

# Reading material on Service Matters

## DISCLAIMER

This reading material was prepared in the year 2000. It should not be quoted as authority in judicial or quasi judicial or any official proceedings. For statutory requirements, only original Acts/Rules and Government orders are to be quoted.

# **CHAPTER- I**

## **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.436GAD(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 30%.

- 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 28 years, which is relaxed up to 5 years for SCs, STs and BCs and up to 10 years for physically handicapped. Relaxed upto 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 upto 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 (1<sup>st</sup> 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 2nd 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 1 st 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 :-

I (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 (SerD) dept-dt. 19.4.2003

- iii. The validity of the panel is from 1 st 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. Review of such panel shall be after six months from the date of Preparation of the panel . The employee who appeared for the departmental special tests before 1st September which is the qualifying date for the Panel year and whose results were announced subsequent to the qualifying date shall be considered as eligible for consideration for inclusion in the Panel by review, if meeting or the D.P.C Screening Committee had already taken place. (Govt. Memo.No. 29114/Ser-D/99-3 GAD at 25.6.99)
- v. Panels need not be prepared if vacancies are not available for that particular year or where the appointing authority does not consider it necessary.
- vi. In the exigencies of administration the Government may however order preparation of panels as frequently as may be necessary.
- vii. 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.
- viii. 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.
- ix. In cases where it is necessary to consult APPSC, (on the recommendation of screening committee) the panels have to

be prepared similarly as above.

- x Inclusion of a candidate's name in any panel shall not confer on him any right for appointment. (Rule .6(b))
- xi 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 with held, 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 subsisting 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 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.
- iii 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 dt6.3.1986).
- 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 incharge 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 to join the new post by proceeding on leave, he shall forfeit his appointment both for present and future for that post.

(Go. Ms No. 340 G.A. (Ser-D) dt. 23-7-1999)

## 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, where the special rules lay down specifically that the principle of reservation in so far as it relates to SCs, STs only shall apply to such services, class or category to the extent specified therein.
- 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 utilisation 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 res.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 possess 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 at page 10—**

- 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 Dpt.  
(W.H.Desk) 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 organisations:

- 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 whether, while sponsoring candidates 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 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 shall 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 the appointing authority which should be based on the 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 conditions are 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 qualifications required 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.(rule20).

### 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 has 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 appointment to such 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 treaced 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 utilise 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 of 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 organised 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 to serve 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. Deviation of these instructions result in disciplinary action (Govt. Memo. No.864/ Ser.A/85-1GAD 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 offices situated in capital city/ District head quarters/ other places, respectively and employees shall be given postings to these places on rotation. (G.O.Ms.No.531 ,GAD(Ser.A) dept, dt 23-9-1989)
- e. If there is a grievance against a transfer ordered, 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 (GO.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 gazetted 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 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 in public interest and where he considers the application of such rule or rules would cause undue hardship to the person or persons concerned. However, such relaxation cannot be granted in regard to 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 canceling 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. RE ALLOTMENT OF CANDIDATES SELECTED BY APPSC

Should be with mutual consent of the appointing authorities concerned and with the consent of the APPSC. Such reallotment shall be strictly in conformity with the provisions of the A.P. Public Employment Organisations 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 Gl.Adm. (Ser-C) Dpt. dt. 18-5- 1999:

“Notwithstanding anything contained in the Andhra Pradesh State and subordinate Service Rates 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

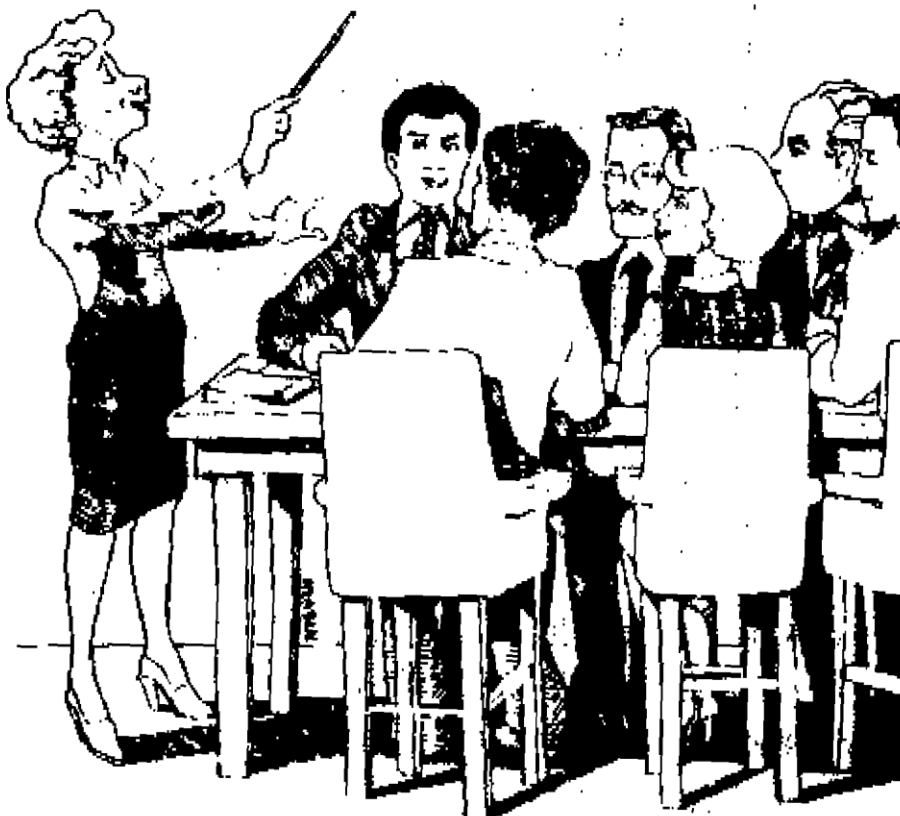
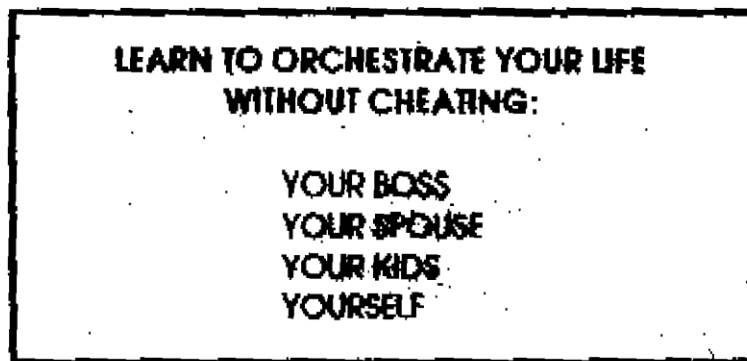
category i.e. Promotion or appointment by transfer involving promotion to a post above the one held by him or her if they could not get even one promotion after their initial appointment.

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.

## CHAPTER-II



**Courtesy: Balancing Home & Career, By Pamela J. Conrad**





# FUNDAMENTAL RULES AND SUBSIDIARY RULES OF A.P. GOVERNMENT

## INTRODUCTION

1.1 The Fundamental Rules apply to all Government Servants paid from the consolidated fund of the State. They deal with service aspects relating to Government servants such as the General Conditions of Service, Pay, Pay fixations, Increments, additions to pay, combinations of appointment, Dismissal, Removal and suspension, Retirement, Leave Joining time and Foreign Service etc. The Power of Interpreting these Rules is reserved to the Government.

1.2 Some of the important definitions in these Rules are, as follows (F R. 9)

Duty : Service in a post, Joining time, authorised course of training, Compulsory wait treated as such by competent authority, periods of enforced halts enroute on tour, CL etc., are treated as Duty.

Pay : (i) Basic Pay (ii) Special Pay (iii) Personal Pay (iv) Additions to pay granted under FR 49.

Foreign Service : means Service in a post where the Govt. servant draws his pay from a source other than the consolidated fund of the state.

Personal Pay : means additional pay granted to save the employees from loss in Substantive pay or on personal grounds like family planning incentive increment.

1.3 The whole time of a Government Servant is at the disposal of Government and he may be employed in any manner required

by proper authority without claim for additional remuneration (FR11)

- 1.4 **Lien** : The concept of confirmation has been amended in G.O.Ms. No. 633, G.A. (Services) Departments, dt. 8-11-89. Confirmation is delinked from availability permanent post Confirmation can be done against a temporary post in the initial post after satisfactory completion of probation.

No person can be appointed regularly without a Medical Certificate of health as provided under FR 10.

- 1.5 Government may transfer a Government servant from one post to another (FR 15).
- 1.6 A Government servant may be required to subscribed to a provident fund or similar funds (FR 16).
- 1.7 No Government servant shall be granted leave of any kind for a continuous period exceeding five years. Wilful absence from duty not covered by grant of any leave will be treated as a 'Diesnon' for all purposes viz., increment, leave and pension.
- 1.8 Interruption between two or more spells of service shall be treated as automatically condoned without any formal orders of the sanctioning authority, excluding however the periods of Interruptions themselves (FR 18).

- 2.1 **PAY FIXATIONS** : Following are some of the circumstances under which pay fixation arises :

1. First appointment to a post.
2. Revision of Scales of Pay.
3. Promotion to a post carrying higher responsibilities.
4. Reversion to a lower post.
5. Appointment by Transfer to a post outside the regular line.
6. Repatriation to the parent Department from outside the regular line.
7. Substantive appointment to a post not carrying higher responsibilities or to a new post.
8. Automatic advancement.

## 9. Re-employment.

**2.2 GENERAL PRINCIPLES OF PAY FIXATION**

- (i) The provisions under FR 19,22,22-B, 23,26 (aa), 30 & 31 deal with the principles of Pay fixation
- (ii) For purpose of pay fixation only Basic pay is taken into consideration.
- (ii) In respect of Revision of Pay Scales the guide line given by Government for pay fixation each time lay down the principles of pay fixation. In the absence of guide lines pay should be fixed at the same stage in the Revised pay scale and if there is no stage at a next below the stage to the pay drawn in old scale and the difference treated as personal pay to be absorbed in future increments.

**FIRST APPOINTMENT :**

The basic pay is fixed at the minimum of the time scale attached to the post to which an employee is appointed. FR 22 (b)

The pay of a regular Govt.Servant (not appointed under emergency provisions) when appointed directly to another post, under the Govt.on selection by the APPSC, shall be fixed in the new post at a stage which is not lower than the pay drqwn by him is the earlier post. FR 22 a(iv).

**REVISED SCALES OF PAY :**

In respect of Rivision of Pay scales the guideline given by the Govt. for pay fixation each time lay down the principle of pay fixation.

The latest revision has been made in 1999. The revised pay scales of 1999 were introduced we 1.7.98 vide G.O. (P) No. 114 F&D (FW.PC.T) Dept. Dt. 11.8.99.

The option has to be excised either to remain in the old scales or draw pay in the RPS.1999. either from 1st July or from the date on which he earns his next increment in the existing scale of pay, but not beyond 30.6.1999.

Three stagnation increments can be sanctioned beyond the maximum of the scale. G.O.Ms.No.152 dt. F&P (FW-PCI) Dept. dt. 4.11.2000.

**PROMOTION TO A POST CARRYING HIGHER**

**RESPONSIBILITIES :**

Where a Govt. servant is promoted to a higher post (when he is not in Automatic Advancement Scheme) the pay is fixed under FR 22(B). The individual is allowed option to have benefit of this fixation either from the date of increment itself or from the date on which he is entitled for the next increment in the lower post. Option has to be exercised within 1 month from the date of promotion and can be revised only once within a period of 1 year from the date of promotion.

FR22(B)- The pay in the promotion post is fixed at a stage above the national pay which is arrived by increasing the pay in the lower post by an increment.

Eg : An employee drawing a basic pay of 8400/- w.e.f.1.4.2003 in the time scale of pay of Rs.5000-150-5300-170-6150-200-7150-250-8400-300-9900-350-10600 was promoted to the next higher category of scale 6950-200-7150-8250-8400-300-9900-350-11650-450-13900-525-14425 on 15.5.03. Fix his pay on the basis of the option from date of promotion and from date of next increment of lower post.

1. If opted from date of promotion itself.

Date	Payscale of lower post (Rs.5000-10,000)	Pay scale of Higher Post (Rs.6950-14425)
1.4.03	8400	----
15.5.03	8400	9000
Date of Promotion	+300-National Increment <u>8700-National</u> pay	FR22 (B) (Pay fixed at higher stage after the addition of national increments)
1.5.04 Next increment	-	9300 FR26

2. If opted for promotional scale from date of next increment of lower post

Date	Pay scale of Promotion (Rs.5000-10,600)	Pay scale of Higher post (Rs.6950-14425)
------	---	--

## SERVICE MATTERS

## FUNDAMENTAL RULES

1.4.03 8400

15.5.03 --- 8700 FR22 a (i)

Date of promotion

Pay Scale in
lower post
( Rs. 5000-10,600)

Pay scale in
Higher Post
(6950-14425)

1.4.04

8400

+ 300 -- Normal
Incent

9300 FR22 (B)

8700

+300-National Pay fixed at higher stage
---

Incent

after additon of national incremetns

9000-National pay

1.4.05

-

9600 FR 26.s

Next Increment

Note : The date of fixation under FR22(B) in crucial date for grant fo future increments in the higher post.

The pays fixation of the employees who are promoted to a higher post after enjoying 3 stage nation increments in the lower post should be done according to FR 22a (i) and not FR 22 (B)

Cir.Memo.No: 40304/'692/A1/FRII/2001 dt. 31.1.02

The pay fixation of an employee when promoted from a post carving special pay to a post not carrying special pay should be done by merging the special with base pay in the lowe post (G.O.Ms.No.No. : 190 F&P (FW-FRII) Dept. dt. 24.8.98.

This rule shall not apply to the future recruits who are apponted subsequent to the date issue of the above G.O.

**REVERSION TO A LOWER POST**

Reversion may be due to 3 reasons

1. Administrative grounds
2. Penalty / Punishment - FR 28
3. Own request - FR 22 a (iii)

Pay protection is not done in any type of reverssion.

The pay fixation on completion of 8yrs/16yrs of service in the same

post has to be done under FR22a (i) read with FR 31 (2). Hence there is no necessity for exercising option as in the case of FR22(B)

Example :

**APPOINTMENT BY TRANSFER TO A POST OUTSIDE THE REGULAR LINE AND ON REPATRIATION TO THE PAUNT DEPARTMENT**

If an employee is promoted to a higher post outside the regular line, the same principles of pay fixation discussed earlier will apply.

On repatriation to the paunt depature the benefits accrued outside the regular line shall end with the temporary leause.

To avoid sudeen drop, the pay drawn outside the regular line shall be protected treating the excess as personal pay to be merged in future rise in pay on account of grant of increments.

**SUBSTANTIVE APPONTMENT TO A POST NOT CARRYING HIGHER RESPONSIBILITIES**

The employee who is apponted to another post not carrying higher responsibilities will draw as intial pay the stage of the time scale which is equal to his substantive pay in respect of the old post. FR 22 a(ii)

Example :

An employee drawing a bsic pay of 4550 w.e.f 1.4.03 in the scale of pay of 3290-80-3450-100-3950-120-4550-150-5300-170-6150-200-6550 completed 8 years of service on 15.4.03. Fix his pay in the special Grade Post

Scale of 3550-100-3950-120-4550-150-5300-170-6150-200-7150 and indicate the next increment.

