

ANDHRA PRADESH CIVIL SERVICES
(DISCIPLINARY PROCEEDINGS TRIBUNAL) ACT

ANNEXURE- II

GOVERNMENT OF ANDHRA PRADESH
THE ANDHRA PRADESH GAZETTE
PART IV - B - EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.2] HYDERABAD, WEDNESDAY, JANUARY 20, 1960.

ANDHRA PRADESH ACTS, Etc.,

THE FOLLOWING ACT OF THE ANDHRA PRADESH LEGISLATURE RECEIVED THE ASSENT OF THE GOVERNOR ON THE 12th JANUARY, 1960 AND THE SAID ASSENT IS HEREBY FIRST PUBLISHED ON THE 20th JANUARY, 1960 IN THE ANDHRA PRADESH GAZETTE FOR GENERAL INFORMATION.

ACT No.II OF 1960

An Act to provide for the constitution of Tribunal for Disciplinary Proceedings to inquire into allegations of misconduct on the part of Government servants and for other matters connected therewith.

BE it enacted by 'the Legislature of the State of Andhra Pradesh in the Tenth year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960.

(2) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,-

- a) 'Government' means the State Government.
- b) 'Government servant' means a person in the Civil Service of the State,
- c) 'Prescribed' means prescribed by rules made under this Act.
- d) 'Tribunal' means the Tribunal constituted under section 3.

Constitution and composition of Tribunal.

3. (1) The Government shall constitute a Tribunal for disciplinary proceedings consisting of one or more members.

(2) The Government may, at any time, by order, appoint one or more additional members to the Tribunal for such period as they may think fit or reduce the number of members of the Tribunal.

(3) Every member of the Tribunal shall be a judicial Officer of the status of a District Judge and his appointment shall be made by the Government.

(4) If the Tribunal consists of more than one member one of the members shall be designated by the Government as the Chairman of the Tribunal.

Cases to be referred to Tribunal.

4. The Government shall refer to the Tribunal for inquiry and Report, such cases as may be prescribed of allegations of misconduct on the part of Government Servants.

Power of Tribunal to Sumon and examine witnesses to direct production of documents and to appoint as Assessor.

5. (1) The Tribunal shall, for the purpose of conducting an inquiry under this Act, have the powers of a civil court while trying a suit, under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely:

- i) summoning and enforcing attendance of any person.
- ii) requiring the discovery and production of any document; and
- iii) issuing commissions for the examine of witness or documents.

(2) The Tribunal may examine on oath any person supposed to be acquainted with the matter under inquiry or any fact relavant thereto, and may record his evidence

(3) Every person who is examined under sub-section (1) shall be bound to answer truly all questions relating to the matter put to him by the Tribunal.

(4) Any person who wilfully or without reasonable excuse, disobeys any summons or order issued under the foregoing sub-sections shall be liable to the penalties laid down for the disobedience of the summons or order issued by a civil court

	(5) The Tribunal may, if it so thinks fit, appoint any person as assessor to assist it in conducting an inquiry into any case or cases referred to it.
Procedure of Tribunal.	6. (1) If the Tribunal consists of more than one member, an inquiry into a case referred to the Tribunal under section 4 shall be held by all the members sitting together or by a single member, as the Chairman may direct, and where all the members, sit together the evidence shall be recorded by such member or members as the Chairman may direct. (2) Unless the Chairman otherwise directs all proceedings at any such inquiry shall be held in camera. (3) The procedure to be followed by the Tribunal at any such inquiry shall, subject to the provisions of sub-sections (1) and (2) be such as may be prescribed.
Tribunal to report to Government.	7. On the conclusion of an inquiry, the Tribunal shall report its findings to the Government and where it finds that the Government servant concerned has been guilty of misconduct, shall recommend the penalties which should be imposed on such Government servant.
Amendment of Section 7 of 1960.	Provided that where a single member of the Tribunal holds an inquiry into a case as provided in sub-section (1) of section 6, he alone shall report his findings and recommend the penalties and his report to the Government in this regard shall be deemed to be the report of the Tribunal for the purposes of this Act. (added by Amendment Act 27 of 1965)
Amendment of Section 7 Act II of 1960.	Provided further that where such single member does not examine any witness and record evidence but only hears arguments in such an inquiry and reports his findings, the hearing of arguments alone by him shall be deemed to be an inquiry under sub-section (1) of section 6. (added by Amendment Act 4 of 1976)
Orders of the Government.	8. The Government shall consider the report of the Tribunal in the prescribed manner and pass such orders thereon as they think fit.
Protection of action taken under this Act.	9. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made there under.

