

TSCS (CCA) Rules, 1991

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General Introduction

Disciplinary matters are governed by the provisions emanating from the following four sources.

1. Provisions in the Constitution of India
2. TSCS (Conduct) Rules, 1964
3. Executive Orders issued by the Government
4. Principles of Natural Justice

Constitution of India

SAFEGUARDS UNDER ART 311

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

Exceptions in Art 311

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

TSCS (CCA) Rules, 1991

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

When applicable?

- (a) Violation of TSCS (conduct) Rules, 1964
- (b) Violation of Departmental Acts, Rules & Instructions

TSCS (CCA) Rules, 1991

LAY OUT:

- 46 Rules
- 2 Schedules
- 4 Appendices
- **C : CLASSIFICATION**
- Classification of Services (R 5)
- State Services (R 6)
- Subordinate Services(R 7)
- **C : Control**
- Suspension(R 8)
- Penalties (R 9)
- Other Penalties(R10)
- **A : Appeal** (Rules 32 to 39)

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Schedules:

- I. State Services
- II. Subordinate Services

Appendices:

- I. General Subordinate Services
- II. Authorities imposing minor penalties on Subordinate officers
- III. Authorities imposing minor & major penalties against Subordinate officers
- IV. Authorities in respect of police etc

TSCS (CCA) Rules, 1991...

- **Rule 1. Short title and commencement**
- **Rule 2. Interpretations**
- **Rule 3. Application**
- **Rule 4. Power to exclude from operation**
- **Rule 5. Classification of Services**
- **Rule 6. Constitution of State Services**
- **Rule 7. Constitution of Subordinate Services**
- **Rule 8. Suspension**
- **Rule 9. Penalties**
- **Rule 10. Other Penalties**
- **Rule 11. Disciplinary Authorities in respect of State Services**
- **Rule 12. Government's power to impose penalties on members of State Services**

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- **Rule 13. Authorities competent to suspend members of State Services**
- **Rule 14. D.A. and Authorities competent to suspend, in respect of Subordinate Services**
- **Rule 15. Powers of appointing authority etc. to suspend members of State and Subordinate Services.**
- **Rule 16. Disciplinary authority in case of promotion or transfer of a member of a Service and a reversion or reduction**
- **Rule 17. Special provision to respect of Police Officials employed in Anti – Corruption Bureau, Vigilance and Enforcement Department and Lokayukta and Upa- Lokayukta**

TSCS (CCA) Rules, 1991.....

- **Rule 18. Lower authority not to reopen case:**
- **Rule 19. Authority to institute proceedings**
- **Rule 20. Procedure for imposing major penalties**
- **Rule 21. Action on the Inquiry report**
- **Rule 22. Procedure for imposing minor penalties**
- **Rule 23. Communication of orders**
- **Rule 24. Common proceedings**
- **Rule 25. Special procedure in certain cases**
- **Rule 26. Waiver procedure to certain cases**
- **Rule 27. Action on report of Lokayukta and Upa-Lokayukta**
- **Rule 28. Rule not to affect provisions relating to Andhra Pradesh Survey and Land Records Subordinate Service**
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- **Rule 29. Rules not to affect provisions in Andhra Pradesh Stationery Manual**
- **Rule 30. Provisions regarding officers lent to Government of India etc.**
- **Rule 31. Provisions regarding officers borrowed from Government of India etc.**
- **Rule 32. Orders against which no appeal lies**
- **Rule 33. Orders against which appeal lies**
- **Rule 34. Appellate Authorities**
- **Rule 35. Period of limitation for appeals**
- **Rule 36. Form and contents of appeal**
- **Rule 37. Consideration of Appeal**
- **Rule 38. Review of original orders passed by Govt., in lieu of appeal**

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- **Rule 39. Implementation of orders in appeal**
- **Rule 40. Revision**
- **Rule 41. Review**
- **Rule 42. Service of orders, notices etc.**
- **Rule 43. Power to relax time-limit and to condone delay**
- **Rule 44. Supply of copy of Commission's advice**
- **Rule 45. Repeal and Saving**
- **Rule 46. Removal of Doubts**

To whom applicable?

Applicable to every Government Servant.

Except:

- **Persons in casual employment**
- **Persons subject to discharge from service on less than one months notice**
- **Persons for whom special provision is made in these Rules and any other law**
- **Members of All India services**
- **In case of any doubt Government is final authority.**

Classification (Rules 5 to 7)

This rule applies to the following category of Civil Services of the State.