	Ordinary Scale	Spcial Grade Post Scale
	3290-6550	3550-7150
1.4.03	4550	
15.4.03	-	4700 FR22a (1)
1.4.04`	-	4850 FR31 (2)
		(Pay fixed in the higher post in consequence to the national increase in the lower scale on the date of next increment)

**AMENDMENTS ISSUED TO A.P. REVISED PENION RULES :**

"Certain amendments were issued to A.P. Revised Pension Rules. Gist of the amendments which were not incorporated in the "Reading Material" is given below. While reading notes on A.P. Revised Pension Rules at pages 103 to 118, these amendments may be taken note of. The page numbers and para nos. at which the material has to be placed consequent on issue of amendments are also indicated".

### 2.2.2 AUTOMATIC ADVANCEMENT SCHEME

	JUNIOR ASSISTANT	ON COMPLETION OF 8
	YEARS	
Date	1745-40-1825-50-2075- 60-2375-75-2750-90-3200- 110-3420	1875-50-2075-60-2375-75- 2750-90-3200-110-3750
1-2-93	2930	
1 -5-93	Completed 8 years	3020 (FR22a-i) (Pay fixed at the next higher stage)
1-2-94	3020/- (Date of next increment in the lower post)	3110(FR31(2)) (Pay fixed in the higher post in consequence to the notional increase in the lower scale on the date of next increment).

On completion of 16 years of service in the same post the same pattern of pay fixation under FR 22a(i) read with FR 31 (2) should be followed.

Employees drawing pay in automatic Advancement scheme when actually promoted to a higher post are not allowed the pay fixation under FR22(B). The pattern of pay fixations as under FR22a (i) read with FR 31(2) is permissible in such cases. The same principles of pay fixation should be followed in regard to the automatic advancement ordered in regard to Revised Pay Scales 1999 vide GO.(P) No 150 fin & pig. Dated. 1-9-99.

## ON PROMOTION TO POST CARRYING HIGHER RESPON-

## SIBILITIES

Where a Government Servant is promoted to a higher post (when he is not in Automatic Advancement Scheme) the pay is fixed under FR 22 (B). The individual is allowed option to have the benefit of this fixation either from the date of increment itself or from the date on which he is entitled to the next increment in the Lower Post.

### 2.2.3 PAY FIXATION ON PROMOTION

An employee Drawing a Basic Pay of Rs 4010 w.e.f. 1 -4-94 in time scale of pay of Rs. 2600-75-2750-90-3200-110-3750-130-4400-160-5200-190-5550 was promoted to the next higher category of 3800-130-4400-160-5200-190-6150-230-7300-280-8140- pm 15-9-94. Fix his pay on the Basis of option from date of Promotion & From date of next increment of Lower Post.

1. If opted from date of promotion itself:

Date	Pay scale of Lower Post of (Rs.2600-5580)	Higher Post (Rs.3200-8140)	Remarks
1-4-94		4010	
15-9-94	+ 130 Notional Increment added FR 22-B 4140	4270	Pay fixed at next higher stage after the addition of notional increment.
1-9-95	.....	4400	Increment

2. If opted for promotional scale from date of next increment of lower post instead of from promotion:

Date	Pay Scale of Lower Post (Rs.2600-5580)	Of higher Post (3200-8140)	Remarks
1-4-94		4010	
15-9-94		4140	Pay fixed under FR 22a(i) at immediate next higher stage.



## SERVICE MATTERS

## FUNDAMENTAL RULES

1-4-95	130 Regular Increment due in Lower Post added		
Date of option	130 Notional increment added on Promotion	4400	Pay fixed at next higher stage FR 22(B)
Total			
1-4-96		4270	
		4560	Increment

Note : The date of fixation under FR 22 (B) is crucial date for grant of future increments in the higher post.

**2.2.4** Fixation of pay of retrenched employees owing to reduction of staff as a measure of economy on their absorption : According to ruling (9) under FR 22 read with G.O 1002, GAD dt.29-11-67, GO 219, Fin. Dt.14-4-72 the pay of those employees absorbed on an identical post or a lower post should be fixed at the minimum of the time scale of the post in which they are absorbed plus grade increments counting the length of previous service in the equivalent and higher grade, provided they have not received any pension or gratuity or if received have returned the same either in lumpsum or in installments as prescribed by the appointing authority. Otherwise only the minimum of the time scale should be allowed. If the pension and gratuity already received are refunded, previous service before retrenchment will be counted for pension to the extent admissible. But the leave at credit shall not be allowed to carry over, to the leave account of service after absorption.

**3.1** In G.O.(P)No.150, Fin & Pig (FW PRC.II)dt.1-9-99 Government introduced a new automatic advancement scheme in the Revised Pay Scales of 1999 w.e.f 1-7-98. The scope of applicability of this scheme is limited to the employees drawing pay in the scale of Rs. 7400-15475 and below. The main features of this scheme are as under.

**3.2.1.** On completion of eight years of service which counts for increment an employee shall be eligible for special grade scale which is usually a scale next above the ordinary pay scale of the post.

- 3.3.2 On completion of 16 years of service which counts for increments and if the employee is fully qualified to be promoted to the higher post he shall be eligible for the pay scale of next promotional post, if there is one. If there is no promotional post under the relevant service rules, the employee is eligible for the scale of pay next above the Special grade post (special Promotion post scale/ special Adhoc Promotion post scale)
- 3.4.3 On completion of 24 years of service which counts for increment an employee shall be sanctioned one increment in the existing scale that is SPP scale/ SAPPs as the case may be which is in addition to normal increment. In case of employees whose date of normal increment is different from this date of completion of 24 years of service, the date of next increment will be after completion of one year of service from the date of drawal of increment allowed on completion of 24 years of service.
- 3.5 The benefit of Automatic advancement scheme will be withdrawn if the employee relinquishes his right to promotion. Similarly persons appointed to lower post at request are also not eligible for the Automatic Advancement scheme (Memo No.007/375/PRC I/88, dt.26-10-1988).

## INCREMENTS

- 4.1 According to rule 24 increments shall ordinarily be drawn as a matter of course unless it is withheld. Increment can be withheld if the conduct of the employee has not been good or his work was not satisfactory. Presence of orders is necessary for withholding an increment. If no orders withholding increment are received by the drawing officer he should draw the increment by enclosing an increment certificate to the pay bill, unless it is an increment due on declaration of probation or passing of a prescribed test which can be drawn only after issue of orders declaring the satisfactory completion of the period of probation or the passing of that test.
- 4.2 Rule 26 lays down the conditions under which service counts for increment. According to this rule service in a post including leave counts for increment except the following periods.

1. Periods of suspension treated as not -duty. If suspension is for misconduct, service proceeding suspension also will not count for increment (Note 5 under rule 24)
2. Periods of EOL taken for reasons other than illness on MC., causes beyond the control of employee or for prosecuting higher studies. Specific orders are necessary for counting EOL taken for the above 3 reasons for increment. Powers delegated to heads of departments for a period not exceeding 6 months.
3. Over stayed of leave not regularised (Ruling 2 under rule 26(b))
4. Service in a lower post (Ruling 9 under rule 26 (b))
5. Break in service due to discharge (Ruling 9 Note 2 under rule 26).
6. Periods of leave or deputation during which the employee would not have continued in that post but for leave or deputation ( Rule 26 (1)).

Increment will be drawn from the first day of the month in which it falls due ( G. O 133, Fin. dt. 15-7-74, G. O. 192, Fin. dt. 1-8-74 and Memo No. 4964-A/2111/FR-I1174-1, dt. 6-10-74).

## 4.3 INCENTIVE INCREMENT FOR FAMILY PLANNING

**OPERATIONS** (G.O. MS. NO.52, M&H DT.23-1-84)

Employees or their spouses who undergo family planning operation are eligible for one advance increment subject to the following conditions.

1. The number of living children should not be more than 2 (G.O.377, HM 7FW dt.25-11-86 from 25-11-86).
2. The rate of increment is the rate of next increment due after operation and this amount is treated as personal pay to be drawn at that rate through out service as a separate entity.
3. Husband should be below 50 years of age and wife between 20 years and 45 years of age.

4. Sterilization etc., should be in Govt. Hospital. If operated in private hospital, the certificate should be countersigned by a Govt. Doctor not below the rank of Civil Asst. Surgeon within 5 days from the date of operation.
5. Increment should be allowed from the 1st of the month following the date of operation.
6. Operation should be while in service.
7. if both wife and husband are employees only one can draw the p.p at their choice.
8. Personal pay should be withdrawn from the date of recanalisation
9. Personal pay is not admissible for Hysterectomy.

## COMBINATION OF APPOINTMENTS (RULE 49)

The State Government (powers delegated to head of departments for a period up to 3 months vide delegation 1. under rule 4 read with G.O.282, Fin&Plg (Fin FR1)dt.11-8-77) may appoint a Government servant as a temporary measure to officiate in two or more posts. The order should declare whether he officiates, or holds full additional charge or merely to discharge current duties of the additional post. The second post should be distinct or separate and not subordinate to the first post. Additional pay should also be sanctioned by the above authorities.

1. If appointed to officiate in a second post and to hold full additional charge of his own post. The highest pay to which he would be admissible if appointment to one of the posts stood alone and in addition 1/5th of his substantive pay or 1/2 the minimum of the scale of the 2nd post whichever is less. He may draw compensatory allowances, if any of the second post in full and if CA is attached to both the posts larger of the two.

2. If he holds full additional charges of a 2nd post in addition to his own. Additional pay for the additional post @ 1/5 of his substantive pay or 1/2 the minimum of the additional post whichever is less. CA is in the above case.
3. If he discharges only current duties of second post in addition to his one: Additional pay not exceeding @ 1/10th of his substantive pay or 1/4th of the minimum of the 2nd post and CA of his own post.
1. The additional pay at the above rates is admissible for the first 3 months of additional charge and at half those rates for another 3 months and thereafter no additional pay. Heads of departments can sanction the additional pay for first 3 months and for the period in excess of 3 months sanction of Govt. Is necessary (vide instruction 2 under FR 49).
2. Additional pay is admissible if the full additional charge is held for a period exceeding 14 working days excluding optional holidays, and casual leave, if any, and in respect of current duties one month (vide instruction 2 and rulings 8&9 of FR 49).

## PAY ADMISSIBLE IN CASE OF PUNISHMENTS

- 61 Government or any other authority to whom such powers are delegated can impose the punishments detailed in rule 9 of the A.P. Civil Service Classification, control & appeal) rules in respect of the employees subordinate to them. The effect of these punishment on pay and allowances of the employees are dealt with in FRs 25,29 (i), 29(ii), 29-A, 52,53, 54-A and 54-B.
- 62 Fundamental Rule 24 requires that the punishment of withholding increment should specifically state about the following issues.
  1. Period for which it is withheld.
  2. Whether the postponement shall have the effect of postponing future increments.
  3. Whether the period of stoppage will be exclusive of any interval spent on leave before the period of punishment is completed (Not applicable if the stoppage of increments is with cumulative effect)

## 4. Whether the stoppage will effect pension.

The effect of the order withholding increment is that the officer remains on the same pay for the period for which stoppage is ordered. If the order withholding increment does not state that it shall have effect of postponing future increments it shall be assumed that the officer's pay is restored to what it would have been had his increment not been withheld from the next natural date of increment (without cumulative effect).

An illustration how the pay is regulated during the period of above punishment is given below:

Next increment stopped for a period of one year in the scale of Rs.1975-50-2075-60-2375-75-2750-90-3200-110-3750-130-4010 while drawing a pay of Rs.2,750/- from 1.2.93 (order issued on 1.3.93)

Date	without cumulative effect	with cumulative effect	Remarks
1.2.93	2750	2750	
1.2.94	2750 (increment not released)	2750	(Increment not released)
1.2.95	2930	2840	(Since stoppage is with cumulative effect, one increment is permanently not given)

63

If the punishment is to reduce the pay to a lower stage in his time scale, the pay is regulate under FR 29(I). This order of punishment shall state.

1. The period and the date for which the punishment be effective
2. Whether on restoration, the period of reduction shall operate to postpone future increments.

3. The stage to which the pay is reduced.

This order of punishment cannot be for an unspecified period or as permanent measure.

6.4. The pay during and after the period of punishment will be regulated as follows:

Pay reduced by two stages from Rs 2750/- to 2600/- in the scale of Rs. 1975-50-2075-65-2375-75-90-3200-110-3750-130-4010 for a period of 2 years from 1.4.93.

Date	Reduction shall not operate to postpone future increments Ruling (1)(b)(i)	Reduction shall operate to postpone future increments Ruling 1 (b) (ii)	Remarks
1.1.93	2750	2750	
1.4.93	2600	2600	Date or order of punishment
1.1.94	2600	2600	
1.1.95	2600	2600	
1.4.95	2930	2750	On completion of the period of punishment

7.1 In case of suspension pending enquiry the employee is eligible (FR 53) for subsistence allowance equal to leave salary on half pay, plus dearness allowance on the basis of such leave salary. Other compensatory allowances on the basis of pay which the employees as in receipt on the date of suspension subject to furnishing of a certificate that he is not engaged in any other employment, business, profession or vocation.

7.2 If the period of suspension exceeds 3 months the authority is competent to increase the subsistence allowance, for any period subsequent to the period of 3 months, suitably by an amount not exceeding 50% of such allowance if the suspension has been prolonged for, the reason not directly attributable to the employee and may reduce it by 50% for

the reasons directly attributable to the employee. The rate of dearness allowance will be based on such increase or decrease in subsistence allowance. A second or subsequent review can be made at any time at the discretion of the competent authority and the subsistence allowance can be increased or reduced by 50% of the allowance originally granted based on the reasons already explained.

- 8.1 FR 54,54-A and 54-B deal with the regulation in case the orders of dismissal, removal, compulsory retirement and suspension are set aside and the employee is reinstated on appeal or review. In cases where the reinstatement is ordered on appeal or review, the competent authority should first decide whether the employee is fully exonerated or not of the charges which resulted in his dismissal, removal or compulsory retirement/ whether the suspension is justified or unjustified. The Competent authority should also state whether the period of absence is treated as duty or not duty. The period treated as not duty cannot be treated as leave to which the employee is entitled without the request of the employee. If the employee is fully exonerated or suspension is unjustified the period of absence should be treated as duty and in other case as 'not duty'. In case where the period is treated as duty, the employee is entitled for full pay and allowances which he would have received had the punishment not been imposed. However if the competent authority is of the opinion that the delay in reinstatement is due to the reasons directly attributable to the employee, payment of a portion of pay and allowances not less than subsistence allowance and other allowance can be ordered after giving opportunity or representation to the employee and after considering such representation.

- 8.2 If the period of absence is treated as 'not duty' the employee is eligible for subsistence allowance. However where the competent authority is of the opinion that the delay in reinstatement is not for the reasons directly attributable to the employee, he can order for the payment of a portion of pay and allowance not less than subsistence's allowances and other allowances after giving opportunity for representation and after considering such representation.



- 8.3 Where the dismissal, removal, compulsory retirement or suspension is set aside by a court of law on merits of the case and the employee is reinstated without further enquiry the period of absence should be treated as duty for all purposes and he shall be paid full pay and allowances which he would have drawn had the punishment not been imposed.
- 8.4 If the case is set aside for non compliance of the provisions of clause (2) of article 311 of the Constitution of India or the employee is not exonerated on merits, the period of absence should be treated as “not duty” and the payment of pay and allowances for the period of absence, not less than subsistence allowance and other allowances, should be specially ordered by the commission of a major penalty, but if it ultimately results in a minor penalty, still the period of suspension is to be treated as not duty.
- 8.6 Where the period of absence which is treated as “not duty” is converted as leave at the request of the employee the amount of subsistence allowance etc., already paid should be adjusted from the leave salary and the excess, if any, should be recovered (instruction 2 under FR 54).