Power to make rules.

10. (1) The Government may, by notification in the Andhra Pradesh Gazette make rules for the purpose of giving effect to the provisions of this Act.

(2) All rules made under this Section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of the State Legislature and shall be subject to such modifications, whether by way of repeal or amendment, as the State Legislature may make during the session in which they are so laid.

Repeal and Savings.

11. (1) The Hyderabad Public Servants Tribunal of Inquiry Act; 1950 (Hyderabad Act XXIII of 1950), the Andhra Civil Services (Disciplinary Proceedings Tribunal) Rules, 1953, and the Andhra Tribunal for Disciplinary Proceedings (Summoning and Examination of Witnesses and Documents) Act, 1956 (Andhra Act XXVIII of 1956), are hereby repealed:

Provided that such repeal shall not effect the previous operation of the repealed laws.

(2) From the date on which this Act comes into force the Tribunal constituted under the repealed laws shall be deemed to have been abolished and all cases pending before the said Tribunal on the said date shall be deemed to have been referred to the Tribunal and shall be disposed of by it under the provisions of the repealed laws as if it was a Tribunal constituted under those laws and such cases were referred to it.

Provided that where a single member of the Tribunal holds an inquiry into a case as provided in any of the repealed laws, he alone shall report his findings and recommend the penalties and his report to the Government in this regard shall be deemed to be the report of the Tribunal for the purposes of that repealed law.;

(Added by Amendment Act 27 of 1965)

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

D. SURYANARAYANA SWAMY,
SECRETARY TO GOVERNMENT,
LAW DEPARTMENT

J. VEERA SWAMY,
DRAFTSMAN TO GOVERNMENT
LAW DEPARTMENT

THE ANDHRA PRADESH GAZETTE
PART IV - B -EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 6] HYDERABAD, TUESDAY, FEBRUARY. 2, 1993.

ANDHRA PRADESH ACTS ORDINANCES AND REGULATIONS, Etc.,

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 1st February, 1993 and the said assent is hereby first published on the 2nd February, 1993 in the Andhra Pradesh Gazette for general information.

ACT No. 6 OF 1993

An Act further to amend the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty fourth year of the Republic of India as follows:-

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| Short title | 1. This Act may be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) (Amendment) Act, 1993. |
| Amendment of Section 2 Act II of 1960. | 2. In the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (hereinafter referred to as the Principal Act), in section 2, for Clause (b), the following clause shall be substituted, namely:-

"(b) `Government Servant' means a person appointed to public services or to a post in connection with the affairs of the State of Andhra Pradesh." |
| Amendment of Section 3. | 3. In section 3 of the principal Act, to sub-section (3), the words "out of a panel of names forwarded by the High Court" shall be added at the end. |
| Amendment of Section 4. | 4. In section 4 of the principal Act, in the opening portion for the words "The Government shall refer to the Tribunal" the words "The Government may refer to the Tribunal" shall be substituted. |
| Insertion of new section 4 A. | 5. After section 4 of the principal Act, the following section shall be inserted namely:- |

"Governments power to withdraw cases.

4A. The Government may, in appropriate cases and for reasons to be recorded in writing, withdraw any case refer to the

tribunal at any time before the Tribunal concludes its inquiry."

Amendment of Section 7.

6. In section 7 of the principal Act,-

(i) the words "and where it finds that the Government servant concerned has been guilty of misconduct; shall recommend the penalties which should be imposed on such Government servant" shall be omitted,;

(ii) in the first proviso, the words "and recommend the penalties" shall be omitted.

Amendment of Section 10.

7. In section 10 of the principal Act, for sub-Section (2) the following shall be substituted, namely:-

"(2) Any rule made under this Act may be made with retrospective effect from any date not earlier than the date of commencement of this Act and when such a rule is made, the reasons for so making the rule, shall be specified in a statement to be laid before the Legislative Assembly of the State.

(3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in Which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule, or in the annulment of the rule the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annuled as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule:-

K. SATYANARAYANA MURTHY,
SECRETARY TO GOVERNMENT,

LEGISLATIVE AFFAIRS,
LAW DEPARTMENT.

