt. Servant shall bring or attempt bring any political or outside influence to bear upon ay superior authority to furtherance of interests in respect of matters pertaining to his service under Government. If any representation received on his behalf of from another person in respect of any matter dealt with in these proceedings, it will presumed that Sri.....is aware of such representation and that it ahs been made at his instance and action will betaken against him for violation of Rule no-24 of TS/AP CS Code of Conduct Rules, 1964.

6. The receipt of this memorandum may be acknowledged.  
(IN THE NAME OD DISCIPLINARY AUTHORITY)

To.

Sri.....

Enclosures: Annexure-I, II & III



# FORM – VIII

## STANDARD FORM OF ORDER FOR TAKING DISCIPLINARY ACTION IN COMMON PROCEEDINGS

(Rule 24 of TS/AP CS CCA Rules – 1991)

MEMO. RC. NO.....

Dated:

.....

Sub:

Ref:

1. Whereas, the Government Servants specified below are jointly concerned in a disciplinary case.

Sri.....

Sri.....

Sri.....

Sri.....

2. Now, therefore, in exercise of powers conferred by sub rules -1 & 2 of Rule 24 of TS/AP CS CCA Rules – 1991, the Disciplinary Authority is hereby directs :-

i) That disciplinary action all the said Government Servants shall be taken in a common proceedings.

**Contd....**

ii. That ..... (name and designation of Authority) shall function as the Disciplinary Authority for the purpose of the common proceedings and shall be competent to impose the following penalties namely:-  
(Here specify the penalties).

iii. That the procedure prescribed in Rules 20 & 21 are Rule 22 of CCA Rules, 1991 shall be followed in the said proceedings.

(IN THE NAME OF DISCIPLINARY AUTHORITY)

Copies to....

1. Sri.....(name and designation of Govt. Servant)
2. Sri. ....(name and designation of Govt. Servant)
3. Sri. ....(name and designation of Govt. Servant)

# FORM OF SUMMONING PUBLIC SERANTS/PRIVATE INDIVIDUALS:

## SUMMON:

To

.....  
.....  
.....

Sir,

I am Inquiry Authority in the proceedings against Sri/Smt.....Your evidence is considered material in this case. Therefore, I request you to appear before me on ..... at .....Time :.....Place.....

You are/ are not likely to request to stay at the place more than one (1) day.

Yours Sincerely,

Name & Designation :

Copy to Sri/Smt.....with a request to send the official mentioned above to attend the inquiry on those dates mentioned.

Inquiry Authority  
and full address.

**Thank you**