## 9. PAY DURING JOINING TIME (RULE 107)

1. Joining time is treated as duty and the employee is entitled to pay drawn by him in the old post before handing over charge and in addition DA, HRA & CCA as applicable at old station. Conveyance allowance, FTA are not admissible during joining time (Clause (a) of FR 107 as amended in G.O. 84, Finance dt 15-4-81)
2. During joining time after leave with allowances, joining time pay equal to leave salary (Clause (b) (ii) of rule 107)
3. Where transfer of charge consists of inspection of several stores or scattered works by both the officers, the relieving officer is treated as on duty (Ruling (1) under FR 107)

## 9.1 JOINING TIME IS COMPUTED AS FOLLOWS

- (i) a) For preparation : 6 days.
- b) For journeys : By rail - 500 Km  
By Motor Vehicle -150 km /

Besides the above one Sunday is permissible.

- (ii) When there is no change of Residence as a sequel to the Transfer, only one day is allowed (FR 106)

## 10. FOREIGN SERVICE

While a Govt. Servants is in Foreign Service (FR 115) contributions towards the cost of his pension and leave salary should be collected from the foreign employer as per the scale prescribed under for 115. If there is delay in payment of the contributions interest at 7.3% should be collected on the contributions from the foreign employer.

(F.R. - 116)

Note :- For the purpose of contribution for pension, Government servants have been classified in the four grades.

Corresponding Government of India classification	Pay range under the State Government in Revised Pay Scales 1993
Group - A	(i) Posts carrying a pay scale of Rs. 4400-7800 and above.
Group - B	(ii) Posts carrying a pay scale of Rs. 3110-6380 and above but below Rs. 4400-8700.
Group- C	(iii) Posts carrying a pay scale of Rs. 1745-3420 and above but below Rs. 3110-6380.
Group - D	(iv) Posts carrying a pay scale below Rs. 1745-3420.

in G.O. Ms. No. 34, Finance (FR-I) Department, dated 13-02-1968, orders amending rates of pension contribution payable during the active foreign service have been issued. The amendment came into effect from 01-04-1967.

## ANNEXURE - 'B'

### A. Rates of monthly contribution of pension effective from 1<sup>st</sup> July, 1982.

Year of Service	Rates of monthly contribution expressed as percentage in the maximum monthly pay of the post in the officiating / substantive grade, as the case may be held by the officer at the time of proceeding on foreign service			
	Group 'A'	Group 'B'	Group 'C'	Group 'D'
0-1 Year	7%	6%	5%	4%
1-2 Year	7%	6%	6%	4%
2-3 Year	8%	7%	6%	5%
3-4 Year	8%	7%	7%	5%
4-5 Year	9%	8%	7%	5%
5-6 Year	10%	8%	7%	6%
6-7 Year	10%	9%	8%	6%
7-8 Year	11%	9%	8%	6%
8-9 Year	11%	10%	9%	7%
9-10 Year	12%	10%	9%	7%
10-11 Year	12%	11%	10%	7%
11-12 Year	13%	11%	10%	8%
12-13 Year	14%	12%	10%	8%
13-14 Year	14%	12%	11%	8%
14-15 Year	15%	13%	11%	9%
15-16 Year	15%	13%	12%	9%
16-17 Year	16%	14%	12%	9%
17-18 Year	16%	14%	13%	10%
18-19 Year	17%	15%	13%	10%
19-20 Year	17%	15%	13%	10%
20-21 Year	18%	16%	14%	11%
21-22 Year	19%	16%	14%	11%
22-23 Year	19%	17%	15%	11%

Year of Service	Rates of monthly contribution expressed as percentage in the maximum monthly pay of the post in the officiating / substantive grade, as the case may be held by the officer at the time of proceeding on foreign service			
	Group 'A'	Group'B'	Group'C'	Group'D'
23-24 Year	20%	17%	16%	12%
24-25 Year	20%	17%	16%	12%
25-26 Year	21%	18%	16%	12%
26-27 Year	21%	18%	16%	13%
27-28 Year	22%	19%	17%	13%
28-29 Year	23%	19%	17%	13%
29-30 Year	23%	20%	18%	13%
Over 30 Year	23%	20%	18%	14%

**B. Rates of monthly contribution for leave salary**

Percentage of pay drawn in foreign service, All

Classes of Government servants subject to

A.P. Leave Rules, 1993..... 11%

**11. SERVICE REGISTERS**

The detailed instructions relating to maintenance of Serving Registers as per Annexure II, part III of Fundamental Rules should be followed. Every Govt. servant should be shown his Service Register every year and in token, his Signature obtained in the service book. A periodical to this effect should be sent to the immediate superior by the end of every September.

Service Register should contain every step in a Govt Servant's official life, including temporary and officiating appointment, promotion of all kinds, regularisation and completion of probation, increments, transfers and leave. Annual Services Verification certificate should be recorded in April each year. The service register should contain all events in the career of the employee. Mention about character should not be made. They should be kept in the personal custody of the Head of the Office.

The format of the Service Book has been revised in G.O.Ms. No. 200 Fin and Pig D 10-12-99 which provides for elaborate details concerning the employee and his career.

The Page No 1 :- Name & Designation of Employee Page No 2 & 3 :- Index

Page No 4 & 5 :- Bio date of employee at the time of Joining into service-including Identification particulars and his Photograph

Page No 6,13, 53 to 57 ; 65 to 68; 75 to 77 meant for continuation entries

Page No 7 :- Particulars of previous service

Page No 8 :- Examinations Qualifications

Page No 9 :- List of family members

Page No 10 :- Nomination to Group Insurance

Page No 11 :- Home town Declaration and options for Fr 22 (B) pay fixations

Page No 12 :- Service pension Nomination

Page No 14 to 15 :-Appointments, promotions & Revisions

Page No 16 &17 :- Service regularisations and Declaration of probations

Page No 18 to 25 :- In cumbancy particulars

Page No 26 to 35 :- Pay, Increments, fixations

Page No 36 :- Check list for service verifications

Page No 37 to 40 :- Verifications of service

Page No 41 to 50 :- Memo of leave account Including availment and sanction Particulars

Page No 51 to 52 :- E 6 L, Dies non & Break in service

Page No 58 to 60 :- Memo of Andhra Pradesh Group Insurance Service

Page No 60, 61 to 62 :- G.P.F and A P G L I

Page No 63 to 80 :- Incentive increments L.T.C, availment, automatic advance increment Departmental trainings tests passed, Property particulars.

**HERE IN LIES THE TRAGEDY OF THE AGE,  
NOT THAT MEN ARE POOR -  
ALL MEN NEW SOMETHING OF POVERTY;  
NOT THAT MEN ARE WICKED -  
WHO IS GOOD ?  
NOT THAT MEN ARE IGNORANT -  
WHAT IS TRUTH?  
NAY, BUT THAT MEN  
KNOW SO LITTLE OF OTHER MEN.**

**-WEB DOUBOIS**

# CHAPTER - III

## ETHICS AND SOCIAL RESPONSIBILITY

### THE MALAISE

Max Weber a German sociologist described for the first time to the history of Bureaucracy, its institutional qualities, characteristics and suggested an ideal Rational organization for this institution.

### BRIEFLY STATED

1. Bureaucracy is a hierarchically organized body of human beings who are operating under set codes, rules and regulations and paid for their work, who are subject to constant internicine problems; who are neutral, rulebound (precedent-bound often) and secretive (there in lies its power).
2. It has a rational objective for its existence and a rational manner for its performance.
3. The members of this organization are aiming constantly to improve themselves, their status and emoluments.

### DYS-FUNCTIONAL

Prof. Robert Merton calls dys-functionalism a characteristics of Bureaucratic organization. By that he means that a function performed by a Bureaucrat becomes counter productive or produces bad results which are the antithesis of their objective. Complicatedness, Corruption, dilatoriness, beating about the bush are now an accepted way of life with Bureaucracy all the world over. It is a question of degree in most countries, more so in developing economies.

## THE NEED: SOCIAL RESPONSIBILITY

Every Bureaucrat has a responsibility to society. The Directive Principles of State Policy in our Constitution clearly give a purpose and directions to both Central and State Governments. Hence, the need for commitment to service of common man and development of the country. An ideal servant is one who:

- a. Understands the weakness of himself and his system and works in order to overcome it in the most effective manner for which he has at his command both ancient and modern tools (concepts and techniques).
- b. Acts as 'change-agent' to help the people of the country who are often steeped in old and useless (often dangerous) traditions in agriculture, social behaviour (bonded labour for eg.) etc.
- c. Optimizes the scarce resources that are at his command and allocates them towards long, medium, and short-range betterment of people's lot (for eg. Education is a long range input, employment is a short range input) by reducing inequalities.
- d. Innovates and finds solutions rather than complains.
- e. Brings in a climate of cooperation and goodwill through a helpful attitude and achieves his objectives through quick decisions.

## THE SOLUTION

The Bureaucrat must aim at

- a. Better training of himself and his staff.
- b. Developing a sense of social and ethical responsibility.
- c. Managing laws, rules and regulations to enable him to perform tasks legally.
- d. Developing enormous patience and affection for the down trodden and even anger at those evil sections of society which keep at check Government's efforts to reduce social inequalities (Black-moneyed man, Hoarders, Smugglers and like).



Ethical behaviour goes beyond a normatively moral behaviour (which no doubt is very important). It involves an extra over way of life where a bit of preaching is added to a lot of practicing of the 'brotherly spirit' so that his authority helps him to implement in practice what the concepts preach.

#### SOCIAL RESPONSIBILITY OF CIVIL SERVANT IN INDIA

Mahatma Gandhi once said that all the Industrialists were to regard themselves as holders of trust for the nation. A civil servant also must adopt this maxim for his existence. Civil Services help Governments to make laws and implement them:

- a. For preventing concentration of wealth and monopolistic and restrictive trade practices (M & RTP Act).
- b. For setting up controls in vital sectors of the economy such as Industry (Eg. Industry Regulation Act), Food and Civil Supplies (Essential Commodities Act, Agriculture, Fertilizers, seeds and pesticides quality control measures).
- c. For a better and equitable distribution of assets through measures like (i) Land Reforms (ii) Subsidised Infrastructure building and subsidies for weaker sections and areas of society (iii) Reservation quotas, scholarships in educational institutions and employment (iv) Minimum wages laws.

All these objectives and tasks need a committed civil service.



I

*When the last great scorer comes  
to write against your name, Me  
writes not that you had won or lost,  
but how you conducted yourself in a  
just and equitable way the game of  
life....*

**- Rig Veda**

# **CHAPTER - IV**

## **MAXIMS FOR**

### **PUBLIC SERVANTS**

#### **I. YOU AND YOUR JOB**

1. You are a public servant.
2. Effect of any action on the people should never be over looked.
3. Do not forget the human aspects of administration
4. Be action minded.
5. Be constructive.
6. Collect and master the details and the facts without being their slave.
7. Take scrupulous care of accounting for public funds.
8. Take adequate care in using of government property.
9. Follow rules but do not become their slave.
10. Value official reports, informal discussions and personal visits.
11. Make regular and thorough inspections.
12. Note the importance of following up of orders or actions.
13. Pick the right man for the right job.
14. Do not neglect uninteresting, unimportant or routine work.
15. Recognise the importance of arriving at quick decisions.
16. Give a patient hearing to all the parties.
17. Not merely do justice, but people should know that justice is done.

#### **II. YOU AND YOUR CO-WORKERS**

1. Pick the right man for the right job.

2. Maintain the dignity and self confidence of your subordinate.
3. Commend freely and openly, but rebuke sparingly and secretly.
4. Be objective, responsible and just in confidential reports.
5. Do not let down your colleagues.
6. Put yourself in the other persons shoes.
7. Do your own job and let your subordinates do their own.

### III. YOU AND THE PUBLIC

1. You are the servant of the people
2. Always visualize what impression your actions and orders will make on the people.
3. Administration deals with human beings.
4. Seek public esteem, not cheap popularity.
5. Public are interested in your achievements, not in your difficulties.
6. Anonymity, an essential virtue.
7. Public esteem is a tremendous moral booster.
8. Justice and duty before popularity.
9. You are a servant of the people, not of any party.
10. Both your justice and integrity should be demonstrable and provable before the public.
11. There is always room for honest differences of opinion.
12. Accessibility, a great virtue in a public servant
13. Public impression a useful corrective to official reports.

### IV. YOU AND THE PEOPLE'S REPRESENTATIVES

1. Find your way though advised selfishly.
2. Remember facts are more important than advice.
3. Loyalloy carry out proper orders and instructions of the political executive.

4. Self interest has a place in public life.
5. Take advice and co-operation from all parties but make your own decisions.

## V. YOU AND YOURSELF

1. Efficiency in action is yoga.
2. Your health is a must for your job.
3. Develop a healthy and cheerful personality.
4. Keep abreast of the times.
5. Your job, worthy of choice by the very best.
6. Just rewards shall not by pass you.
7. To thine own self true.
8. A sense of humor is essential

## VI. FINAL MAXIMS

1. Not merely follow and practice these maxims yourself but train and encourage your colleagues, subordinates or co-workers to do the same.
2. Example is better than precept.

***NONE OF US IS AS STRONG AS ALL OF US***

## CHAPTER-V

# A.P. CIVIL SERVICES (CONDUCT) RULES 1964

### GENERAL

- 1.1 Under the proviso to article 309 of the Constitution of India, which empowers the Governor to make rules regulating interalia, the conduct of Government employees, the A.P. Civil Services (conduct) Rules 1964 came to exist.
- 12 These rules contain the does and don'ts of Government servants.

### SCOPE

- 2 Government employee is defined as any person who is a member of Civil Service of the State of Andhra Pradesh or holds any civil posts under the State or in connection with the affairs of the State, whether he is on duty or under suspension or on leave or on foreign service, either within or outside the State.

### FAMILY

3. These rules are also applicable to the members of the Family of the Government employee. "Member of the Family" includes the spouse, son, daughter, step-son or step-daughter of such employee whether residing with such employee or not and any other person related to and residing with, such employee and wholly dependent on such employee; but does not include a spouse legally separated from such employee or a son, daughter, stepson or; step-daughter who is no longer in any way dependent upon such employee or of whose custody such employee is deprived by law.



#### 4. FUNDAMENTAL RIGHTS OF INDIAN CONSTITUTION

- 4.1 ARTICLE: 14 Equality before law.
- 4.2 ARTICLE : 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- 4.3 Article : 16 Equality of opportunity in matters of Public Employment
- 4.4 Article : 19 Rights to freedom
  - 4.4.1 Freedom of speech and expression
  - 4.4.2 Freedom of assembly
  - 4.4.3 Freedom of association
  - 4.4.4 Freedom of movement
  - 4.4.5 Freedom of residence and settlement
  - 4.4.6 Freedom of Profession, Occupation, trade or Business.