GOVERNMENT OF ANDHRA PRADESH
THE ANDHRA PRADESH GAZETTE
PART IV - B - EXTRA ORDINARY
PUBLISHED BY AUTHORITY
HYDERABAD, WEDNESDAY, JANUARY 20, 1960.
ANDHRA PRADESH ACTS, Etc.

No. 2

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 12th January, 1960 and the said assent is hereby first published on the 20th January, 1960 in the Andhra Pradesh Gazette for general information.

ACT No. II OF 1960

An Act to provide for the constitution of Tribunal for Disciplinary Proceedings to inquire into allegations of misconduct on the part of Government Servants and for other matters connected therewith.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Tenth Year of the Republic of India as follows:-

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| Short title and commencement. | 1. (1) This Act may be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Act, 1960.

(2) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint. |
| Definitions. | 2. In this Act, unless the context otherwise requires, -

(a) 'Government' means the State Government. |
| Amendment Act No.6 of 1993. | (b) 'Government Servant' means a person appointed to public services or to a post in connection with the affairs of the State of Andhra Pradesh.

(c) 'Prescribed' means prescribed by rules made under this Act.

(d) 'Tribunal' means the Tribunal constituted under section 3. |

	3. (1) The Government shall constitute a Tribunal for disciplinary proceedings consisting of one or more members.
Constitution and composition of Tribunal.	(2) The Government may, at any time, by order, appoint one or more additional members to the Tribunal for such period as they may think fit or reduce the number of members of the Tribunal.
Amendment Act No.6 of 1993.	(3) Every member of the Tribunal shall be a judicial officer of the status of a District Judge and his appointment shall be made by the Government out of a panel of names forwarded by the High Court. (4) If the Tribunal consists of more than one member, one of the members shall be designated by the Government as the Chairman of the Tribunal.
Cases to be referred to the Tribunal.	4. The Government may refer to the Tribunal for inquiry and report, such cases as may be prescribed of allegations of misconduct on the part of Government Servants.
Amendment Act No.6 of 1993.	4A. - 4A. The Government may, in "Government's appropriate cases and for reasons to power to be recorded in writing, withdraw any withdraw case referred to the Tribunal at any cases. time before the Tribunal concludes its, inquiry"
Power of Tribunal to summon and examine witnesses to direct production of documents and to appoint as Assessor.	5. (1) The Tribunal shall, for the purpose of conducting an inquiry under this Act, have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act, V of 1908), in respect of the following matters, namely:- (i) Summoning and enforcing the attendance of any person. (ii) requiring the discovery and production of any document; and (iii) issuing commissions for the examine of witnesses or documents.

(2) The Tribunal may examine on oath any person supposed to be acquainted with the matter under inquiry or any fact relevant thereto, and may record his evidence.

(3) Every person who is examined under sub-section (1) shall be bound to answer truly all questions relating to the matter put to him by the Tribunal.

(4) Any person who wilfully or without reasonable excuse, disobeys any summons or order issued under the foregoing sub-sections shall be liable to the penalties laid down for the disobedience of the summons or order issued by a civil court.

(5) The Tribunal may, if it so thinks fit, appoint any person as assessor to assist it in conducting an inquiry into any case or cases referred to it.

Procedure of Tribunal.

6. (1) If the Tribunal consists of more than one member, an inquiry into a case referred to the Tribunal under section 4 shall be held by all the members sitting together or by a single member, as the Chairman may direct, and where all the members, sit together the evidence shall be recorded by such member or members as the Chairman may direct.

(2) Unless the Chairman otherwise directs all proceedings at any such inquiry shall be held in camera.

(3) The procedure to be followed by the Tribunal at any such inquiry shall, subject to the provisions of sub-sections (1) and (2) be such as may be prescribed.

Tribunal to report to Government, Amendment Act No.6 of 1993.

7. On the conclusion of an inquiry, the Tribunal shall report its findings to the Government.

Provided that where a single member of the Tribunal holds an inquiry into a case as provided in sub-section (1) of section 6, he alone, shall report his findings and his report to the Government in this regard shall be deemed to be the report of the Tribunal for the purposes of this Act.

