

20. క్రమశిక్షణ కేసు మూలంగా రిటైర్మెంట్ చెల్లింపుల జాప్యానికి వడ్డీ

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Pensions - Disciplinary cases pending at the time of retirement Finalisation of
the proceedings and payment of interest - orders - Issued.
FINANCE AND PLANNING (FW-PEN.I) DEPT.

G.O.Rt.No.1034

Dated : 09-06-2000

ORDER :

Generally the following two types of cases are being referred to this department for advice :

(i) Where court are directed to dispose off the disciplinary case within a specified time period.

(ii) Where charges are dropped and interest on Pensionary benefits is claimed.

2. In respect of item (1) where in the disciplinary cases which are pending at the time of retirement and not concluded for a longer period or many years, the courts are directing to conclude such cases within a specified period i.e. say within 2 or 3 months etc., but the departments are not concluding within the specified period. As a result, the final orders issued in such cases imposing either recovery or cut in pension are being dismissed by the courts since it was not concluded within the stipulated period as directed by the courts. As such,

ultimately, the accused is being escaped from the punishment due to administrative delay.

3. In the above circumstances, Government hereby order that the disciplinary cases against the retired Government servant shall be concluded as quickly as possible. If court directs to conclude the same within a specified period it should be concluded within the said period only. If not, time may be obtained from the court to conclude the same. In such a cases, final orders issued after the period specified by the courts and the court dismisses such final order due to non-conclusion of the same within time specified by them, action against the concerned persons shall be taken for not taking prompt action within the time and loss caused if any, thereto the Government in such cases shall be recovered from the concerned.

4. In respect of item (ii) wherein the disciplinary cases which are pending at the time of retirement of the Government servant and subsequently further action was dropped, the individual is eligible for interest on retirement Gratuity from the date of issue of final orders thereon. In many cases, where charges and further action was dropped after retirement, the charged officers are requesting for interest from the date of retirement, but not from the date of final orders since charges are dropped.

5. In the above circumstances, Government hereby order that if the department decides to drop the charges, they shall take a decision as quickly as possible and they should draft the order carefully duly indicating that the individual shall be eligible for interest subject to the conditions specified under sub-rule (1A) of rule 46 of the Andhra Pradesh Revised Pension Rules 1980 from the date of final orders only. For this purpose the following lines are prescribed for guidance in respect of the orders proposed to be issued in this regard.

"In the circumstances stated above, the Government have taken a lenient view and further action is hereby dropped. The individual is eligible for terminal benefits due to him from the date of issue of these orders".

6. All the Departments of Secretariat and Heads of Departments are directed to take action accordingly.

(By Order and in the name of the Governor of Andhra Pradesh)

S.K. ARORA

Principal Secretary to Govt.

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Pension – Payment of Pensionary benefits to the Government Servants retired from service pending disciplinary action – Action against the retired persons for their lapses – Consolidated – Orders – Issued.

Finance and Planning (FE. Pen.I) Dept.

G.O. Rt. No. 1097

**Dated: 22-06-2000
Read the following**

1. Memo No. 37254/361/A2/Pen.I/98, Dt.4-7-1998 of the Finance and Planning (FW. Pen.I) Dept.
2. Memo No. 3026/18/A2/Pen.I/99 dated 1-6-1999 of Finance and Planning (FW. Pen.I) Dept.
3. Cir. Memo No.37989-A/494/A2/Pen.I/98 Dated 21-04-1999 of Finance and Planning (FW. Pen.I) Dept.
4. G.O. Ms. No. 11, F&P (FW.FR1) Dept. Dt.15-01-1997
5. D.O. Lr.No. 368/VC.A2/99 Dt. 17-02-2000 of Vigilance Commissioner, A.P. Hyderabad.

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ORDER :

The Vigilance Commissioner in the reference 5th read above, has stated that reference are being made to that Commission by the departments of secretariat wanting to know the terminal benefits that can be sanctioned and those that are necessary to be with held on retirement of an Officer facing charges in departmental proceedings or criminal prosecution. Hence he has requested to issue consolidated instructions indicating the terminal benefits that can be released and those that are to be withheld in the above referred cases, so that a lot of unnecessary file work, litigation in Courts and harassment of retired Officers can be prevented. Accordingly, the following orders are hereby issued.

2. According to the existing rules, the following are the terminal benefits to be sanctioned to a retired Government employee.