#### 5. RESTRICTIVE PROVISIONS OF CONDUCT RULES

- 5.1 Restriction on constitutional rights
  - 5.1.1 Taking part in politics and elections
  - 5.1.2 Joining of and Forming Associations
  - 5.1.3 Demonstrations and Strikes
  - 5.1.4 Connection with Press and Radio, Criticism of Government
  - 5.1.5 Acquisition and Disposal of Property
- 5.2 Restriction on personal Rights
  - 5.2.1 Private Trade and Employment
  - 5.2.2 Investing, Lending and Borrowing
  - 5.2.3 Collection of Subscription
  - 5.2.4 Acceptance of Gifts
  - 5.2.5 Public Demonstrations



- 5.2.6 Vindication of Acts and Character
- 5.2.7 Canvassing of outside influence
- 5.2.8 More than one marriage
- 5.2.9 Consumption of Intoxication drinks
- 5.3 The ultimate aim of such restrictions which forbid the Government servant to do certain acts is mainly intended to improve the tone of Public Service. The relationship between the Government and the Government servant is governed by the Law of Master and Servant relationship.
- 5.4 A Government servant is expected to maintain a reasonable and decent standard of conduct and not bring discredit to his service by his misdemeanour.
- 5.5 Thus neglect by a Government servant of his wife and his children in a manner unbecoming of a Government servant, may be regarded as a good and sufficient reason to justify action being taken against him.
- 5.6 If the Government were to sit back and permit its officials to commit any outrage in their Private Life, provided it falls short of criminal offence, the result may very well be catastrophic fall in the moral prestige of the Administration.
- 5.7 The State could demand a certain standard of conduct from the Government servant not only while performing their official duties but in their private life as well.
- 5.8. Arguments are often raised to the effect that in view of the complexities of modern life, the consideration of expediency should outweigh the considerations of Honesty. Consideration of expediency may be irresistible at times but their evils are merely to be put up with and not to be extolled or prescribed as standards of life and work.
- 5.9 A Public Officer is not at liberty to amass fortune by taking illegal gratification even though willingly given.

## 6.1 EVERY GOVERNMENT SERVANT SHOULD AT ALL TIMES :

- 6.1.1 Maintain devotion to duty
- 6.1.2 maintain absolute integrity, discipline, impartiality and a sense of propriety.
- 6.1.3 do nothing which is unbecoming of such employee or derogatory to the prestige of Government.
- 6.1.4 not act in a manner which will place his official position under any kind of embarrassment
- 6.1.5 exercise his best judgement in the performance of his official duties except when he is acting under a direction from his official superior.
- 6.2 Integrity is uprightness, honesty or purity.
- 6.3 Devotion to duty is faithful service.
- 6.4 Unbecoming of a Government servant is unmannerly attitude, insubordination, lack of decorum, laziness, corrupt habits, shirking of responsibility and other things which are normally branded as unworthy of a Government servant.
- 6.5 The dictionary meaning of misconduct is given as bad management, mismanagement, culpable neglect of an official in regard to his office. It is a transgression of some established and definite law or a forbidden act. It implies a wrongful intention and not a mere error of judgement. Misconduct is something more than mere negligence. It is the intentional doing of something when the doer knows to be wrong or which he doer recklessly, not caring what the result may be. It is a sufficiently wide expression and covers any conduct which in any way renders a person unfit for his office or is likely to tamper or embarrass the administration. In this sense, grossly improper or unbecoming conduct in public life may also become misconduct and may render an officer liable to disciplinary action.

- 6.6 Moral is concerned with right and wrong or duty which one owes to one's fellow beings or to the society in general.
- 6.6.1 Moral turpitude is a reprehensible Act contrary to the accepted notions of right and customary rule or code of conduct accepted by the society. It would mean anything done contrary to justice, honesty, modesty or good morals.
- 6.7 Corruption includes all improper and selfish exercise of power and influence attached to a Public Officer.
- 7. No Government employee can associate himself with an association, the object or activities of which are prejudicial to the interests of the Sovereignty and Integrity of India or Public Order.
- 8. He should not participate in strike or absent from duty or work without permission, or neglect his duties with the object compelling any superior officer or Government to take or omit to take official action or indulge in demonstrative fast like hunger strike or refuse to receive his pay.
- 9. No gifts can be accepted the prominent exception being a gift of a value of less than Rs. Two hundred from personal friends on ceremonial occasions such as weddings.
- 10. Every Government employee (other than members of last grade service) should, on first appointment to the Government service, submit to Government a statement of all immovable properties whose value exceeds Rs. 20,000/- in the forms prescribed in Annexure-I and II to Sub-Rule 9.
- 11. He should also submit before 15th January of every year, a declaration in the forms given in Annexure I and II of Rule 9 (7) of all immovable/movable property owned, acquired or inherited by him or held by him on lease/or on mortgage, either in his own name or in the name of any member of his family.
- 12. Every Government Servant shall intimate to the competent authority within 15 days from the date of receipt of foreign currency or foreign goods of the value exceeding Rs. 10,000/- from any person by him or by any member of his family or by any person on their behalf.

13. No Government employee should except after previous intimation to the head of the Department acquire or dispose of or permit any of his family member to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise either by himself or through others. If such a transaction is conducted from a private dealer (not a regular or reputed dealer), the previous sanction of the Head of the Department Appointing authority/ Regional Officer/District Collectors/Other District Officers, as the case may be, as specified in sub-rule (10) of rule 9 should be obtained. Same is the case with the movable property exceeding Rs. 20,000/- in value.
14. The violation of above and or any of the following rules of conduct, would be treated as negligence/misconduct and is required to be dealt with under the A.P. Civil Service (CCA) Rules 1991.

## RULE NO. NATURE OF PROHIBITION IN THE CONDUCT RULES

- 3 - B Adopt dilatory tactics or wilfully cause delays
- 93 - C Indulge in sexual harassment with any working women
- 4 - Strikes
- 5 - Demonstrations
- 6 - Acceptance of gifts, services, entertainments, address and other forms of felicitations.
- 7 - Collection of subscriptions or other pecuniary assistance in pursuance of any object.
- 8 - Lending, borrowing and insolvency
- 9 - Acquiring or disposing of immovable or movable property.
- 10 - Indulging in private trade, business and investment.
- 11 - Promotion and management of companies in private capacity.
- 12 - Private employment.

- 13 - Publication of books.
- 14 - Communications of official documents or information
- 15 - Connection with press.
- 16 - Participation in radio broadcast and contribution to newspapers and periodicals
- 17 - Criticism of the policy or action of Government or any other state govt. or central Government.
- 18 - Evidence before any committee, commission or other authority.
- 19 - Taking part in politics and elections.
- 20 - Vindication of acts and character of Government employee.
- 21 - Working with or under relatives in Government service.
- 22 - Employment of a member of the family in a private firm.
- 23 - Government employee not to deal in his official capacity with matters concerning himself, his relatives or dependants.
- 24 - Influencing authorities for furtherance of interests.
- 25 - Bigamous marriages.
- 26 - Dowry
- 27 - Drinking



**Here is the written explanation you wanted for my coming late yesterday, sir!**

# CHAPTER - VI

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

### **PART -1 : GENERAL (RULES 1-3)**

1.1 The ARCS (CCA) Rules 1991 (G.O.Ms. No. 487 GA(Scr. C)Dept, dt 14.9.92) were published in the A.P. Gazette on 1st July 1992. These rules came into force with effect from 1 October 1992. These rules are intended to be applicable to every Government servant who is a member of the Civil Service of the State, whether permanent or temporary, a Government Servant whose services are temporarily placed at the disposal of the Govt. of India, the Government of another state or a company, corporation or organization owned or controlled by Government, or a local or other authority and a Central Government employee, employee of other state Government and Employee of a Local Government of A.P. who is temporarily working with the State Government. These rules define Disciplinary authority as one who wish competent to impose any of the penalties specified in rule 9 or rule 10.

### **PART-II : CLASSIFICATION (RULES 5-7)**

2.1 The Civil services of the state are classified into :

- i) The State service-included in schedule I (Gazetted officers),  
and
- ii) The subordinate services-included in schedule II (Non  
Gazetted employees).

**PART-II : SUSPENSION (RULE-8)**

- 3.1 A member of the service may be placed under suspension from service:
  - 3.1.1 Where a disciplinary proceedings against him is contemplated or is pending, or
  - 3.1.2 Whether in the opinion of the component authority, he has engaged himself in activities prejudicial to the interest of the security of the state, or
  - 3.1.3 Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.
- 3.2 The authorities component to suspend members of state and subordinate services are laid down in rules 12-15.
- 3.3 A Government servant shall be deemed to have been placed under suspension by an order of the authority competent to place him under suspension:
  - 3.3.1 With effect from the date of his detention if he is detained in custody whether on a criminal charge or otherwise for a period exceeding forty-eight hours.
  - 3.3.2 With effect from the date of his conviction if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not immediately dismissed or removed or compulsorily retired consequent to such conviction.
- 3.4 An order or suspension, may at anytime, be modified or revoked by the authority which made the order or by any authority to which that authority is subordinate.
- 3.5 The State Government have prescribed proforma for issuing the orders of suspension in G.O. Ms. No. 411 GA (Ser. C) Dept. dt. 28.7.93 for the guidance of the competent authorities. Similar proforma for continuance under suspension after review, in intervals of six months has been prescribed in Govt., memo No. 904/Ser. C/



67-1 GAD dt. 29-5-1967. The checklist prescribed in Govt. Circular Memo No. 56183/ Ser-c/99 GAD dated 15-10-99. should be kept in view.

- 3.6 The object of placing an officer under suspension is generally to facilitate easy collection of evidence from witnesses who may hesitate to depose against an officer so long as he is in office, or to prevent an officer from tampering with witnesses or records. In many cases it is not quite necessary to keep the officers under suspension after a certain period.
- 3.7 The circumstances in which a disciplinary authority may consider it appropriate to place a Government servant under suspension as indicated by the Government, are detailed below. These are only intended for guidance and shall not be taken as mandatory.
- 3.7.1 Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (eg. apprehended tampering with witness or documents).
- 3.7.2 Where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working.
- 3.7.3 Where the continuance in office of the Government servant will be against the wider public interest other than those covered by (1) and (2) above, such as, there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals particularly corruption.
- 3.7.4 Where allegations have been made against the Government servant and the preliminary inquiry has revealed that a prima facie case is made out which would justify, his prosecution or his being proceeded against the departmental proceedings and where the proceedings are likely to end in his conviction and/ or dismissal, removal or compulsory retirement from service.

- 3.7.5 In the first three circumstances, the disciplinary authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prima facie case has been established.
- 3.7.6 Certain types of misdemeanor or where suspension may be desirable in the four circumstances mentioned are indicated below:
- 3.7.7 Any offence or conduct involving moral turpitude.
- 3.7.8 Corruption, embezzlement or misappropriation of government money, possession of disproportionate assets, misuse of official powers for personal gain.
- 3.7.9 Serious negligence and dereliction of duty resulting in considerable loss to Government.
- 3.7.10 Desertion of duty
- 3.7.11 Refusal or deliberate failure to carry out written orders of superior officers.
- 3.7.12 In respect of the types of misdemeanor specified in (9) (10) & (11) above, discretion has to be exercised with care.
- 3.8 It should also be considered at an early stage whether sending the officer on leave (if he is willing to take it) will not be suitable step to take. This of course, will not apply in all serious cases where there is good prima facie case.
- 3.9 The authority competent to suspend the Government servant, while issuing the orders of suspension should invariably mention in the said order the subsistence allowance which should be paid to the Government servant concerned. The order of suspension cannot be given with retrospective effect. Every order, notice and the other process made or issued under these rules (Vide rule 42) should take effect only from the date of:
- 3.9.1 Service of that order on the delinquent by delivering or tendering it in person, if he is on duty.

- 3.92 Communication of that order to the delinquent by registered post to the address given by him, if any or of his usual place of residence.
- 3.93 Publication in the A.P. Gazette, if it cannot be so served or communicated.
- 3.10 Where a Government servant is suspended, he is free to go wherever he likes, but he must leave address with the head of the office, or if he is himself the Head of the office, with his Immediate superior. He must also leave his address with the officer, if any, holding an inquiry into his conduct. He must obey all orders to attend any inquiry into his conduct and if he fails to do so, the inquiry can be held in his absence.
- 3.11 A member of a service who is deemed to have been suspended by an order of the competent authority if he is detained in custody on a criminal charge or otherwise, for a period exceeding forty- eight hours, and if such a Government servant is released on bail, the competent authority may revoke the orders of suspension and admit him to duty or grant him leave during the period, if applied for by him, if the said authority thinks fit to do so having regard to the nature of the charge and other circumstances of the case. The mere fact that the member of the service has been granted bail, does not give him a right to be restored to duty.
- 3.12 When a penalty of dismissal, removal or compulsory retirement imposed on a member of a service who has been placed under suspension is set aside in appeal or review or by a decision of a court of law and further inquiry or action is contemplated shall be deemed to have continued under suspension from the date of the original order of dismissal, removal or compulsory retirement until further orders.
- 4.1 The authorities which are empowered to suspend certain members of state services are specified in rule 13. Where no such specific provision is made the concerned regional authority if any is competent to suspend members holding initial Gazetted Posts. The

Head of the Department is competent to suspend members holding second level Gazetted posts. If there is no Regional authority, the Head of the Department can exercise his power in respect of both the initial and second level Gazetted Officers. In the absence of specific provision, the immediate superior Gazetted officer vide 14 (1) (a) or higher authority including appointing authority or any highest authority (including Government) is competent to exercise this power of suspension in respect of subordinate services.

- 42 In trap cases, the Government servant should be suspended immediately after the trap basing on the preliminary report of the Anti Corruption Bureau. If there is likely to be any interregnum between the trap and the actual relief of the trapped officer after being placed under suspension, the competent authorities should consider whether the officer could be transferred immediately so that material evidence is not destroyed and the arrangements should be made to relieve trapped officer forth with.
- 43 In disproportionate assets cases, the accused officer need not be suspended immediately following the registration of the cases. But he may be transferred to a far off non-local post to avoid likelihood of his tampering with the records and influencing the witness.
- 44 If, however, the Anti Corruption Bureau finds during investigation that there is reasonable ground for believing the accused officer has deliberately failed to co-operate with the investigating agency or that he is trying to tamper with the official records or influencing the witnesses or bringing pressure on the investigating officers, it is open to the disciplinary authority to place the accused officer under suspension, at that stage, based on the recommendation of the Anti Corruption Bureau to that effect.
- 45 In cases other than those mentioned above, the disciplinary authority should consider and decide the desirability of placing the

accused officer under suspension, if he is not already under suspension as and when charge sheet is filed against him in the court or where after investigation, it is decided to initiate regular departmental action for imposing any of the major penalties and a charge memorandum is served in this regard.

- 46        The cases of loss and fraud are usually reported to the police and officials involved who are placed under suspension continue to be under suspension till they surrender or are apprehended by the police and prosecuted, resulting in either the case dragging on for a long time or if and when the absconding officials are apprehended and proceeded against, they are required to be paid the subsistence allowance, if they produce a certificate of non-employment.
- 4.7        In such cases, the disciplinary authorities shall take the following action.
- 4.7.1     A certificate should be obtained from the local police authorities to the effect that whereabouts of the officials concerned are not known. This certificate should be placed on record in the connected file.
- 4.7.2     A brief statement of the allegations should be prepared and kept on the file.
- 4.7.3     The disciplinary authority should himself record on the file the fact that the whereabouts of the officials concerned are not known and that the police authorities have also certified to that effect and, therefore, it is not reasonably practicable to hold the inquiry contemplated under Rule 20. The disciplinary authority can then take recourse to rule 25 where there is provision to dispense with the enquiry. Reasons for not holding inquiry should then be recorded in writing and the disciplinary authority issue orders imposing such penalty, as it deems fit. The allegations and charges have to be briefly discussed in the punishment orders. Normally in such cases, the punishment that could be meted out would be either removal or dismissal from service.
- 48        A reference to the report/recommendation made by the higher

authority, Anti Corruption Bureau and Vigilance & Enforcement dept. should be avoided in the orders of suspension issued by the competent authority in order to establish that the competent authority has exercised his power independently.