(added by Amendment Act 27 of 1965)

Amendment of Section 7, Act II

Provided further that Where such single member does not examine any witness and recorded evidences but only hears arguments in such an inquiry and reports

of 1960. his findings, the hearing of arguments alone by him shall be deemed to be an inquiry under sub-section (I) of Section -6.

(added by Amendment Act of,1976) .

Orders of the Government. 8. The Government shall consider the report of the Tribunal in the prescribed manner and Pass such orders thereon as they think fit.

Prosecution of action taken under this Act. 9. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

Power to make rules. 10. (1) The Government may, by notification in the ANDHRA PRADESH GAZETTE make rules for the purpose of giving effect to the provisions of this Act.

Amendment Act No.6 of 1993. (2) Any rule made under this Act may be made with retrospective effect from any date not earlier than the date of commencement of this Act and when such a rule is made, the reasons for so making the rule shall be specified in a statement to be laid before the Legislative Assembly of the State.

(3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in Session, in the session immediately following, for a total period of fourteen days which may be comprised in one session in two successive Sessions, and if before the expiration of the Session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and Savings.

11. (1) The Hyderabad Public Servants Tribunal of Inquiry Act, 1950 (Hyderabad Act XXIII of 1950), the Andhra Civil Services (Disciplinary Proceedings Tribunal) Rules, 1953 and the Andhra Tribunal for Disciplinary Proceedings (summoning and examination of witnesses and Documents) Act, 1956 (Andhra Act XXVIII of 1956), are hereby repealed:

Provided that such repeal shall not affect the previous operation of the . repealed laws;

(2) From the date on which this Act comes into force, the Tribunal constituted under the repealed laws shall be deemed to have been abolished and all cases pending before the said Tribunal on the said date shall be deemed to have been referred to the Tribunal and shall be disposed of by it under the provisions of the repealed laws as if it was a Tribunal constituted under those laws and such cases were referred to it.

Provided that where a single member of the Tribunal holds on inquiry into a case as provided in any of the repealed laws, he alone shall report his findings and recommend the penalties and his report to the Government in this regard shall be deemed to be the report of the Tribunal for the purposes of that repealed law.

(Added by Amendment Act 27 of 1965)

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

D. SURYANARAYANA SWAMY,
SECRETARY TO GOVERNMENT,
LAW DEPARTMENT

J. VEERA SWAMY,
DRAFTSMAN TO GOVERNMENT
LAW DEPARTMENT

**ANDHRA PRADESH CIVIL SERVICES
(DISCIPLINARY PROCEEDINGS TRIBUNAL) RULES**

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS - ANDHRA PRADESH
CIVIL SERVICES (DISCIPLINARY PROCEEDINGS TRIBUNAL) ACT,
1960 - NOTIFICATIONS RELATING TO COMMENCEMENT - ISSUE OF
RULES AND CONSTITUTION OF THE TRIBUNAL - ORDERS - ISSUED.

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G.O.Ms.No.895

Dated the 18th July, 1961.

ORDER :-

The notifications annexed to this order will be published in the
Andhra Pradesh Gazette.

N. PURUSHOTHAM PAI,
CHIEF SECRETARY TO GOVERNMENT

ANNEXURE

NOTIFICATION - I

NOTIFICATION - II

In exercise of the powers conferred by subsection (i) of Section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960) the Government of Andhra Pradesh hereby makes the following rules, namely:-

RULES

1. These rules may be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961.

2. In these rules, unless the context otherwise requires:

(a) "Act" means the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960:

(b) "Misconduct" shall have the same meaning as criminal misconduct under section 5 (1) of the Prevention of Corruption Act, 1947 (Central Act (II) of 1947), and shall include any attempt to commit an offence referred to in class (c) of Clause (d) of that section and any wilful contravention of the rules made under the proviso to Article 309, of the Constitution of India, to regulate the conduct of persons appointed to Public Services and posts in connection with the affairs of the State (Amended in G.O.Ms.No.1026, G.A. (Ser.D) Dept., dated 16-12-1969.