1. Family Benefit Fund
2. Andhra Pradesh Group Insurance Amount
3. General Provident Fund amount
4. Andhra Pradesh Government Life Insurance amount
5. Encashment of Earned Leave
6. Retirement Gratuity
7. Pension / Provisional Pension
8. Commuted Value of Pension

3. In case of Government Employees against whom the departmental proceedings or criminal proceedings are pending at the time of retirement, all the above terminal benefits need not be released. Proceedings pending means, there must be proceedings already initiated and pending within the meaning of rule 9 of the Andhra Pradesh Revised pension Rules, 1980. a Government servant who attains the age of superannuation while under suspension should be allowed to retire on the due date of superannuation. But pensionary benefits can not be settled until the conclusion of the enquiry or disposal of charges. In such cases, the payment of terminal

benefits shall be regulated as follows.

A. The following amounts shall be paid to the retired employee since no recoveries can be made from these amounts :

1. Family Benefit Fund
2. Andhra Pradesh Group Insurance Scheme
3. General Provident Fund
4. Andhra Pradesh Government Life Insurance

B Encashment of Earned Leave : As per the orders issued in G.O. 4th read above, the authority competent to grant leave, in the above mentioned cases may withhold whole or part of cash equivalent of earned leave, if in the view of the competent authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion, the retired employee will become eligible to the amount so withheld after adjustment of the Government dues, if any. As such, Encashment of Earned Leave can be regulated accordingly.

C. Retirement Gratuity : According to clause (C) of sub-rule (1) of rule 52 of the Andhra Pradesh Revised Pension Rules, 1980, on Gratuity shall be paid until the conclusion of the departmental or judicial proceedings and issue of final orders. According to the proviso to the above said rule, where departmental proceedings have been instituted under rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, for imposing any of the penalties specified in clauses (i), (ii) and (iv) of rule 9 of the said rules, except the cases falling under sub-rule (2) of rule 22 of the said rules, the Government Servant. It is also further provided in the said rule that where a conclusion has been reached that a portion of pension only should be withheld or withdrawn and the retirement gratuity remains unaffected in the contemplated final orders, the retirement gratuity can be released up to 80% of the eligible retirement gratuity.

D. Provisional Pension : As per Sub-rule (4) of rule 9 of the Andhra Pradesh Revised Pension Rules, 1980, the retired employees mentioned in the above cases shall be sanctioned provisional pension as provided in rule 52 of the said rules. According to rule 52 of the said rules, the Audit Officer / Head of Office shall pay the provisional Pension not exceeding the eligible pension. The provisional pension shall be paid from the date of retirement to the date on which, final orders are passed by the competent authority on conclusion of the departmental or Judicial proceedings pending against the retired employee. The Provisional pension shall not be less than 75% of the normal pension entitlement.

2. Pension sanctioning authorities are competent to sanction provisional pension to the Non Gazetted Officers. It shall be sanctioned by the Government in the case of Gazetted Officers.

3. In the above mentioned cases, the department shall send pension papers to the Accountant General and it should be mentioned in the forwarding letter that departmental / judicial proceedings are pending and with a request to indicate only the quantum of pension that would be admissible which should not be released till further orders as only provisional pension

has to be released. The Accountant General may then verify the pensionary benefits admissible and indicate the quantum of pension, where upon the Head of the Department may intimate the quantum of Provisional pension for payment in case of Gazetted Officers, so that Government will sanction the same. The Accountant General, A.P. Hyderabad, will straight way authorize the minimum provisional pension i.e., 75% of the quantum of pension verified by his office, pending sanction by the pension sanctioning authority and that if the appropriate authority sanctions more than 75% of the eligible pension as provisional pension,. The accountant General will issue an amendment accordingly.

E. Commuted Value of Pension : No Commutation of pension shall be allowed in the above mentioned cases since sub rule 3 of the rule 3 of the Andhra Pradesh Commutation rules, do not permit a Govt. Servant against whom judicial or departmental proceedings has been instituted or pending, to commute any part of his pension during the pendency of such proceedings. Further, in the case of those to whom only provisional pension is granted, if after conclusion, entire pension is withheld, the question of commutation does not arise. In the case of others to whom pension was allowed either in full or in part, the period of one year for commutation without medical examination has to be reckoned from the date of issue of orders on conclusion of the proceedings.

4. Action against a retired officer who commits irregularities can be taken on three counts : 1) Criminal Prosecution, 2) Disciplinary action, 3) Recovery of the amount.