- 4.9 Where the work and conduct of in emergency employee are not satisfactory he should not be placed under suspension pending inquiry as it involves financial loss to Government nor should disciplinary action be initiated against them but he should be discharged from service in terms of his appointment by an innocuous order so far to avoid complication.
- 5.1 Review of the orders of suspension after a period of every six months should be undertaken as specified below:
- 5.1.1 In the case of Gazetted officers, if the suspension order is issued by the Regional authority the first review after six months will be done by him only. The second and subsequent reviews will be done by the Head of the Department at six monthly intervals. When no Regional authority exists and the Head of the department ordered suspension of first and second level Gazetted officers such order shall be reviewed every six months by him only.
- 5.1.2 If the original order of suspension is issued by Government all reviews including first review shall be done as ordered above except that prior approval of the Government to the result of the review shall be obtained when the review leads to reinstatement before reinstatement orders are issued.
- 5.1.3 In respect of third level and above Gazetted categories of officers, the review of order of suspension, at an interval of every six months shall be done by Government only.
- 5.2 In respect of members of the subordinate service the first review of the order of suspension after six months from the date of issue of orders shall be by the appointing authority. The 2nd and subsequent reviews of the order of suspension shall be by the Head of the department at an interval of every six months. Where the appointing

authority is Head of the department itself, the review of the order of suspension at an interval of every six months shall be by the Head of the department only. Even if suspension is ordered by the higher authority the review shall be done as ordered above, except that the report on the result of review shall be sent to higher authority for information & record.

- 5.3 It may not be desirable to place an officer under suspension for a long period or indefinitely. Therefore, in all cases where a member of service is placed under suspension, action regarding investigation or inquiry as the case may be, should be undertaken on priority basis with utmost speed at all levels keeping in view the limits fixed for the inquiries at all stages and disciplinary proceedings should be finalised and orders issued as early as possible. Even in respect of criminal cases filed in the special courts for SPE and ACS cases, efforts should be made by authorities concerned that the trial is completed at the earliest possible period so that the member of service is not continued under suspension for longer period.
- 5.4 However an outer limit of two years has been prescribed from the date of suspension, failing which the Govt. servant may be reinstated without prejudice to the proceedings being pursued. In exceptional cases, especially where there is deliberate delay caused due to non co-operation of the employee concerned suspension beyond two years can be continued.
- 5.5 Payment of subsistence allowance should not be withheld pending review of suspension.

#### **PART-IV : CONTROL (RULES 9-10)**

- 6.1 Control is sought to be achieved by providing for the imposition of the following penalties on Government servants for their acts of negligence and misconduct. These penalties may be imposed on members of the state and subordinate services for good and sufficient

reasons.

## MINOR PENALTIES

- i) Censure
- ii) Withholding of promotion
- iii) Recovery from pay of the whole or any part of the pecuniary loss caused to the state Government or local authority or corporation, by negligence or breach of orders.
- iv) Withholding of increments without cumulative effect.
- v) Suspension (as a specific penalty) where a person has already been suspended under rule 8.

## MAJOR PENALTIES

- vi) With holding of increments with cumulative effect.
  - vii) Reduction to a lower rank in the seniority list, or to a lower post, not or being lower than to which he was directly recruited, or to a lower time scale not being lower than to which he was directly recruited or to a lower stage in a time-scale.
  - viii) Compulsory retirement
  - ix) Removal,
  - x) Dismissal.
- 62 It is misnomer to consider the minor penalty as of little or no significance. According to G.O. Ms. No. 342 GAD (Ser) dt. 4-8-97, any minor penalty debars promotion for a minimum period of one year. Withholding of increments with cumulative effect bars promotion for twice the Period of stoppage.
- 63 The penalty of fine vide rule 10 (i) may be imposed only on a member of last grade service and holders of other posts specified in Appendix 1 to the rules.



- 64 The penalty of suspension for a period not exceeding 15 days may be imposed on Forest guards, directly recruited members of A.P. Police Subordinate service, A.P. Special Armed Police service and certain categories of A.P. Fire Subordinate Service, vide rule 10 (ii).
- 65 "Censure" is a formal penalty which in the form of reprimand imposed on a person who is guilty of a blame worthy act of omission or negligence.
- 66 Removal of a person does not disqualify him from future employment but dismissal shall ordinarily disqualify him from future employment.
- 67 In every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing of forbearing to do any official act, is established, the penalty of removal or dismissal shall be imposed.
- 68 To improve the tone of administration, the Government have since ordered that in all proved cases of impropriety, forgery, outraging modesty of women bribery and moral turpitude penalty of dismissal shall be imposed.

## AUTHORITIES COMPETENT TO IMPOSE PENALTIES ON GAZETTED OFFICERS

- 7.1 The authorities which are competent to impose certain penalties on some members of the state service are given in rule 11. In the absence of such specific provision in rule 11, the general rule is that every Head of the Department declared to be the appointing authority may impose on any member of the state service holding an initial or second level gazetted post under his control, any of the penalties specified in clauses i to viii of rule 9 (GO Ms. No. 428 GA (Ser. C) dept. dt. 13.10.99. Government alone have the power to remove or dismiss Gazetted officers. Government being a higher authority to the Head of the department can impose any

penalty on Gazetted officers after consultation with the APPSC wherever necessary.

## COMPETENT AUTHORITIES TO IMPOSE PENALTIES ON SUBORDINATE SERVICES (RULE 14)

- 72 The authorities competent to impose certain penalties on members of some subordinates service (Non-Gazetted) are specified in rule 14 and in appendices, II, III & IV. In the absence of such specific provision, the general rule is that the penalties of (i) Censure (ii) Fine (Clause (i) of rule 10) (iii) withholding of increments (Clauses (i) and (iv) of rule 9) can be imposed on a Government servant by his immediate superior gazetted officer or where the appointing authority for such member is a non gazetted officer, such officer or any higher authority. The officer next above the immediate superior Gazetted officer or appointing authority or any higher officer may impose the penalty or recovery from pay.
- 73 The appointing authority or any higher authority may impose on a member of the subordinate service the penalties of withholding of promotion for any specific fault or misconduct, suspension to the extent considered necessary, reduction, compulsory retirement, removal and dismissal.
- 74 Where in any case a higher authority has imposed or declined to impose a penalty, a lower authority shall have no jurisdiction and where in any case a lower authority has imposed penalty or exonerated a member, it shall not debar a higher authority from exercising his powers. His orders shall supersede any order passed by a lower authority (Rule 18)
- 75 **PERSONS LENT** : Where the service of a person is lent by one department to another or to Govt. of India the instructions in rules 30 and 31, as amended in Go. Ms. No. 20 Gl. Adm. (Ser-c) Dpt. dt. 20-1-2000 shall be followed.

## PART-V : PROCEDURE FOR IMPOSING PENALTIES (RULES 20, 21, 22 & 23)

### MINOR PENALTIES (RULE 22)

- 8.1 No order imposing the penalties I to V of rule 9 or 10 shall be passed by the authority competent to impose the penalty except after the member of the service is informed in writing of the imputations of misconduct or misbehavior and the proposal to take action against him and given an opportunity to make representation in the standard form VI or VII prescribed in Go. Ms. No. 82 GAD. (Ser-c) dt. 1-3-96, depending on the gravity of the charge(s). Representation, if any, is taken into consideration and examined. When an inquiry is conducted under Rule. 20, there is no need to give further opportunity to the charged officer and a minor Penalty may be imposed on the basis of evidence adduced during the inquiry.
- 8.2 The record of proceedings in such cases of minor penalty should contain :
- 8.2.1 A copy of the intimation to the Government servant of the proposal to take action against him.
- 8.2.2 A copy of the statement of imputations of misconduct or misbehaviour delivered to him.
- 8.2.3 His representation, if any.
- 8.2.4 The evidence produced during the inquiry, if any.
- 8.2.5 The advice of the APPSC, if any.
- 8.2.6 The findings on each imputation of misconduct or misbehaviour.
- 8.2.7 The orders on the case together with the reason there for.
- 8.3 A disciplinary authority competent to impose any of the penalties specified in clauses (i) to (v) of rule 9 or in rule 10, may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (vi) to (ix) of rule 9, notwithstanding that such disciplinary authority is not competent to impose any of the latter penalties.

## MAJOR PENALTIES (RULE 20)

- 9.1 An elaborate procedury in prescribed in Rule 20 for imposing major penalties. Under Art. 311 of the constitution no civil servant can be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges and given a reasonable opportunity of being heard in respect of those charges.
- 9.1.1 Under clause (4) of rule 20, it is the responsibility of the disciplinary authority to undertake the work of framing charges and to deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of imputations of misconduct or misbehaviour and a list of documents and witnesses by which each articles of charge is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.(The forment No. II prescribed should be used).
- 9.12 On receipt of the written statement of defence, or if no written statement of defence is submitted by the Government servant, further inquiry needs to be conducted in respect of charges not admitted in the former case and Ex- parte inquiry in the later case.
- 9.13 The disciplinary authority shall necessarily appoint an Inquiry Officer when the proposes to conduct detailed inquiry in cases where, in his opinion, the charge if proved, warrants imposition of major penalty, instead of itself taking up the inquiry, unless the appointment of Inquiry Officer be comes impossible in view of the non-availability of the Officer in the Department. (Govt. Memo. No. 46733 Gl. Adm.(Ser.-c) Dpt, dt. 22-10-1999).
- For appointment of Inquiry Officer form IV should be used.
- 9.14 The government servant may either appear himself in person before the Inquiring authority or may take the assistance of any other

Government servant or retired Govt. servant to present the case on his behalf subject to the conditions laid down in clause (8) of rule 20.

- 9.2 The manner in which such an inquiry officer has to conduct the inquiry and submit his report to the competent authority is dealt within rule 20 (23). A format is prescribed for submission of Enquiry Officer's report in Govt. Circular Memo No. 56183/ Ser-c 799 GAD dt 15-10-1999.
- 10.1 On receipt of inquiry report, disciplinary authority shall first see whether it conforms to the check list prescribed in Govt. Circular Memo No. 209227 Ser-c/99 GAD dt. 28-9-99, and take action as per rule 21, and instruction in Govt. U.O. Note No. 11107/ Ser-c/99 GAD. dt. 1-3-99.
- 10.1 (a) When it is proposed to award a major penalty he shall furnish a copy of inquiry officers report to the person charged and allow a reasonable time not exceeding one month to submit his further representation, if any, on inquiry officers report, vide rule 21 (4), However if the gravity of the charged held proved warrants only minor Penalty, it may be awarded straightaway.
- 10.2 There is no need to give any opportunity to the charged officer to make a representation against the penalty proposed to be imposed, in view of Art. 311 (2) of the Constitution as amended by the 42nd amendment Act 1976 to the constitution of India.
- 10.3 Where the authority to impose the punishment is the State Government, it is necessary, before passing an order, to consult the AP Public Service Commission, in the cases mentioned in Govt. Memo No. 32667/98-99 dt. 3.5.99. With a view to hastening the process of finalization of cases, Government ordered that the department should forward the proposals to the APPSC in complete shape including information on all the items referred to in the check list appended to Govt. Memo No. 655/ Ser. C/99-1 GAD dt. 17.8.90. A copy of the letter of the Public Service Commission containing

its advice, may, if applied, be supplied to the accused Government servant. Where such advice has not been accepted, a brief statement or the reasons for such non-acceptance shall be furnished to the Government servant concerned along with a copy of the case, vide rule 44. As instructed in Govt. U.O. Note No.43946/Ser-c/2000-3 GAD. dt. 12-10-2000 consultation with APPSC, is not necessary before a major penalty is imposed on those who are convicted in a Court of Law or Special Courts for Special Police Establishment and ACB Cases.

- 10.4 The final order containing the decision of the authority competent to impose the penalty, should be a self contained speaking order. Even where the order is passed by the Government, the order should set out briefly the relevant facts, findings, advice of the Commission and Government's decision thereon. It should be signed by an officer authorized to sign orders on behalf of the Government. Such an order should be communicated to the accused Government servant and his acknowledgment in token of having received it, should be obtained and kept on record.
- 10.5 The following types of cases may merit action for imposing one of the major penalties. These are meant for guidance and not to be treated as yard stick for imposing a major penalty.
- 10.5.1 Cases in which there is a reasonable ground to believe that a penal offence has been committed by a Government servant but the evidence forthcoming is not sufficient for prosecution in a court of law eg.,
- 10.5.2 Possession of Disproportionate assets.
- 10.5.3 Obtaining or attempting to obtain illegal gratification.
- 10.5.4 Misappropriation of Government property, money, stores.
- 10.5.5 Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate.

- 10.5.6 Falsification of Governments records.
- 10.5.7 Gross irregularity or negligence in the discharge of official duties with a dishonest motive.
- 10.5.8 Misuse of official position or power for personal gain.
- 10.5.9 Disclosure of secret or confidential information even though it does not fall strictly within the scope of official secrets act.
- 10.5.10 False claim on the Government like T.A. claims, reimbursement claims etc.,
- 10.5.11 To ensure clean and efficient administration it was directed in G.O.M.S. No. 2 Gl. Adm. (Ser-c) Dpt. dt. 4-1-1999 that in all proved cases of mis appropriation, bribery, bigamy, corruption, moral turpitude, forgery and outraging the modesty of women, the penalty of dismissal from service shall be imposed, as already mentioned in para 6.8 ante.
- 11.1 The procedure laid down in Rule 20 of the AP Civil Service (CCA Rules) in regard to the imposition of major penalties, need not be followed in certain exceptional cases, as mentioned in rule 25, viz:
  - 11.1.1 When a person is punished on the ground of conduct which has led to his conviction on a criminal charge.
  - 11.1.2 Where an authority competent to impose penalty is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.
  - 11.1.3 Where the Governor is satisfied that in the interest of security of the state it is not expedient to give to that person such an opportunity or to hold such inquiry.
  - 11.1.4 Where it is proposed to impose any of the penalties specified, on the basis of the report of the Lokayukta or Upalokayukta, the disciplinary authority shall take action on the basis of the recommendation contained in that report (rule 27).

## COMMON PROCEEDING (RULE 24)

- 121 According to rule 24 where two or more members of the same service or different services are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such members may make an order directing that disciplinary action against all of them may be taken in a common proceeding. If the authorities competent to impose the penalty of dismissal on such members are different, such authorities not being the Government, an order for holding such inquiry in a common proceeding may be made by the highest of such authorities with the consent of the other authorities competent to impose the said penalty on others.
- 122 It is for the highest authority who orders joint inquiry to see that the penalty imposed is proportionate to the seriousness of the charges held proved, keeping in view their degree of culpability/seriousness of lapses held, proved, while imposing the penalty in such cases.
- 123 When two or more persons are involved in one case, the magnitude of involvement of all the delinquent officers may not be the same and the degree of culpability may also vary from person to person. As such it may not be possible to impose the same penalty uniformly on all the charged officers, irrespective of the degree of their involvement. If the same penalty is imposed on all such delinquent and maligned officers involved in a case, ignoring their degree of culpability and involvement, such action is liable to be questioned. As such, it may not be legally valid to prescribe any guidelines or yardsticks for imposing penalty in such cases. The competent authority who orders such a joint inquiry should ensure that the members of service involved in disciplinary cases are imposed the penalties keeping in view their degree of culpability/seriousness of lapses/charges held proved.
- 124 The disciplinary authority should take a comprehensive view by taking



into account the totality of the circumstances and the extent of involvement of each of delinquent officers while inflicting the punishment.