3. (1) The Government may subject to the provisions of rule 4 refer to the Tribunal for enquiry and report under section 4 of the Act--

(a) Cases relating to Government servants drawing a basic pay of Rs.600/- and above per mensem in respect of matters involving misconduct; and

(G.O.Ms.No.490, dt.25-7-1980)

(b) cases relating to Government servants, drawing a basic pay of less than Rs.600/- per mensem in respect of matters involving misconduct committed by such Government Servants either jointly with other Government servants drawing a basic pay of not less than Rs.600/- per mensem or in the course of the same transaction involving misconduct committed by such other Government servants:

(Amended by G.O.Ms.No.718, G.A. (Ser. C), Dept., dated 8-10-1976) (G.O. Ms.No. 490, dt.25-7-1980)

Provided that it shall not be necessary to refer to the Tribunal any case in which the Tribunal has, at any previous stage, reported its findings in regard to the order to be passed and no fresh question has thereafter arisen for determination.

(2) omitted (Vide G.O.Ms.No. 359, G.A. (Ser.C) Dept., dated 22-5-78)

(2-A) Where two or more Government servants are concerned in any case, the Government may make an order directing that disciplinary proceedings against all of them may be taken in a Common proceeding; and there upon the Tribunal shall conduct the enquiry into such case accordingly.

(Added by G.O.Ms.No.862, G.A. (Ser. D) Dept., dt.9-8-72).

(3) notwithstanding anything contained in sub-rule (1) or (2) cases arising in the judicial Department and cases of officers and servants of the High Court who come under the rule making control of the Chief Justice as laid down in article 229 of the Constitution of India shall not be referred to the Tribunal.

4. (1) In every case referred to in sub rule (1) or (2) of rule 3 on completion of investigation. the Anti-Corruption Department or other departmental authority concerned shall submit a report of the case to the Government.

(2) The Government shall after examining such records and after consulting the Heads of Departments concerned, if necessary, decide whether the case shall be tried in a court of law or inquired into by the Tribunal or departmental authority.

Omitted (G.O.Ms.No.490, G.A. (Ser.C) Dept., dt.25-7-80).

(3) If the Government decide that the case shall be inquired into by the Tribunal, they shall send the records relating thereto to the Tribunal.

(4) In any case where the Head of the Department is not consulted he shall be informed of the action that is being taken.

(5) There shall be a Director of Prosecutions and as many additional Directors of Prosecutions, as may be considered necessary to conduct enquiries on behalf of the Government in disciplinary cases

before the Tribunal and the accused officer concerned shall be allowed to be represented by counsel. In case where the Director of Prosecutions cannot attend to examination of witnesses on commission an adhoc Director of Prosecutions shall be appointed.

(Amended in G.O.Ms. No. 109, G.A. (Ser. D) Dept., dated 25-2-1969).

5. Omitted (Vide G.O.Ms.No.780, G.A. (Ser. D) Dept., dated 6-5-1966.

6. The Tribunal may sit at such places as it may determine, with due regard to the convenience of the parties concerned and expenses involved.

7. (1) The following procedure shall be followed by the Tribunal in conducting enquiries into cases of corruption referred to it under section 4 of the Act:

(i) As soon as the records relating to allegations of corruption against a Government servant are received, the Tribunal shall frame appropriate charges and communicate them to the Government servant charged together with a list of witnesses likely to be examined in respect of each of the charges and with information as to the date and place of enquiry.

(ii) The Tribunal shall, before the date fixed for enquiry, furnish copies of the statements of witnesses recorded by the concerned Departments to the Government servant charged for purposes of cross examination. The Charge or charges shall at the enquiry, be read over to the Government servant charged and he shall be asked whether he admits or denies the charge or charges. If the Government servant charged denies any of the charges brought against him, evidence shall be let in, in support of such of the charge or charges as are not admitted by him.

(iii) for clause (iii) of sub-rule (1) of rule 7 , the following shall be substituted, namely:-

"At the enquiry, oral and documentary evidence shall be first adduced by the prosecution and the Government servant charged shall be entitled to cross examine the prosecution witnesses and to explain any documents produced by the Prosecution. The Government servant charged may, thereafter within the time allowed by the Tribunal, file a written statement of his defence together with a list of witnesses whom he wishes to examine, stating the points on which he proposes to examine each of them and a list of documents proposed to be summoned stating the purpose for which such documents are sought to be summoned. He may also offer himself as a witness in his own defence. The oral and documentary evidence on his side may then be adduced and the Government Servant charged shall be entitled to advance the necessary arguments either orally or in writing or both. The prosecution shall also be entitled to advance the necessary arguments to the Government Servant's arguments, whether written or oral or even in the shape of a mere written statement detailing the whole defence case. The arguments

may be oral or written or both and when time is requested for written arguments by either party, a reasonable time shall be granted.