In case of the death of the retired officer, action on first two counts will abate but as per the orders issued in the G.O. Ms. No.85, Finance and Planning (FW. Pen.I) Department dated.12-07-1999, the loss or mis-appropriated amounts can be recovered from the terminal benefits of the retired officer.

5. If any irregularity of a retired employee is noticed after his retirement and no departmental proceedings can be instituted under sub-rule (2)(b) of rule9 of Andhra Pradesh Revised Pension Rules, 1980, the department can initiate criminal action against the retired officer or action under the Andhra Pradesh Revenue Recovery act, 1964 to recover the loss if any caused to the Government by him.

6. All the departments of Secretariat and Pension sanctioning authorities are requested to take action accordingly and finalize the cases as quickly as possible.

(by Order and in the name of the Governor of Andhra Pradesh)

S.P.K. Naidu
Principal Secretary to Govt. (F.P)

Office of the Engineer-in-Chief(AW),
I&CAD Deptt., Errumanzil, Hyderabad.

Circular Memo No.Rc/ENC/F1/2018/1

Dated: 02.01.2019.

Sub:- Pensions – I&CAD Deptt., - Sanction of pensionary benefits
to the Charged Officers – Certain instructions – Issued.

Ref:- G.O.Rt.No.1097, Finance (FW.Pen.1) Deptt., dt:22.08.2000

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It is brought to the notice of the undersigned that some of the Unit Officers/Superintending Engineers have sanctioned Encashment of EL to the charged officers, who retired on attaining the age of superannuation, before concluding of the disciplinary proceedings i.e. ACB Cases (Trap & DA) and other criminal cases initiated against them and not followed the earlier instructions issued in this office Circular Memo No.Rc/ENC/F3/8727/2010, dt:25.08.2000.

In this regard all the unit officers are once again informed that as per the G.O.Rt.No.1097, Finance (FW.Pen.1) Deptt., dt:22.08.2000, the following only can be paid to the retired employees, those who are involved in disciplinary cases, since no recoveries can be made from these accounts.

- 1) Family Benefit Fund.
- 2) TSGIS
- 3) General Provident Fund
- 4) TSGLI

Regarding Encashment of Earned leave: As per the above G.O., the authority competent to grant leave in above mentioned cases may withhold whole or part of cash equivalent of earned leave, if in the view of the Competent authority there is possibility of the some money becoming recoverable from them on conclusion of the proceedings initiated against them. On conclusion, the retired employee will become eligible to the amount, so withheld after adjustment of the Government dues, if any, as such Encashment of EL can be regulated accordingly.

In this regard, all the unit officers/SEs are informed that

1. **The employees who are facing criminal/ACB (Trap/DA) cases are not eligible for sanction of Encashment of EL until the finalization of above cases and also issuing Government orders to do so**, as the punishment in the above cases will be removal from service/withholding all pensioner benefits, if they are convicted in the above cases and it is not possible to recover the above amount from them thereon.

2. **The employees, who are facing disciplinary cases other than mentioned above, it is the discretion of the competent authority whether to sanction the Encashment of EL, based on the gravity of the case.**

Regarding Retirement Gratuity: As per the above G.O. cited and clause (C) of sub rule (1) of rule 52 of TS revised pension rules 1980, No Government employee shall be paid retirement gratuity until conclusion of the departmental and judicial proceedings and issue of final orders.

In view of the above, all the Unit Officer's/Superintending Engineer's are hereby directed to follow the above instructions scrupulously, before sanctioning of Encashment of EL & also retirement gratuity to the charged officers, who are facing ACB (Trap & DA) cases, criminal cases and disciplinary cases, otherwise the concerned officers will be held responsible for further disciplinary action.


Sd/-B.Nagendra Rao,
Dt:21.01.2019,
Engineer-in-Chief(AW)

To

The all Unit Officers/Superintending Engineers

Copy to H and G Sections of this office.

- ✓ Copy to DEE(Computers) with a direction to place in the Irrigation website.


for Engineer-in-Chief(AW)

6022629/2022/OP-ESE01

**GOVERNMENT OF ANDHRA PRADESH
FINANCE (HR.III-Pension, GPF) DEPARTMENT**

U.O.Note No: 165026: FIN01-HR0MISC/21/2022-HR-III dt:17/06/2022



Subj: AP Revised Pension Rules- Dealing with disciplinary cases pending at the time of retirement- Instructions -Regarding.