## ACQUITTAL BY COURTS

- 13.1 The Supreme Court of India in *Corporation of Nagpur Vs Ramachandra* (1981) (2 Sec714-AIR 1984 SC. 626) has made the following observations:
  - 13.1.1 “The other question that remains is if the respondents are acquitted in the criminal cases whether or not, the departmental inquiry pending against the respondents would have to continue. This is a matter which is to be decided by the Department after considering the nature of the findings given by the criminal court. Normally where the accused is acquitted honorably and completely it would not be expedient to continue a departmental inquiry on the very same charges or grounds or evidence, but the fact remains, however, that merely because the accused is acquitted, the power of the authority concerned to continue the departmental inquiry is not taken away or its discretion in any way fettered. However, as quite some time has elapsed since the departmental inquiry has started, the authority concerned will take into consideration this factor in coming to the conclusion if it is really worthwhile to continue the departmental inquiry in the event of the acquittal of the respondents. If, however, the authority feels that there is sufficient evidence and good grounds to proceed with the inquiry, it can certainly do so”.
  - 13.1.2 In the light of the above judgement of the supreme Court of India it is clear that the acquittal of the accused officer by the competent court, is no bar to initiate departmental inquiry against the delinquent officer.
  - 13.1.3 The disciplinary authority may, if it comes to the conclusion that an order imposing a penalty on a Government servant on the ground of

conduct which had led to his conviction on a criminal charge should be issued, pass such an order without waiting for the period of filing an appeal, or, if an appeal, has been filed, without waiting for the decision in the first court of appeal. Standard form for such an order is annexed to Government Memo No. 169/Ser.C/77-8 GAD dt. 10.2.78.

- 13.14 Whether, despite the acquittal, the facts and the circumstances of the case are such as to call for a departmental action against the Government servant on the basis of the misconduct on which he was previously convicted, departmental inquiry may be ordered, in standard form No. II annexed to the Government memo.
- 13.15 In case where Government employees is removed or dismissed or reduced in rank after complying with the requirement of article 311 (2) of the Constitution of India or of the provisions of rule 20 of the A.P. Civil Service (Classification, Control and Appeal) Rules, then the order of removal, dismissal or reduction in rank, is not affected by his acquittal in a criminal court, if he is prosecuted in addition to the departmental action taken against him. If however, a Government employee is removed or dismissed or reduced in rank, solely on the ground of conduct which led to his conviction on a criminal charge, without complying with the requirements of the aforesaid article or rule and if his conviction is eventually set aside by the appellate court, or by the High court, in revision, then the order or removal, dismissal, or reduction in rank as the case may be cannot stand, and that order will have to be reviewed.

## UNAUTHORIZED ABSENCE-WILFULAND PROLONGED ABSENCE FROM DUTY WITHOUT PROPER LEAVE

- 14.1 In circular Memo No. 4481/A/128/fR.I/88, Fin & Pig. (Fin. Wing F.R.I) dept., dt. 7.7.88 Government have issued instructions ordering concerned departmental authorities to initiate disciplinary action against those employees who remained absent from duty without

proper leave and pass appropriate orders on the basis of the disciplinary proceedings by following the procedure laid down in ARCS (CCA) Rules. In spite of these instructions the following questions arise for consideration :

- 14.1.1 Whether a member of service who remained absent from duty with proper leave can be permitted to join duty if he gives joining report pending further action to determine or regulate the period of absence by taking disciplinary action or otherwise.
- 142 According to F.R 18 and rule 5-A of the A.P. Leave Rules, 1993 and the Note-I thereunder, no Government servant should be granted leave of any kind for a period exceeding five years and that wilful absence from duty not covered by grant of any leave shall be treated as "dies-non" for all purposes viz, increments, leave and pension.
- 143 Neither F.R 18 and rule 5-A of the A.P. Leave Rules, can be construed to mean :
- 14.3.1 That the member of service who remains absent from duty without proper leave cannot be permitted to join duty if he gives a joining report, or
- 14.3.2 That such member of service ceases to be in service by such absence so as to discharge him from service in terms of FR. 18.
- 144 What therefore follows from this is that if a member of service who remains absent without any leave gives a joining report it should be ensured by the competent authority that he is permitted to join immediately pending initiation of the disciplinary action for unauthorised absence, in case such action has already not been initiated against him and in all such cases the period of unauthorised absence has to be treated as dies-non in accordance with the Note-I under FR 18 and Rule 5-A aforesaid. This treatment of unauthorised absence as dies-non is distinct from disciplinary action taken or to be taken against the employee concerned.

- 145      What F.R 18 and rule 5-A of the A.P. Leave Rules mandates is that no member of service shall be granted leave of any kind for continuous period exceeding five years without the specific approval of Government. No inference can be drawn from these rules that disciplinary action against a member of service cannot be taken unless he is continuously absent for more than five years without any leave. It is not at all necessary for the authority competent to wait for a period of five years to initiate disciplinary action against the member of service for his absence from duty wilfully or unauthorisedly. In all such cases the disciplinary proceedings can be initiated against such member of service who remained absent without any leave straight way by following the procedure laid down in Rule 20 of the ARCS (CCA) Rules, 1991 for unauthorised absence without leave which constitutes good and sufficient reasons for initiating disciplinary action under the said rules and such other misconduct as having secured gainful employment elsewhere during his absence from duty without leave. In all such cases the inquiry officer has to be directed to complete the inquiry within a fixed time say within a period of 2 months. The charges framed against the employee concerned should be communicated by Registered Post with acknowledgment due. If however the employee is not available at the last address given by him the charge memo should be got published in the A.P. Gazette and inquiry should be conducted ex-parte for taking necessary action against him. Even in such cases where an employee reports back to duty, he should be permitted to join duty without prejudice to the action contemplated or pending against him. If employee applies for leave on medical grounds along with the joining report and extends leave on the same grounds beyond three months he should be referred to Medical board for examination and necessary action may be taken against him on the basis of the medical report.

- 14.6 According to the note under Rule 6-A of A.P. Leave Rules read with proviso to FR 73, a temporary Government servant working under emergency provisions, who remains absent from duty after applying for leave or extension of leave to which he is not entitled to under the Rules shall be deemed to have been discharged from duty with effect from the date from which he is not entitled to any leave unless the leave applied for is granted in relaxation of relevant rules. Where such a temporary employee absents himself unauthorisedly or without sufficient justification, action should be taken immediately for discharging him from service invoking this rule, by issuing an innocuous order indicating the provisions under which the employee stands discharged.

## REQUEST FOR “RESIGNATION” WHILE ABSENT

- 14.7.1 Resignation by a member of a service, who is placed under suspension from service pending investigation or inquiry into grave charges or who is deemed to have been suspended under rule 8 of the A.P.C.S. (Classification, Control and Appeal) Rules 1991 shall not be accepted during the period of suspension.
- 14.7.2 The consequence of the resignation as laid down in General rule 30 is that not only the service rendered by the member of service in a particular post held by him at the time of resignation but also all his previous service under the Government will stand forfeited. In view of this consequence the regulation of the period of unauthorised absence would be of no consequence and the acceptance of such resignation tendered by the member of service who remained absent from duty without leave need not wait the determination of unauthorised absence.
- 14.8 Where Government servants, while being unauthorisedly absent or where their leave was refused, have sought for voluntary retirement on completion of 20/33 years of qualifying service in accordance with Rules 43 and 44 of Revised Pension Rules, 1980, respectively, the competent authorities concerned have failed to

take action to accept them promptly, resulting in unintended benefit to the employees concerned. In case of retirement on completion of 20 years of qualifying service as provided under Rule 43 of Revised Pension Rules 1980, a Government servant who gives a notice in writing of his intention to retire voluntarily shall not retire unless the notice given by him is accepted by the competent authority, provided that the competent authority shall issue an order before the expiry of the notice period accepting or rejecting the notice. In case of voluntary retirement on completion of 33 years of qualifying service as provided under Rule 44 of Revised Pension Rules, 1980, the appointing authority has to issue orders permitting the government servant to retire from service. In normal course, in either case, the voluntary retirement can be accepted/permitted as the case may be, pending determination of the period of unauthorised absence. In cases where it is contemplated to take disciplinary action against the employee concerned, it would be appropriate to frame charges against him before he retires from service so that further action may be pursued in accordance with Rule 9 of Revised Pension Rules unless the charges are grave and acceptance of such notice would not be in public interest. As such, acceptance of notice of voluntary retirement need not await the determination of the period of absence, provided the Government servant concerned has rendered 20/33 years of qualifying service. Even in cases where an employee is permitted to retire voluntarily, departmental proceedings can be instituted with the sanction of Government in respect of a cause of action which arose or an event which took place not more than four years before such institution, in terms of Rule 9 of Revised Pension Rules.

- 14.9 Whenever official continues to remain absent from duty or overlays leave without permission and his whereabouts are not known, or fails to reply to official communications, the disciplinary authority may initiate action under Rule 20 of CCA. Rules. In all such cases, the competent authority should, by a registered acknowledgment

due letter addressed to the official at his last known address, issue a charge-sheet in the form prescribed for the purpose and all upon the official to submit a written statement of defence within a reasonable period to be specified by that authority. If the letter is received undelivered or if the letter having been delivered, the official does not submit a written statement of defence on or before the specified date or at a subsequent stage does not appear in person before the inquiry officer, or otherwise fails or refuses to comply with the provisions of ARCS (CCA) Rules, the inquiring authority may hold an *exparte* inquiry. The notices of all hearing should be served on the accused or communicated to him unless the first notices says that the inquiry will continue from day to day.

## PART-VI: APPEALS (RULE 32-39)

- 15.1 No appeal lies against any order passed by the Governor under clause (iii) of rule 25, any order of an inter locutory nature in and of the final disposal of a disciplinary proceedings and any order passed by an inquiring authority in the course of an inquiry under rule 20, vide rule 32.
- 15.2 A Government servant may prefer an appeal against the order of suspension made under rule 8, an order imposing any of the penalties specified in rule 9 or rule 10 by the disciplinary authority, or appellate or revising authority, an order enhancing the penalty imposed under rule 9 or rule 10, an order of discharge for a contract appointment exceeding a period of five years and an order reducing or with holding pension, vide rule 33.
- 15.3 An appeal from an order of High Court shall lie to the Governor and from any other authority including Heads of departments shall lie to the Government and an appeal from an order passed by a lower authority shall lie to the Head of the department.

- 15.4 No appeal shall be entertained unless it is preferred within 3 months of receipt of the order by the appellant. The appellate authority, if satisfied, may entertain an appeal after expiry of the above period (Rule 35 & 43). Every appeal shall be complete in itself and presented to the appellate authority. A copy thereof shall be sent to the authority, which made the order appealed against, who shall offer his comments on the appeal and furnish relevant records to the appellate authority (Rule 36).
- 15.5 A member of a subordinate service shall be entitled to appeal from an order passed by an authority, imposing on him any of the penalties, to next higher authority vide Rule 34 (1) (iii).
- 15.6 The appellate authority is under obligation to consider (i) Whether the procedure has been complied with and if not whether such non compliance has resulted in violation of any Constitutional provision or in the failure of Justice; (ii) whether the findings are warranted by the evidence on record; and (iii) whether the penalty is adequate, inadequate or severe, he can confirm, enhance or reduce or set aside the penalty or remit the case with any direction he deems fit.
- 15.7 The appellate authority, thus, has power to enhance the penalty in an appeal submitted by the affected employee for relief. While enhancing the penalty, the appellant should be given opportunity to make a representation against such enhancement and incase of enhancement to a major penalty, an inquiry should be conducted if not already held, vide rule 37.
- 15.8 The power of Revision/Review vesting in certain specified authorities under rules 40 & 41 can be exercised broadly, in the same manner as in an appeal. Here the power can be exercised suo moto also. A time limit of six months is laid down for this purpose in clause (iii) of rule 45 (1) unless this time limit is relaxed under rule 43.





High-level inquiry? Please, sir, appoint a low-level inquiry to look into my irregularities in view c



# **CHAPTER-VII**

## **ANDHRA PRADESH**

### **LEAVE RULES**

Leave is a permission granted to a Government servant to be absent from actual duty.

The general rules for the grant of leave are as follows:

The authorities competent to grant other than special disability leave to the Government servants working in each department are detailed in F.R. 66.

Under F.R.67, leave cannot be claimed as a matter of right. When exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved with the sanctioning authority. But at the same time the competent authority cannot compel a Government servant to take leave on half pay when leave on full pay is permissible to him. Further under rule 6 of A.P. Leave already taken whether of the same or any other kind.

Similarly vacation may be availed in combination or in continuation of any other kind of leave.

Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day on which charge is resumed. Holidays can be prefixed or suffixed to leave subject to the conditions under F.R. 68.

A Government servant on leave cannot take up any service or setting up of private practice etc, except with the permission of competent authority (F.R.69).

A Government servant who remains absent after the end of his leave is entitled to no leave salary for the period of such absence, and that period will be debited against his leave account as though it is leave on half pay unless extension of leave is granted by the competent authority (FR 73).

The application for grant of leave should specify the period of leave, nature of leave, leave address and in the case of leave on Medical certificate, the Medical certificates should be enclosed.

Vacation department means a department where vacation exceeds 15 days (FR 82 SR(2)). Vacation is treated as duty for all purposes (FR 82(d)). If earned leave is taken in combination of vacation, the total period of leave & vacation should not exceed 120 days (Ruling 11 under FR.82).

An employee transferred from vacation to non-vacation department is treated as in non-vacation department from the close of last vacation enjoyed and on transfer from non-vacation to vacation department is treated as in vacation department from the date of expiry of last vacation previous to such transfer (SR7ofFR82).

Leave at credit will lapse if interruption in service other than leave occurs (APLR 24).

Leave at credit shall lapse on the date of retirement, death or resignation. However, earned leave at credit not exceeding 240 days can be encashed in case of retirement or death (APLR 7 & G.O.Ms.NO. 420 Fin. & Pig. (FWFR I) dt. 3.12.90 and G.O.Ms.253 Fin. & Pig (FWFR I) dt. 16-9-91).

While in service all regular employees both superior and class IV are eligible to surrender earned leave of 15 days in each financial year and receive cash benefit in lieu thereof equal to leave salary on full of 15/30 days.

Temporary and emergency employees are eligible to surrender 15 days of earned leave after completing 24 months of service in the first instance and thereafter 15 days during the alternate financial year.

**EARNED LEAVE FROM 1.1.78 (RULE 8,10,17 AND 20)**

<b>Type of employees</b>	<b>Earning capacity</b>	<b>Accumulation</b>	<b>Availment</b>
1. Regular including (LGGSFROM 1.1.88)	Advance credit of 15 Days for every Half year on Ist Jan&1st July	180 days upto 30-6-83 240 days from 1-7-83	120 days at a time 180 days of Outside India, Pakistan, Burma & Nepal
2. Others (Non Permanent)	Advance credite of 8 days Per half year on ist Jan & 1st July	30 days	Lev at Credit

In respect of employees who join service in the middle of the half year, the advance credit will be as follows for each completed months of service.

Regular joined on 15-2-89 1st half year completed months -4 months @  $2\frac{1}{2}=10$  days; other joined on 15-2-89 -1st half year -4 months  $1+1+2+1=5$  days. Similarly for those retiring in the middle of the half year.

If the employee is on E.O.L. during the preceding half year, the advance credit for the present half year will be reduced by 1/10 of the period of EOL taken during the preceding half year subject to a maximum of 15/8 days.

**VACATION DEPARTMENT ( RULES 8,9 AND 10)**

Regular employees in superior services	1/11 of duty minus 30 days or a portion of 30 days equal to the vacation taken and full period of vacation. From 1-11-89 the reduction is 28 days instead of 30 days in respect of teachers (G.O.Ms. No.354, Edn., Dt.20.11.89)	As in non vacation dept	As in non vaction dept.
Non-permanent in Superior services And permanent And regular Employees in LGGS	1/22 of duty minus 15 days or a portion of 15 days equal to the vacation taken and full period of vacation	30 days	Leave at credit
Non-permanent in LGGS	Not eligible for earned leave APLR 20(1)		

## HALF PAY LEAVE (both non-vacation and vacations -Regular and temporary rules 13, 18 and 23)

20 days for each completed year of service. There is no limit for accumulation and leave to the extent admissible can be granted at a time. However, in respect of temporary employees half day leave can be granted on M.C only after 2 years of service and 10 (a) (i) candidates are not eligible for half pay leave.