(G.O.Ms.No.490, dt.25-7-1980)

(iv) The Tribunal shall, as far as possible, observe the basic rules of evidence relating to the examination of Witnesses and the marking of documents and the enquiry shall conform to the principles of natural justice.

(v) The Tribunal, on the application of the Government servant charged shall furnish to him certified copies of depositions of witnesses records by the Tribunal and may also furnish to him certified copies of the documents exhibited before the Tribunal.

Provided that the Tribunal may, for reasons to be recorded in writing, refuse to grant certified copy of any such documents.

Provided further that the Tribunal shall in every case where it refuses to grant a certified copy of any document asked for, give, under proper supervision, an opportunity to the Government servant charged or to his counsel, if any to inspect the document and take notes.

(v-a) The Tribunal shall, on the application of the Director of Prosecutions, furnish to him certified copies of, depositions of witnesses recorded by the Tribunal or the documents exhibited before it on plain unstamped paper.

(vi) The Tribunal may also interrogate the Government servant charged after the closure of the prosecution evidence.

(vii) For sufficient reasons to be recorded in writing, the Tribunal shall have power to refuse on either side.

(a) to summon and examine any witness.

(b) to call for and exhibit any document or

(c) to recall a witness for further examination.

(viii) The Tribunal may, if necessary authorise the Government servant charged or his counsel, if any, to go to the offices where the documents are available in' order to' enable him either to secure copies of such documents or take necessary extracts from such documents.

(ix) The proceeding of the Tribunal shall contain a sufficient record of the evidence.

(2) (i) After the enquiry has been completed, the Tribunal shall send the report of its findings and recommendations to the Government together with its opinion; in cases in which exoneration of Government servant charged is recommended. Whether he is "fully exonerated" for purposes of Fundamental Rule 54(A). Where the Tribunal does not express any such opinion it shall be presumed by the Government that he is not fully exonerated by the Tribunal.

(ii) Where during the enquiry of a case by Tribunal, it is proved that the Government servant charged has accepted or obtained or has

agreed to accept or attempted to obtain for himself or for any other person, any gratification (other than legal remuneration) or any valuable thing from any person, it shall be presumed unless the contrary is proved that he accepted or obtained or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be as a motive or regard, or as the case may be without consideration or for a consideration which he knows to be inadequate.

Provided that the Tribunal may decline to draw such presumption, if the gratification or thing aforesaid is in its opinion, so trivial that no inference of misconduct may fairly be drawn.

(iii) After the Government have arrived at provisional conclusions in regard to the penalty to be imposed, the Government servant charged shall be supplied with a copy of the report of the Tribunal and he shall be called upon to show cause within a reasonable time not ordinarily exceeding one month against the particular penalty proposed to be imposed.

Provided that the Government shall consult the Andhra Pradesh Vigilance Commission before the Government arrive at a provisional conclusion in regard to the penalty to be, imposed and also after the receipt of any representation of the Government servant charged, against the particular penalty proposed to be imposed but before the actual imposition of the penalty.

Provided further that where the Government disagree with the whole or any part of the Tribunal's findings, the point or points of such disagreement together with a brief statement of the grounds thereof shall, in case where it effects the Government servant charged adversely or prejudicially be communicated to such Govt. servant. Any representation in this behalf submitted by the Government servant charged shall be duly taken into consideration by the Government before final orders are passed.

Provided also that the Government may, for reasons to be recorded in writing, remit the case to the Tribunal for enquiry and report and Tribunal shall thereupon hold further inquiry.

(G.O. Ms. No. 88, dated 4-2-1980).

(3) Where the Government servant charged has absconded or where it is for other reasons impracticable to communicate with him or where he wilfully fails to take part in an enquiry, the enquiry shall be conducted or continued even in his absence.

(4) All or any of the provisions of sub-rule (1) and (2) may in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived by the Tribunal where there is difficulty, in observing the requirements of those sub-rules, and the requirements can be waived without injustice to the person charged.

(5) The provisions of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963 shall apply in regard to any other matter for which no specific provision has been made in these rules.