Ref: 1.Proviso under Rule 9(2)(a) & 9(b) of APRPRs 1980.

2.G.O.Ms.No.1097, Finance Department, 22.06.2000.

The attention of all the Secretariat departments are invited to the references cited. In the cases of settling the pensionary benefits against whom disciplinary cases are pending at the time of retirement, the issue to be examined w.r.to rule position under APRPRs 1980 and detailed instructions issued for release of retirement benefits vide G.O.Ms.No. 1097, dated 22.06.2000.

2. However it is noticed that, many of the departments are forwarding the files in such issues without examining w.r.to rule position under A.P.Revised Pension Rules 1980 and release of pensionary benefits as per existing rules.

3. Hence all the departments of Secretariat are instructed to examine the cases of settling the pensionary benefits against whom disciplinary cases are pending at the time of retirement, w.r.to rule position under APRPRs 1980 and retirement benefits to be released as per detailed instructions issued in G.O.Ms.No. 1097, dated 22.06.2000. Further while dealing on the above, to follow uniformity in all similar cases a prescribed checklist annexed to these orders and all the departments are advised to instruct the HoDs under their control also to follow the same. Before sending the files to Finance Department, the remarks of HoD and administrative department of the Secretariat furnish along with the checklist annexed, accordingly.

**SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT**

To
All the Secretariat Departments
Finance (Admn.I / II/ III) Department
Finance (OP.I) Department

// FORWARDED :: BY ORDER //

A. Suresh Kumar
SECTION OFFICER

6022629/2022/OP-ESE01

Check list for dealing with Disciplinary Cases pending at the time of Retirement.			
Sl.No.	Item	Details	supporting documents wherever applicable
1	Name of the employee		
2	Designation with last working place		
3	Department		
4	Competitive authority for the disciplinary proceedings.		
5	Tenure of service along with DoB, DoJ & DoR		
6	Brief of the Disciplinary case		
7	Relevant rule position(9(2)(a) & 9(b) of APRPRs 1980 etc)		
8	Status on the Article of charges		
	a Date of Serving		
	b Whether before retirement		
	c whether within a period of 4 years from the date of issue		
	d Report of the inquiry in brief		
9	Status of Judicial / Criminal Proceedings (ACB /Vigilance)		
10	Date of Suspension		
11	Date of reinstatement		
12	Provisional Pension - Status of Sanction		
13	Release of pensionary benefits w.r.to G.O.Ms.No.1097, Finance dept, dt. 22.06.2000		
14	Details of the court cases		
	a Type of the case WP/CC/SLP		
	b No. of petitioners & Plea		
	c No.of Respondents in Order		
	d Whether counter filed		
	e Orders if any		
	f If, so status of the appeal		
15	Remarks of HoD		
16	Remarks of the Administrative department		

Commissioner of School Education
06 JUL 2022
Dated: 04.07.2022

Dated: 04.07.2022

Ref:- U.O. Note No:165026:FIN01-HR0MISC/21/2022-HR-III,
Dated:17.06.2022 of Finance (HR.III-Pension, GPF) Department.

2. They are therefore, requested to follow the above instructions scrupulously.

To
All the Head of the Departments U/c of School Education Department.(w.e)
Copy to:
The Finance (HR.III-Pension, GPF) Department.

//FORWARDED::BY ORDER//

SECTION OFFICER

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GOVERNMENT OF ANDHRA PRADESH
SCHOOL EDUCATION DEPARTMENT

Memo.No.ESE02-16021/81/2022-PENSION-CSE Dt.01/08/2022

Sub: SE - A.P. revised Pension Rules - Dealing with disciplinary cases
- pending at the time of retirement -Instructions -Reg.

Ref:- Memo.No.6022629/SE:Vig(1)/2022, Dt: 04-07-2022 of the Joint
Secretary to Govt, SE, Govt. of AP.

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A copy of the Govt. memo in the reference cited together with its enclosure is communicated to the all the Regional Joint Director of School Education and District Educational Officers in the state wherein the Finance (HR.III-Pension, GPF) Department, have instructed to examine the cases of settling the pensionary benefits against whom disciplinary cases are pending at the time of retirement, W.r.t. rule position under APRPRs 1980 and retirement benefits to be released as per detailed instructions issued in G.O.Ms.No.1097, dated 22.06.2000 and further, while dealing on the above, to follow uniformity in all similar cases, a prescribed checklist annexed to this order and they have therefore, advised all the departments to instruct the HoDs under their control also to follow the same and before sending the file to finance Department, the remarks of the HoD and administrative department of the Secretariat have to furnish along with the checklist accordingly.