- a) The State Services (Schedule-I)
- b) The Sub ordinate Services
(Schedule-II)

Control

- Suspension (Rule 8)
- Disciplinary Action
 - Minor Penalties (Rule 9 & 10)
 - Major Penalties (Rule 9)
- Procedure
 - Minor Penalties (Rule 22)
 - Major Penalties (Rule 20)
 - In case of Stoppage of Increment exceeding three years without cumulative effect though minor penalty, procedure for major penalty to be followed.

SUSPENSION(Rule 8)- When?

- Disciplinary proceedings are contemplated or pending
- Official has engaged himself in activities prejudicial to the interest of the security of the State
- Criminal case is under investigation, inquiry or trial
- Public Scandal

Deemed Suspension

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

Who can suspend?

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

Suspension-Consequences

- Suspension orders Standardized & Prescribed in G.o.Ms 411 GAD Dt. 20.7.93
- Subsistence Allowance will be paid.
- Suspended employee shall not take up any other employment.
- Can not move out of Head Quarters
- Not entitled for TA&DA
- Resignation will not be accepted.

Minor penalties (Rule 9)

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

Major penalties(Rule 9)

(vi) Withholding increments of pay with cumulative effect.

(vii)(a)Reduction to a lower stage in the time-scale of pay for specified period

- To earn increments or not during the period of reduction
- Reduction will or will not effect future increments

(b) Reduction to a lower time scale of pay, grade, post or service

- Bar to promotion to that from which he was reduced
- With or without direction for restoration to that from which he was reduced
- His seniority and pay on such restoration

Major penalties (contd)

- (viii) Compulsory retirement
 - (ix) Removal from service which shall not be a disqualification for future employment under the Government
 - (x) Dismissal from service which shall ordinarily be a disqualification for future employment under the Government
- (shall be imposed in proved cases of misappropriation, bribery, corruption, moral turpitude, forgery and outraging the modesty of women)

Other penalties (Rule 10)

- (i) Fine on TLGGS enlisted in Appendix-I
- (ii) Suspension not exceeding 15 days on
 - a) Forest guards
 - b) Direct Recruit Police & Spl armed Police.
 - c) Fire Dept. personnel

Only when they can not be inflicted with punishment of the Reduction to a lower grade, post, time, scale, stage in scale of pay etc.,

Disciplinary Cases arise due to

- Complaints
- Misconduct
- Petitions
- Adverse News items
- Audit remarks
- Periodical/Surprise inspections
- Non performance
- In discipline
- In subordination

Essence of TSCS (Conduct Rules), 1964

- DEVOTION TO DUTY
- ABSOLUTE INTEGRITY
- DISCIPLINE
- IMPARTIALITY
- SENSE OF PROPRIETY
- BEST JUDGEMENT
- MAINTAIN PROPER DECORUM WORKING, LUNCH HOURS
- REPORT ARREST OR CONVICTION
- ACT WITH GOVT POLICIES
- OBSERVE COURTESY TO MP/MLA
- MAINTAIN STANDARD CONDUCT IN PRIVATE LIFE
- AVOID HABITUAL INDEBTEDNESS OR INSOLVENCY
- PROMPT & COURTEOUS
- ENSURE INTEGRITY & DEVOTION OF SUBORDINATES
- SUBMISSION OF STATEMENT OF ALL IMMOVABLE PROPERTY & MOVABLE PROPERTY EXCEEDING Rs.1,00,000
- OBTAINING PRIOR PERMISSION IN ACQUIRING OR DISPOSAL OF PROPERTY
- DECLARATION OF FOREIGN CURRENCY/GOODS EXCEEDING Rs.50,000

Essence of TSCS (Conduct Rules), 1964

- NOT TO BEHAVE IN A MANNER
- i UNBECOMING OF GOVT.SERVANTS
- ii.DEROGATORY TO:
 - THE INTERESTS OF THE GOVT
 - THE PRESTIGE OF GOVT.
- iii.EMBARASSMENT TO OFFICIAL POST
- UNMANNERLY ATTITUDE
 - unsuitable ,indecorous, improper
- INSUBORDINATION
- LACK OF DECORUM
- LAZINESS
- CORRUPT PRACTICES
- SHIRKING RESPONSIBILITY

Preliminary Enquiry

- Preliminary Enquiry to be conducted to verify facts in complaints and petitions
- Not prescribed in Rules.
- Assessing prima facie probability and evidence
- No Enquiry required if the complaint is:
 - a) Anonymous
 - b) Pseudonymous
- If allegations are found to be prima facie correct disciplinary Action follows

Enquiry Procedure

- Issuing Charge Memo
- Reasonable opportunity to offer explanation to the Public Servant
- Minor Penalty
- Enquiry to be conducted for inflicting Major Penalty
- Appointing Inquiry officer
- Appointing Presenting officer

Articles of Charge

- Charge should be brief, clear and precise
- Misconduct/ misbehavior to be made out
- Should be preferably drawn in third person.
- A separate article of charge should be framed in respect of each transaction/event or a series of related transactions/ events.
- Each misconduct should be specifically mentioned.
- Multiplication or splitting up of charges in respect of same allegation should be avoided.
- Charge should not contain opinions, presumptions and surmises.
- Charge should not relate to the subject matter which has already been inquired in to and adjudicated.