**COMMUTED LEAVE :** Sanctioned on MC only : Half of half pay leave at credit can be commuted to leave on full pay to an extent of 240 days in entire service. The debit in the half pay leave account will be double the period of commuted leave taken (Rules 15-B and 18-B).

**LEAVE NOT DUE :**When half pay leave is not at credit, leave not due to an extent of 180 days during entire service can be granted on MC only the debit will be in the half pay leave account to be set off against further credit. If any employee resigns or retires voluntarily after availing this leave and before wiping off the minus balance, the leave salary paid for the minus balance should be recovered. However, if it is on medical invalidation or death, recovery will not be insisted (Rule 15-C and 18-C)

## EXTRAORDINARY LEAVE ( RULES 5-A, 16,19 AND 23 )

**Permanent and approved probationers :** Not exceeding 5 years including other kinds of leave.

**Probationers 23 (a) (ii) :** The duration of EOL on any one occasion shall not exceed the following limits:

- a) Three months ordinarily
- b) Six months if it is supported by medical certificate and the employee has completed 3 years of service.
- c) 18 months for treatment of T.B. or leprosy either as inpatient

and or out patient on a certificate issued by the authorised medical officer and the employee has put in a service extending one year.

d) 12 months for treatment of cancer, mental illness on the certificate from the recognised Institute or doctor, and

e) 24 months for prosecuting studies certified to be in public interest and to employees of S.C & ST to join examination, training course at the centre notified by Government to the extent necessary, provided the Government servant has completed not less than one year of continuous service before proceeding on leave. The grant of EOL in item (b) to (e) is by Government

## LEAVE SALARY

**1. Earned leave :** Equal to full pay drawn before proceeding on leave.

**2. Leave on half pay :** Equal to half of the pay drawn before proceeding on leave and full pay for a period of 6 months in entire service, if the leave is on MC for treatment of TB Leprosy Cancer mental illness or heart diseases and Renal (kidney) failure (GOMs No. 268 Fin & Pig (FWFR I) dt. 28-10-91)

**3. Leave not due :** Equal to half pay.

**4. Commuted leave :** Twice the amount admissible under (2 ) above.

**5. EOL :** No leave salary. However in respect of NGOs whose pay does not exceed Rs. 23751- p.m. (1993 scales) if the leave is for treatment of T.B., Leprosy, Cancer, Mental illness- Eligible to exgratia equal to half the pay drawn before proceeding on leave subject to a minimum of Rs. 1185 pm. and employees of last grade service exgratia equal to half pay subject to a minimum of Rs.1050 p.m. and minimum of Rs.690/-(G.O.Ms.No.234, Fin & Pig, dt 27-5-94).

Other laves under F.R. allowed to employees covered by APLR 1933 vide ruling 1(ii) thereunder:

## 1. SPECIAL DISABILITY LEAVE - RULES 83, 83-A :

Grant by Government only. This leave is admissible to a permanent and temporary Government servant who is disabled by injury intentionally inflicted or caused or in consequence of due performance of official duties or in consequence of his official position. This leave is granted on M.C. issued by the competent medical authority for a period not exceeding 24 months for any one disability. Leave salary equal to leave on full pay is payable for the first 120 days in respect of permanent employees and 30 days in respect of the temporary employees and half pay for the remaining period without debit to any leave account. If the employee requests for payment of leave salary on full pay, full pay will be paid for the period of earned leave admissible (120 days maximum) and half of the period will be debited in the earned leave account.

**Ruling :** The disability does not include the disability caused in the road accidents while going to office from residence and vice versa, but includes road accident while proceeding on official duty from office to office, or court or a work spot on the filed (G.O.133, Fin & Pig dt, 10-6-81).

## 2 STUDY LEAVE : RR. 84 (NOT DEBITABLE TO LEAVE ACCOUNT)

This leave is granted by Government only for the study of scientific, technical and other similar problems for a period not exceeding 2 years in entire service after a service of 5 years. If it is combined with leave with allowances this period should not exceed 28 months (Rule 2 of study leave rules). EOI may be taken in conjunction of this leave without any limit (Note under Rule 13 of study leave rules). He will draw during leave, leave salary on half pay (rule 12).

## 3. MATERNITY LEAVE (RULE 101 (A)):

Not debitable to leave account. This leave is admissible to married



women employees on the basis of medical certificate issued by the competent medical officer for a period not exceed 120 days for each confinement and not exceeding 6 weeks in case of abortions, including miscarriage and termination of pregnancy under M.T.D. Act of 1971. Meternity leave for confinement is to be sanctioned to female Government servant with less than two surviving children (G.O.Ms.No. 254 Fin & Pig (FWFR I) dept. dt.10-11-95). This leave can be combined with other kinds of leave. If this leave falls during vacation, the residue of 120 days only will be sanctioned as maternity leave. Leave salary payable is equal to leave salary on full pay.

### HOSPITAL LEAVE (F.R101b) : (Not debitable to leave account)

Applicable to all last grade service employees and certain subordinate service staff detailed in SR(2) under FR 101(b). This leave is on half pay for a period not exceeding 6 months in every 3 years of service when detained in hospital and receiving medical aid as out patient. It is not admissible when the treatment is necessiated by intemperance an irregular habit.

Out of the above 6 months, 3 months can be on full pay if the detention in hospital is due to injury received or disease constructed in the course of duty (Ruling 4).

### CASUAL LEAVE

Casual leave is a concession to enable Government servant in special circumstances to be absent from duty for short period, without such absence being treated as leave.

Maximum period of casual leave that can be availed of in a calender year is only 15 days. The unavailed part of leave will lapse at the close of the calender year.

Casual leave may be combined with optional holidays of Sundays or other authorised public holidays provided the resulting period of absence does not exceed 10 days.

In the case of Casual leave to a purely temporary and emergency Government servants the sanctioning authority will use its discretion having regard to the length of service put in by such Government

servant.

A Government servant may be granted casual leave for half a day either from 10-30 to 1-30 pm. or from 2-00pm to 5-00pm.

## SPECIAL CASUAL LEAVE

The following are the purpose for which special casual leave may be granted to a Government servant.

1 . When he is detained in a plague camp on the way to rejoin duty.

2. When he is ordered by the Head of the department to absent himself from duty on the certificate of medical officer and other purposes detailed below special casual leave can be granted for period not exceeding the period noted against each.

<b>Occasion :</b>	<b>Amount of leave</b>
Summons to give witness in a court in which his private interest are not in issue	As per the certificate of attendance
For family planning operations:	
Male -Vasectomy	6 working days
2nd - operation	-do-
Female - Tubectomy	14 days
Male - for tubectomy of wife	7 days
2nd operation	7days
Insertion of intrauterine contraceptive insertion	1day on the day of IUD

Leave for 2nd operation is permissible when the doctor certifies that the first operation was a failure.

Additional special CL beyond above limits can be given on account of post operation complications subject to production of MC

Recanalisation (Both : 21 days or the actual period as per the certificate whichever is less plus to and fro journey days, if the operation is necessary as he is having less than 2 children or lost all

his male children after operation.

The special CL for FP operation can be prefixed or suffixed to regular leave /CL

## SPORTS :

- |   |                                       |
|---|---------------------------------------|
| 1. For participating in sporting events in a  | Not exceeding 30 days                 |
| of national or international Importance   | calendar year.                        |
| when selected by the All India sporting Federation and also as Manager of team  | Excess to be treated as regular leave |
| 2. Elected as President of Secretary of year  | 15 days in a Calendar                 |
| National sports bodies  |                                       |
| 3. A.P. Secretariat cultural association year   | 6 days in a calendar                  |
| member for dramas enacted in mufassil   |                                       |
| 4. Office bearers and members on the year +   | 12 days in a calendar                 |
| purchasing committee of the Govt. journey   | 2 days for each trip of               |
| employees Consumers co.op stores to go to districts for making bulk purchase of various commodities for stores                  |                                       |
| 5. Principal office bearers of the regional year  | 7 days in a calendar                  |
| association and two office bearers from each in the districts /city for representation in AP Civil services Joint Staff Council |                                       |
| Employees of vacation department in case of dire necessity or under the pressing  | -do-                                  |

family circumstances

Employees who participate in the rallies.

teams etc., of the A.P. Bharat Scouts & Guides 10- days in a  
year

calendar

Members of Institution of Engineers 7 days in a calendar

a) for attending annual meeting, HYd. 7 days in a calendar

b) for attending annual convention to any  
part of the country 10 days in a calendar  
year.

## GENERAL INSTRUCTIONS

CL cannot be combined with the regular leave/joining time vacation. Special casual leave can intervene between two spells of leave if certified by doctor.

~~WE JUDGE OURSELVES BY WHAT WE FEEL CAPABLE OF DOING,~~

**WHILE OTHERS JUDGE US BY WHAT WE HAVE ALREADY DONE.**

- Henry Wadsworth Longfellow

## CHAPTER-VIII

# PENSION RULES

### 1. TYPES OF PENSIONS

- a. Service pensions comprises of
  - i. Superannuation Pension
  - ii. Retiring Pension
  - iii. Compensation Pension iv Invalid Pension
- b. Family Pension

#### 1.1 SUPERANNUATION PENSION

Superannuation permission is granted to Government servant entitled or compelled to retire at a particular age. For this purpose an employee in superior service has to retire compulsorily on attaining the age of 58 years and an employee in the last grade service on the date on which he attains the age of 60 years (Rule 33). If he attains the prescribed age on the first day of the calendar month he will retire on the last date of the proceeding month. If it is after the first day, he will retire on the last day of the month.

#### 1.2 COMPENSATION PENSION

If a Government servant is selected or discharged owing to the abolition of his permanent post, unless he is appointed to another post the conditions of which are equal to that of the post held by him earlier, has an option to retire from service and for taking compensation pension to which he may be entitled for the service he has rendered.

#### 1.3 COMPULSORY RETIREMENT PENSION

A government servant compulsorily retired from service as a penalty may be granted pension or gratuity or both at a rate not less than

two thirds and not more than full invalid pension or gratuity or both admissible to him on the date of his compulsory retirement.

#### **1.4 RETIREMENT ON COMPLETION OF 20 YEARS OF QUALIFYING SERVICE**

Government servant may opt to retire from service voluntarily after he has put in not less than twenty years of qualifying service by giving a notice in writing of at least three months to the authority which has power to make a substantive appointment to the post from which he retires. In case of voluntary retirement, the Government servant is entitled to a service weightage of five years or the service whichever is less.

##### **1.4.1 RETIREMENT ON COMPLETION OF 33 YEARS OF QUALIFYING SERVICE**

Government servant who has completed thirty-three years of qualifying service may retire from service or may be required by the appointing authority to retire in public interest.

#### **1.5 INVALID PENSION**

A Government servant who is declared by the appropriate medical authority to be permanently incapacitated or further service is granted invalid pension (subject to the restriction in Rule 37 of the RP Rules 1980)

#### **1.6 PRO RATA PENSION**

Government servant opting for permanent absorption in public enterprises on or after 16-6-1967 is allowed Pro Rata Pension or gratuity with reference to the pension rules by which he is governed by his absorption in the autonomous body. The pension will be calculated on the basis of average emoluments for ten months proceeding the date of his absorption and the retirement gratuity based on the emoluments drawn immediately before absorption.

## **1.7 COMPASSIONATE ALLOWANCE**

Government servant who is dismissed or removed from service shall forfeit his pension and gratuity. The authority competent to dismiss or remove him from service, may if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two thirds of pension or gratuity or both which would have been admissible to him if he had retired on Invalid Pension.

## **2. CERTAIN IMPROTANT ASPECTS RELATING TO CALCULATION OF PENSION**

### **2.1 DATE OF BIRTH OF THE EMPLOYEE**

Date of birth of the employee should be taken as recorded in the service book based on the Educational records. If the Educational records are not available and where year is only known and the month is not known 1st July has to be taken as the date of birth. If the year and month are known but not the exact date, 16th of the month should be taken as the date of birth.

### **2.1.2 QUALIFYING SERVICE**

The qualifying service of a Government servant commences from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity.

- a. In the case of a Government servant in a Class -IV service in a pensionable post prior to 19-11-60, service rendered before attaining the age of sixteen years shall not count, for any purpose.
- b. In the case of a Government servant not covered by clause (a) above, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity.

### **2.1.3 CONDITIONS SUBJECTS TO WHICH SERVICE QUALITIES**

The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under

conditions determined by the Government.

#### **2.1.4 COUNTING OF PERIOD SPENT ON LEAVE**

- i) All leave during service for which leave salary is payable and all extraordinary leave granted on medical certificate shall count as qualifying service.

In the case of extraordinary leave other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a government servant.

- a. Due to his inability to join or rejoin duty of account of civil commotion or
- b. for prosecuting higher scientific & technical studies
- ii) Extraordinary leave granted for other reasons than those mentioned above will count as qualifying service up to a maximum extent of 36 months in the entire service period. In the case of Government servant taking employment elsewhere, extraordinary leave will count as qualifying service subject to payment of pension contribution and leave contribution, as may be prescribed.

#### **2.1.5 COUNTING OF PERIODS SPENT ON TRAINING**

The Government may by order, decide whether the time spent by the Government servant under training immediately before appointment to service under that Government shall count as qualifying service.

The service of a trainee shall count for pension provided that he is selected for the post as direct recruit and is appointed to it prior to being sent on training and is paid during the period of such training the initial pay of the scale of the post.

#### **2.1.6 COUNTING OF PERIODS SUSPENSION**

Time passed by a Government servant under suspension pending enquiry into conduct shall count as qualifying service where, on



conclusion of such inquiry he has been fully exonerated or the suspension is held to be wholly unjustified; in other cases, the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

## **2.1.7 FORFEITURE OF SERVICE ON DISMISSAL OR REMOVAL**

Dismissal or removal of Government servant from a service or post entails forfeiture of his past service.

## **2.1.8 COUNTING OF PAST SERVICE ON REINSTATEMENT**

- i) A Government servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.
- ii) The period of interruption is service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension, if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

## **2.1.9 FOR FEITURE OF SERVICE ON RESIGNATION**

- i) Resignation from a service or post entails forfeiture of past service, if it has been submitted to take up, with proper permission another appointment, whether temporary or permanent under the Government where service qualifies.
- ii) Interruption in service due to the appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him. Under provision to rule 26, resignation of an

appointment to take up with proper permission another appointment whether permanent or temporary, service which counts in full or in part, is not resignation from public service. A question has been raised whether in such cases a separate sanction should be issued indicating that the resignation has been accepted under the above provisions, in order to enable the audit/ administrative officer to regulate the consequential benefits in the matter of pay fixation, carry forward of leave, pension etc. In case of the above type the order accepting the resignation should clearly indicate that the employee is resigning to join another appointment with proper permission and that the benefits under provision to rule 26 will be admissible to him. The contents of such order should also be noted in the service book of the individual concerned under proper attestation. No separated order sanctioning these benefits in such case each time would be necessary.

Note : A member of a service or services, who is selected for appointment by direct recruitment to another post, category or class in the same or different service and is appointed to it shall, as soon as he has been selected by direct recruitment, be deemed to have resigned from the service or services of which he is a member prior to his appointment as aforesaid.