Therefore, All the RJD's and DEO's are requested to follow the above instructions and to furnish the remarks along with checklist before sending the files.

Encl:- As above

Dasi Venkata Suprakash
for Commissioner of School Education

To

All the District Educational Officers in the state.

All the Regional Joint Directors of School Education in the state.

Copy to:

All the Administrative departments / HoDs under the control of School

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Disciplinary Cases against the Government employees – Time schedule to expedite the process of disciplinary cases at various levels – Consolidated instructions – Orders – Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No.91.

Dated:12.09.2022.
Read the following:-

1. Circular.Memo.No.35676/Ser.C/1998,G.A.(Ser.C)Dept., Dt.01.07.1998.
2. Memo.No.23537/Ser.C/1999-5, G.A. (Ser.C) Dept., Dt.28.07.1999.
3. U.O.Note.No.19952/Ser.C/2000, G.A. (Ser.C) Dept., Dt.27.04.2000.
4. Memo.No.51883/Ser.C/2002-2, G.A. (Ser.C) Dept., Dt.19.12.2002.
5. U.O.Note.No.58445/Ser.C/2002-2, G.A. (Ser.C) Dept., Dt.24.01.2003.
6. Memo.No.82494/Ser.C/2003, G.A. (Ser.C) Dept., Dt.28.07.2003.
7. Circular.Memo.No.36500/Ser.C/2005,G.A.(Ser.C)Dept., Dt.19.04.2006.
8. Circular Memo.No.1271/Ser.C/2008, G.A.(Ser.C) Dept., Dt.21.01.2008.
9. G.O.Ms.No.679, G.A. (Ser.C) Dept., Dt.01.11.2008.
10. Circular U.O.Note.No.27306/Ser.C/A1/09-1,G.A.(Ser.C) Dept., Dt.07.08.2009.
11. Circular Memo.No.10245/Ser.C/A1/2010-1, G.A.(Ser.C) Dept., Dt.07.02.2011.
12. Circular Memo.No.3189/Ser.C/2014-1, G.A. (Ser.C)Dept., Dt.17.11.2014.
13. U.O.Note.No.GAD01/272/2019-GLC-5, G.A. (L&C), Dept., Dt.16.07.2019 along with the Minutes of Secretaries' Conference held on 10.07.2019.

ORDER:

In the references 1st to 12th read above, instructions were issued from time to time on dealing with the disciplinary proceedings against the Government Servants so as to achieve the object to minimize the time period for completion of the disciplinary proceedings. Thus, ensuring timely action right from initiation and adhering to the time schedule/limits prescribed till completion of the disciplinary proceedings.

2. Whenever certain commissions and omissions are either noticed or reported against a Government Servant, disciplinary proceedings are initiated for misconduct as per the provisions laid down in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and also as per the provisions contained in the Andhra Pradesh Revised Pension Rules, 1980 in respect of the retired employees. Wherever considered necessary, Criminal action is also being initiated by filing charge sheets in a Court of Law. Time and again instructions were issued for expeditious completion of the Inquiries where departmental action is initiated in order to punish the guilty.

3. It is noticed that considerable time is consumed in processing the files relating to the disciplinary cases at various levels. Therefore, it is felt necessary to ensure prompt action is taken in dealing with the disciplinary cases at all levels of administration by following due procedure to avoid delay.

4. Against this back ground, one of the action points that emerged at Secretaries' Conference held on 10.07.2019 is that a comprehensive order be issued fixing definite time frame for all the stages involved in a disciplinary case from its initiation to conclusion.