Inquiry Procedure

- Preliminary hearing
- Engagement of Defense assistant by CO
- Furnishing the statements of witnesses if any recorded
- Permitting the CO to examine documents in the presence of IO

Inquiry Procedure

- Hearing
- Examination-in-Chief of witnesses
- Cross examination
- Re-examination of witnesses
- Recording of depositions
- Recorded statements to be signed by witness and attested by IO
- Adjournment and noting of next hearing

Inquiry Procedure

- Personal hearing to CO if he desires
- Record deposition of CO in his defense if desires
- Submission of written brief by PO
- Final defence Statement of CO
- Inquiry report to be in the form of a statement containing :
 - Articles of charge.
 - Defence statements.
 - Assessment of evidence.
 - Findings.
- Submission to Disciplinary Authority

Inquiry Procedure

- Disciplinary Authority to
 - a) Satisfy himself/herself with the findings and pass appropriate orders
 - b) If procedural lapses are found may be referred back to the IO for re-inquiry
- DA has to take an independent decision based on the facts and with due application of mind
- DA may call for defense of the CO communicating disagreement factors while supplying the enquiry report.

Inquiry Procedure

- Copy of the Inquiry Report shall be communicated to the Charged Officer.
- Receipt of further explanation/defense within 30 days.
- DA shall pass a Speaking order in consultation with TSPSC if required.

Appeal

The Charged officer can prefer

- Appeal
- Revision
- Review

Appeal

Appeal lies against;

- order of punishment
- order of suspension/put off duty
- order denying the benefits under service conditions

Time limit;

3 MONTHS

No appeal/petition can be with held

Revision

- Is a stage after appeal (with in 1 year)
- Power of revision may be exercised by the revising authority suomotu or on application (4 years)
- Authority decided appeal cannot revise his own order
- Except the appellate authority, no time limit for other authorities
 - Appellate authority can work as revising authority if no appeal was submitted

Review

- **Government** can do it at any time
- Review its own order
- Only when new material or evidence is brought to its notice
- Within a period of 3 years

Executive Orders

Executive Orders

- An order issued by the Government in order to supplement and explain the Rules.
- These are very essential to understand the true import of the various provisions.
- These orders cannot amend or supersede the statutory rule by adding something therein.

Principles of Natural Justice

Principles of Natural Justice

- These principles are fundamental in the governance of administration.
- Object is to prevent injustice
- “No one shall be a judge in his own case”
 - The person deciding the matter must not have anything like personal interest in the case.
- “Hear the other side”
 - The accused person must have an adequate opportunity to present his defence and prove his innocence.

Principles of Natural Justice..

Charged officer;

- should be informed of the charges
- should be given reasonable opportunity to offer his explanation
- should be supplied with copies of all relevant documents required to defend his case
- should be allowed to exercise his right to be represented by a defence assistant to defend his case

Principles of Natural Justice...

Charged officer;

- should be given opportunity to cross examine the prosecution witness
- should be given Personal hearing, if he desires so.
- written brief of the presenting officer shall be communicated
- opportunity to be given to submit defense statement
- Inquiry Report should be communicated

Principles of Natural Justice....

- CO Should be afforded reasonable opportunity to make further representation on the Inquiry report
- penalty shall commensurate with/ proportionate to the gravity of offence
- In appeal, if the AA decides to enhance penalty, reasonable opportunity shall be given to CO for being heard
- No double jeopardy

Prescribed Formats (G.O. Ms. No. 411 G.A.D., Dt. 20.07.1993)

- Annexure – I - Form of order of suspension
(Where charge sheet has been issued)
- Annexure – II Form of order of Suspension
(where disciplinary proceedings are contemplated)
- Annexure – III – Form of order of suspension
(Where a case has been registered and is under investigation)

Prescribed Formats

(G.O. Ms. No. 82, G.A. (Ser.C.) Dept., Dt. 1.3.1996)

- Form- I - Non employment Certificate
- Form- II - Articles of Charges
- Form- III - Order of revocation of suspension order
- Form- IV- Appointment of Inquiry Authority
- Form- V - Appointment of Presenting Officer
- Form-VI - Memorandum of Charges for imposing minor penalty under Rule 22
- Form-VII- Minor Penalty proceedings
- Form-VIII- Common Proceedings

What Questions do you have?