## 2.1.10 EFFECTS OF INTERRUPTION IN SERVICE

As interruption in the service of a Government servant entails forfeiture of his past service except in the following cases : (a) authorised leave of absence (b) unauthorised absence in continuation of authorised leave if the post of the absentee is not filled substantively (c) suspension where it is immediately followed by reinstatement or where the Government servant dies or is permitted to retire on attaining the age of compulsory retirement while under suspension (d) Abolition of post owing to reduction of establishment (e) transfer to non qualifying service in an establishment under the control of Government under orders of competent authority in public interest (f) joining time on transfer.

### 2.1.11 ADDITION TO QUALIFYING SERVICE

Every Government servant who at the time of retirement on superannuation, has put in a qualifying service of less than 33 years, shall be entitled to add to the qualifying service for the purpose of pensionary benefits the difference between 33 years and the qualifying service at the time of superannuation, such difference not exceeding three years.

The benefit under this rule shall not be admissible in cases where the government servant is eligible for the benefit under the rules 19 and 20 of these relating to counting of military service and war service.

## 3.1 EMOLUMENTS

The expression “emoluments” means “pay” as defined in rule 9(21) of the fundamental Rule which a Government servant was receiving immediately before his retirement or on the date of his death, (from 30-6-88, pay for the purpose of pension is only basic pay)

If Government servant immediately, before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had not been absent from duty or suspension shall be the emoluments.

Any increase in pay (other than the increment referred to in Note 4) which is not actually drawn shall not form part of his emoluments.

If a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher post whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given for pension calculation only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

If a Government servant immediately before his retirement or death

whole in service had been absent from duty on extraordinary leave or had been under suspension, the period of which does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of calculating pension.

If a Government servant immediately before his retirement or death while in service was on earned leave on average pay as the case may be and earned in increment, which was not withheld.

- a) During the current of the earned leave not exceeding on hundred and twenty days, or during the first one hundred and twenty days of earned leave exceeding on hundred and twenty days, or
- b) During the currency of leave on average pay not exceeding four months, or during the first four months of leave on average pay exceeding four months such increment, though not actually drawn shall form part of his emoluments for purpose of pension calculations.

Pay drawn by a Government servant in a tenure appointment shall not be treated as emoluments .

Fees or Commission, if they are authorised emoluments of an appointment and are in addition to pay. In this case," emoluments" means the average earning for the last six months of service.

- 1. Any emoluments treated as personal pay to protect the employee from loss and which would be absorbed in future increments shall be reckoned as emoluments for purpose of pension. These orders take effect from 25.5.98 (G.O. Ms. No. 87 Fin (Pen.I) dt. 25.5.98)
- 2. The pay of Government servants whose date of seniority / promotion has been revised and pay fixed from an earlier date have to be allowed arrears of pay for the periods of actual service rendered in such posts as per F.R. 26 (a.a). The pay of such officials would be notional if they have not joined the post due to issue of orders after their retirement. The provisions and notes under F.R. 26 (a.a.) stipulate pensionary benefits shall also be revised on the basis of notional pay and the monetary benefit of pension / FP shall be

allowed from the date of retirement / death. As such the notes (1) to (4) under F.R. 26 (a.a.) have been incorporated under Rule 31 of A.P. Revised Pension Rules 1980.

(G.O. Ms. No. 786 Fin (Pen. I) dt. 11.9.2002)

### 3.2 AVERAGE EMOLUMENTS

Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last ten months of his service.

For the purpose of working out average emoluments in order to compute the pension admissible if during the last ten months of his service a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended have been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments. The increase in pay other than the increment referred to in the provision under emoluments which is not actually drawn shall not form part of his emoluments.

If during the last ten months of his service, a Government servant had been absent from duty on extraordinary leave or had been under suspension the period thereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included.

As per provisions contained in the GOMs No .87 Fin & Pig. dt.25- 5-98 the last pay is treated as emoluments for fixation of pension instead of last ten months emoluments provided officiation in a promoted post during last two months preceding the retirement, is in a regular vacancy. G.O. Ms No 235 F & P Dt. 27-10-98 stipulates that where an employees date of increment falls due on the day following his retirement, the benefit of increment may be given-purily for Pensionery benefits.

Government have clarified that the person promoted in a regular

vacancy is eligible for the benefit specified in G.O. Ms. No. 87 Fin (Pen.I) dt. 25.5.98 irrespective of the number of days he acted in the promoted post.

(Govt. Letter No. 108/A2/Pen. I/99 dt. 26.6.99)

### 3.3 AMOUNT OF PENSION

- i) In the case of a Government servant retiring before completing qualifying service of 10 years, the amount of service gratuity shall be appropriate amount as set out in the table under Rule 45.
- ii) After completing qualifying service of not less than ten years, the amount of pension shall be the appropriate amount as set out below, namely the Pension formula is :

#### **Average emoluments X Number of Years of qualifying service 66**

- iii) Fraction of a year equal to 3 months or more be treated one half year for the purpose of calculation of qualifying service for purpose of pension applies to persons who retire on or after 10-9-1988.
- iv) The amount of pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.

### 3.4 RETIREMENT GRATUITY

- i(a) A Government servant who has completed 5 years of qualifying service is eligible for service gratuity or pension, shall on his retirement be granted retirement gratuity equal to  $\frac{1}{3}$  of his emoluments for each completed 6 months period of qualifying service subject to a maximum of 20 times the emoluments or Rs.50,000/- whichever is less. In G.O.Ms No. 242 Finance & Planning dt.4-5-90, Government have raised the above ceiling to Rs. 1 lakh. However the mode of calculation is at  $\frac{1}{4}$  of pay last drawn for every six monthly period of service subject to the limit of Rs  $16\frac{1}{2}$  months pay last drawn or Rs 1.00,000 whichever is less. In G.O.Ms. No. 157 F& P Dt. 16-9-99, the maximum gratuity is raised to Rs. 2,50,000 formula for calculation is at the rate of  $\frac{1}{4}$  of last pay for each completed period of half year subject to a maximum of 16 and  $\frac{1}{2}$  times or Rs. 2,50,000 which ever is less.

Government employees who are in service as on 4-5-90 are allowed option either to receive gratuity under the Pre Revised formula or the new formula introduced above at any time one year prior to date of retirement.

If the emoluments of a Government servant have been reduced during the last 10 months of his service otherwise than as penalty the average emoluments may be treated as emoluments for the purpose of calculation of gratuity.

If a Government servant dies while in service after completing 5 years qualifying service, the amount of retirement gratuity shall be calculated as if he had 18 yrs of qualifying service or his actual qualifying service which is more.

If a government servant dies in the first year of qualifying service but before five years of qualifying service the amount of retirement gratuity shall be calculated as if he had three years of qualifying service.

If a govt. servant dies after completion of one years of qualifying service but before completion of five years of qualifying the amount of retirement gratuity shall be calculated as if he had 9 yrs of qualifying service.

(G.O. Ms. No.235 Fin (Pen.I) dt. 1.6.93 read upto G.O. (P) No. 48. Fin (Pen.I) dt. 15.2.94)

## FAMILY

Family for the purpose of gratuity is divided into two categories. In the 1st category the wife or wives in the case of a male Government servant, husband in the case of a female Government servant, sons including step sons, postumous son adopted sons and unmarried daughters included in the 2nd category, the widowed daughters including step daughters and adopted daughters, father, mother, brothers below the age of 18 years, unmarried sisters and widowed sisters, married daughters and children of predecesed sons are included.

## NOMINATION

A Government servant shall in his appointment, make a nomination concurring on one or more persons to receive the retirement gratuity. If there is nomination or if the nomination made by the Government employee does not subsist, in the event of death of the employee, the gratuity shall be paid in the manner indicated below:

If there are one or more surviving members of the family as in the first category described above the gratuity is payable to all members in equal shares.

If there are no such surviving members of the family in the first category but there are one or more members in category two or all such members in equal shares.

### 3.5 FAMILY PENSION

Family pension is payable to the survivors of a Government servant in the event of death of the Government servant while in service and also after retirement from public service.(vide Rule 50) It is payable at the rate of 30% of the pay last drawn by the deceased employee. If the Government servant had rendered not less than seven years of continuous service, the rate of family pension payable to the family shall be equal to 50% of the pay last drawn and the amount so admissible shall be payable from the date of death of the Government servant for a period of seven years or till the date on which the Government servant would have reached the age of 65 years had he been alive whichever is earlier.

In the event of death of a retired Government servant Family Pension at 50% of last pay drawn immediately before the retirement shall be payable for a period of seven years or for a period of up to the date on which the retired deceased Government servant would have attained the age of 65 years had he survived whichever is less. But the enhanced family pension should not exceed the service pension drawn by the employee. After the expiry of the period specified above, the family is entitled to family pension at the rate of 30% of last pay drawn.



Family for the purpose of Family pension include wife in the case of a male Government servant or husband in the case of a female Government servant, sons and unmarried daughters also form part of family. As per orders contained in the GOMs No.27 Finance & Planning dt. 19-10-87, Family pension is payable in the case of a son until he attains the age of 25 years or starts earning livelihood whichever is earlier, in the case of unmarried daughter until she attains the age of 25 years or until she gets married or starts earning her livelihood whichever is earlier. Family pension is payable to the widow or the widower as the case may be. If the sons and unmarried daughters are among the survivors, unmarried daughters are not eligible for family pension unless the sons get the age of 25 years and thereby becomes ineligible for the grant of family pension.

Only one member of the family as per eligibility is entitled to receive family pension (vide Rule 50)

In the GOMs No.22 Finance & Planning Department dt.16-1-1971 the benefit of family pension was extended to the survivors of Government servants who died while in service on or after 1-11-1956 but before 31-3-1961 and also those who retired during that period. This benefit was subsequently extended to the survivors of Government servants/ pensioners who served the Andhra State on its formation on 1-10-1953 and retired before 1-11-1956 or died while in service during that period. In the GOMs No.83 Finance & Planning Department dt 5-3-1983, Government have ordered that the widows of Government servants who at the time of retirement or death while in service before 1-10-1953 served in areas which now form part of A.P State shall be eligible for family pension of Rs 100 p.m. subject to the other circumstances stipulated in the Government order.

### 3.6 ANTICIPATORY PENSION

After the pension papers of a Government servant have been sent to the Audit Officer concerned, the Head of the Office shall draw and disburse anticipatory pension not exceeding 4/10th of the last drawn emoluments which counts towards pension, if the

Government servant has put in 33 years of qualifying service, or reduce the anticipatory pension correspondingly, if the Government servant has put in less than 33 years of qualifying service.

### 3.7 ANTICIPATORY FAMILY PENSION

After the Family pension papers of the family of a Deceased Government servant have been sent to the Audit the Head of the Office shall draw and disburse family pension not exceeding 75% of the family pension admissible under the rules. It is adjusted in full from the family pension.

### 3.8 ANTICIPATORY GRATUITY

Where there is likely to be delay in releasing pensionary benefits due to the pensioners, anticipatory gratuity should be released to the extent of 80% of the amount worked out by the Department authorities with reference to the records available and the qualifying service verified pending verifications and authorities of the full gratuity of by the AG after adjusting all the dues known to the Department up to the date of release of the anticipatory gratuity. No anticipatory gratuity should be released to the pensioner if there are any departmental or judicial proceedings pending or are contemplated against the pensioner until the conclusion of the departmental or judicial proceedings and issue of final orders thereon (GOMs No 230 Finance & Planning ) Department dt 18-6-1985.

### 3.9 INTEREST ON DELAYED PAYMENT OF GRATUITY

As per (GOMs No 268 Finance & Planning Department dt. 17-10-1986, interest may be allowed on delayed payments of Retirement gratuity at the rate of 7% per annum for the period beyond three months and up to one year and beyond one year 10% per the month preceding the month in which the payment is actually made. Sanction of the Government in the administrative department with the concurrence of Finance is necessary in every case of payment of interest. Where disciplinary or Judicial proceedings against a Government servant are pending on the date of his retirement, the

date of reckoning the 'payment' of gratuity is the date of issue of orders by the competent authority in conclusion of the proceedings.

#### **4. PREPARTATION OF PENSION PAPERS**

##### **4.1 STEPS TO ACCELERATE PROCESS OF PENSION PAPERS**

- i) A list of all Government servants due to retire during the next 18 months should be prepared every six months on the first January and first July of each year by the Heads of Offices and Heads of Departments,
- ii) Every Government servant should submit a formal application for pension in Form No.5 to his Head of the office 18 months in advance of the date of his retirement, iii) Every Head of Office should forward the service book of Government servant who have completed 25 years of service, to the Accountant General for verification of service particulars.

##### **4.2 PREPARATION OF PENSION PAPERS**

The work of preparation of pension should begin at least 6 months before the date of retirements of the Government servant after verifying the service particulars, dues positions etc. 4.2.1 In GOMs No 263 Finance & Planning dt. 23-11-1998 the existing pension forms have been simplified. The following are salient features of this GO.

#### **SERVICE PENSION**

The pension application form part -I is the common application form for pension, family pension gratuity service gratuity and commuted value of pension to be submitted to the Head of the office in duplicate by the retiring employee. The employee is required to fill up only his personal data like Name, post held permanent address, address after retirement communication particulars, name of Pension office and Bank. The application should contains: - List of family members. The head of the office should endorse on this application.

- i) Declaration : The retiring employee has to furnish a declaration as to whether he is in receipt of any other pension.
- ii) Descriptive rolls : For identification of the pensioner by the Pension Disbursing officer, the retired employee has to furnish descriptive rolls like photo, specimen signature and identification marks duly attested by a Gazetted Officer. 4 copies of descriptive rolls are required to be furnished.
- iii) Joint Photo : The retired employee has also to submit 4 copies of joint photo of himself and his spouse for authorisation/of family pension simultaneously with service pension.

According to the existing forms, the history of service is required to be furnished by the head of the office along with the pension papers. As the service register invariably accompanies the pension forms, the submission of history of services is modified and simple assessment form has to be furnished by the head of the office for the processing of the case. This is not required to be filled in by the retired employee.

This is meant for recording the sanction of pension sanctioning authority for payment of pension under the rules.

The forwarding form is prescribed and it should be accompanied by the following described earlier under Parts i, ii & iii namely the following.

1. Application form for pension.
2. Nomination
3. List of family members
4. Declaration of non receipt of other pensions.
5. Descriptive rolls
6. Joint Photo of family.
7. Part - II indicating calculation of pension and gratuity
8. Service Register of the pensioner.

## FAMILY PENSION

In respect of death while in service, the family of the deceased Government servant has to submit the application form in Part -I for Family Pension and DCRG along with the following :

- i) Copy of death certificate
- ii) List of family members
- iii) Declaration regarding non-receipt of other pensions
- iv) Descriptive rolls

The head of the office will furnish particulars for assessing the family pension/ gratuity in form prescribed in Part - II

The family pension papers are required to be forwarded to the Accountant General, in the prescribed Forwarding Form in Part III. The following are the documents to follow along with the Forwarding Form.

- 1. The application for sanction of family from the survivor in Part I
- 2. List of family members
- 3. Declaration
- 4. Descriptive rolls
- 5. Form for assessing family pension, gratuity and DCRG along with no demand certificate in duplicate
- 6. Nomination for gratuity
- 7. Guardianship certificate in respect of minors
- 8. Service Register of deceased government servant
- 9. List Pay Certificate
- 10. Death Certificate.

- 4.3 The Heads of offices are required to maintain registers of pension cases and conduct review regarding the progress of settlement.



*In early life, people give up  
their health to gain wealth...*



*Then, in later life,  
they give up some wealth  
to regain health*