5. Government after careful examination of the matter hereby issue the following comprehensive guidelines for fixing a definite time frame for all the stages involved in a disciplinary case in supersession to the earlier instructions issued in references 1st to 12th read above:-

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- i. There should not be undue delay between the actual occurrence of offence/irregularity and framing of charges. The preliminary investigation/preliminary enquiry should be conducted quickly and if the outcome after examination of preliminary enquiry report reveals serious lapses/irregularities, then charges may be framed without further delay. It has been observed that this process is so delayed that the Charged Officer, in many cases, retires from service or the charges are framed at the verge of retirement thereby sometimes resulting in the Government servant escaping from punishment.
- ii. As framing of charges is the first step for initiation of the disciplinary process and as it is the essence of the allegation, it should not be drafted in very general terms, such as, negligence of duties, breach of conduct rules, conduct unbecoming of a Government Servant etc. The charges should be drafted in a precise manner with clear and appropriate terms, using simple language. Detailed guidelines on proper framing of charges against officers were issued vide U.O.Note.No.1041/SC.F/89-14, Dated:16.8.1989, which shall be strictly followed. While preparing the draft charges, the Disciplinary Authority should have all the records and other materials for verification of the facts mentioned in the charges. Simply accepting the draft charges sent by the preliminary enquiry officer/Investigating Officer, without verifying them with reference to records is not right. Therefore, the charges should have enough documentary support for pursuing. The witnesses selected should speak of the charges and with reference to the records. If the witness is an official witness, senior officers connected with the matter should be selected as witness. The charges so drafted should immediately be served on the Delinquent Officer with the connected documents and his written defense statement should be obtained and duly examined. Copies of documents by which and copies of statements of witness by whom, the article of charges are proposed to be sustained, must be furnished to the Delinquent Officer along with article of charges. Denial of these documents defeats principles of natural justice apart from weakening grounds for further action.
- iii. Obtaining of written statement of defense from the charged person and verifying it for its satisfactoriness or otherwise, of course, with reference to the records, is a must. It should be attended by a senior officer and not by the lower rank officers. If the Written Statements of Defense are perused carefully with reference to records, it will give a clear picture as to whether the charges can be proceeded with further or not and also whether there is enough documentary support to prove the charges.
- iv. Another step in the process is appointment of a 'Presenting Officer'. The Presenting Officer is an essential and important functionary in conduct of departmental inquiries. He plays an important role because he has to present the case of Disciplinary Authority successfully on behalf of the Disciplinary Authority before the Inquiring Authority. The Presenting Officer should, therefore, be well conversant with the case and for this, he should be provided with copies of Charge Memo, Written defense statements and access to all the connected records/material well in advance of his appearance before the Inquiring Authority. The Disciplinary Authority should brief the Presenting Officer adequately and give him full support and cooperation for his successful presentation of the case before the Inquiring Authority. If the Presenting Officer is a Government servant, he should be senior enough and should have enough knowledge of the case for presentation before the Inquiring Authority.
- v. It is noticed that most of the Disciplinary Authorities are not sending the records to the Inquiring Authority in time or along with the order of appointment of Inquiring Authority. The Disciplinary Authorities are,

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therefore, requested to send all connected records to the Inquiring Authority along with appointment order. They should not ask the Head of the Departments concerned to send the records directly to the Inquiring Authority, without themselves examining them first.

- vi. Most of the deficiencies noticed in the course of Inquiries can be avoided, if disciplinary authority at the level of Secretary / Principal Secretary / Special Chief Secretary bestow personal attention to disciplinary cases. The Head of the Department also should peruse the records before they submit them to Secretariat Department. Unless the higher officials show personal interest and bestow necessary importance to these matters, without treating them as routine files, the subordinate officials will also not show urgency in dealing with these cases. It is not at all fair if senior officers responsible for lapses escape punishment and only junior officers face inquiries. It is, therefore, quite imperative that all the senior officials of various Departments viz., Secretaries / Principal Secretaries / Special Chief Secretaries should show personal attention to the Disciplinary cases to avoid such mistakes or miscarriage of justice.
- vii. It is often noticed that because of undue delay between the occurrence of an incidence of negligence / lapse and its noticed that the guilty escapes. Sometimes they retire and the period of four years elapse from the date of occurrence of event as per Cir.Memo.No.993083/Fin01-HR0CL1/9/2019-HR-III, Finance (HR.III-Pension) Department, dated 15-03-2020 and initiation of disciplinary proceedings of the case become time-barred and no action against the guilty officer is possible under the provisions of the Andhra Pradesh Revised Pension Rules, 1980. In view of this, it is desirable that within one year from the receipt of preliminary enquiry report / detailed enquiry report, all proceedings against the Charged Officer should be completed. If there is undue delay, the file should be circulated to the Chief Secretary / Minister concerned and specific time schedule should be indicated for disposal of the case and their approval taken. This will reduce scope for undue delay and consequent non-action against guilty officers.
- viii. In case of Departmental proceedings instituted against the retired Government employees, it is noticed that there is abnormal delay in completing the inquiries, thereby, the pensionary benefits could not be finalized in such cases. Keeping this in view, it is clarified that the time schedule prescribed to complete the inquiries against Government employees, as detailed above, shall also apply to the Departmental Proceedings instituted against the retired Government employees. The procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991 shall be followed in case of Departmental proceedings initiated against the retired Government employees, as laid down in Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980. Thereafter, for obtaining concurrence of the Andhra Pradesh Public Service Commission for the punishment proposed in the case of retired officers, within a week request to the Andhra Pradesh Public Service Commission must be made for its concurrence after a decision is taken to impose penalty. So concurrence to proposed punishment is thus obtained on file.
- ix. Government direct that in all simple cases the inquiry initiated against Government Servant shall be completed within three months either by Departmental Officers or Commissioner of Inquiries. In complicated cases, it shall be ensured that the inquiry should be completed within five to six months. The Secretaries to Government shall review the progress of the inquiries ordered in all disciplinary cases and submit a note on the cases pending beyond the stipulated time to Chief Secretary to Government and also the Chief Minister.

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- x. The time frame followed by the Inquiring Authority and disciplinary authority is prescribed as follows:

(a)	Fixing the date of hearing inspection of listed documents, submission of the list of defense documents and the nomination of a defense assistant (if not already nominated).	Within two weeks from the date of appointment of the Inquiring Authority
(b)	Inspection of documents or submission of list of defense witnesses/ defense documents or examination of the relevancy of documents or witnesses, procuring the additional documents and submission of the certificates, confirming inspection of the additional documents by accused officer or defense assistant.	Two weeks
(c)	Issue of summons to the witnesses, fixing the date of regular hearing and arrangements for participation of the witnesses in the regular hearing.	Two weeks
(d)	Regular hearing on day to day basis.	Two weeks
(e)	Submission of written briefs by the Presenting Officer and submission of written briefs by Accused Officer/Defense Assistant to Inquiring Authority.	Two weeks
(f)	Submission of the Inquiry Report by the Inquiring Authority.	Two weeks
(g)	Examination of the inquiry report by the disciplinary authority in consultation with APVC where such consultation is necessary.	One week
(h)	The charged official submits his written representation or submission to the disciplinary authority.	Within fifteen days
(i)	Consultation with APVC where such consultation is necessary	Two weeks
(j)	Consultation with APPSC where such consultation is necessary	Two weeks
(k)	Passing final order in a disciplinary case by the disciplinary authority.	Two weeks

- xi. The Government further order that the Inquiring Authorities are liable for disciplinary action for their failure to complete the inquiry within stipulated period. In cases, where large number of witnesses are to be examined and voluminous material papers are to be verified, the Inquiring Authorities shall invariably take prior permission of the concerned disciplinary authorities by submitting detailed reasons for continuing the departmental inquiry beyond the stipulated period.
- xii. The Government further direct that all Vigilance Officers/ Disciplinary Authorities must invariably keep in mind the date of superannuation of the Charged Officer, while handling disciplinary cases and complete the disciplinary action well in time. Anyone found to have consciously ignored this fact should be held accountable for the delay that may lead to the eventual dropping of the proceedings.

Contd....

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xiii. The Government direct that the disciplinary cases initiated against the employees shall be dealt on priority basis to avoid delay. The connected file shall not be detained by the Officers concerned for more than three days and wherever, the files are circulated to the Hon'ble Ministers, they need to be persuaded to be cleared within a week.

6. All the Departments of Secretariat, the Heads of Departments and the District Collectors, should follow the above instructions scrupulously and bring it to the notice of all the concerned for strict implementation of the above orders.

7. This order is available in online and can be accessed at apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. SAMEER SHARMA,
CHIEF SECRETARY TO GOVERNMENT.**

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
The Law (LSP) Department.
The Director General, Anti-Corruption Bureau, Vijayawada.
All Service Sections in Genl. Admn. Department.
The Secretary, A.P. Public Service Commission, Vijayawada.
The Secretary, A.P. Vigilance Commission.
The Registrar, High Court of A.P., Hyderabad.
Copy to:-
The P.S., to Spl. C.S. to C.M.
The P.S. to C.S.
The P.S. to Secretary (Ser & HRM).
The P.S. to the Hon'ble Minister for Finance.
SF/SC.

//Forwarded:: By order//


SECTION OFFICER