(Amended in G.O. Ms. No. 354,G.A. (Ser.C)Dept. , dated 26-5-1969)

(6) Where the Chairman or any member of the Tribunal is prevented by death, transfer or other cause from concluding any enquiry or from reporting his findings in any case referred to the Tribunal, his successor may deal with any evidence taken down by his predecessor in office as if such evidence had been taken down by him and may proceed with, the enquiry from the stage at which his predecessor has left it, or report his findings to the Government.

(7) Notwithstanding anything contained in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, or the Hyderabad Civil Services (Classification, Control and Appeal) Rules, 1955, the Government shall be the authority competent to impose a penalty in cases of Government servants enquired into by the Tribunal.

**GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (Ser.D) DEPARTMENT.**

[Memorandum No. 2317/Ser.D/73- dt.25-6-74]

Sub:- Public Services - Enquiries against Government servants into cases of corruption - Enquiry report-Communication to Anti Corruption Bureau - Consolidated instructions - Amended.
Ref:- G.O.Ms.No.677, G.A. (Ser-D) Dept., dt. 30-5-1961.

The penultimate sentence of part IV of the consolidated instructions issued in the G.O. cited reads as follows:-

"A copy of the report of the Tribunal for Disciplinary Proceedings should be communicated to the Director, Anti Corruption Bureau, along with a copy of the final orders passed by Government in cases of corruption investigated by the Anti-corruption Bureau and enquired into by the Tribunal".

2. In view of the above provision, the Director, Anti Corruption Bureau has requested the Government to make available to him a copy of the report of the Commissioner for Departmental enquiries so as to enable him to know whether all the evidence presented during the enquiry has been taken into consideration by the forum that has conducted the enquiry while arriving at a provisional conclusion and whether the presenting officer has committed any irregularities in presenting the prosecution and also to know where the case failed so that future investigations can be improved.

3. After careful consideration of the above request of the Director of Anti Corruption Bureau, Government have decided that the agency that has conducted the investigation as well as the prosecutions be furnished with a copy of the report of the forum that has conducted the enquiry, whether it be the Tribunal for Disciplinary Proceedings or the Commissioner for Departmental Enquiries for information. The Government have also decided that the Director, Anti Corruption Bureau should not make any comments on it. Therefore, the following sentence shall be substituted for the penultimate sentence of Part IV of G.O.Ms.No.677, G.A. (Ser. D) Dept. dated 30-5-1961, referred to above;

"A copy of the report of the forum that has conducted the enquiry, whether it be the Tribunal for Disciplinary Proceedings or the Commissioner for Departmental Enquiries, should be communicated to the Director, Anti Corruption Bureau, along with a copy of the final orders passed by the Government. As the report is intended only for the information of the Anti Corruption Bureau, the Director, Anti Corruption Bureau should not, however, comment on the report of the Tribunal for Disciplinary Proceedings or the Commissioner for Departmental Enquiries.

**N. BHAGWANDAS,
CHIEF SECRETARY TO GOVERNMENT**

GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (SERVICES. C) DEPARTMENT

[U.O. Note.No. 204/Ser./76-2,

Dated the 4th March, 1976]

Sub:- PUBLIC SERVANTS -Tribunal for Disciplinary Proceedings -
Retirement of an officer facing enquiry to be notified to the
Tribunal - Instructions Issued.

* * *

The Chairman, Tribunal for Disciplinary Proceedings has brought to the notice of Government that the Departments do not generally intimate the Tribunal for Disciplinary Proceedings the fact of retirement of officers against whom enquiries are pending before the Tribunal for Disciplinary proceedings during the pendency of such enquiry. As this information is essential for the Tribunal for Disciplinary Proceedings the Departments of Secretariat are requested to invariably notify the Tribunal the retirement of any officer against whom an enquiry is pending before it.

**C.R. KAMALANATHAN,
DEPUTY SECRETARY TO GOVERNMENT**

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

DISCIPLINARY CASES - TRIBUNAL FOR DISCIPLINARY PROCEEDINGS -
PAYMENT OF BATTA TO NON-OFFICIAL WITNESSES - ENHANCEMENT OF -
ORDERS - ISSUED

(G.O.Ms.No.512, General Administration (Services.D) Department, Dated 30th June,
1976)

Read:-

1. G.O.MS.No.891, Home (Ser.,A) Dept., dated: 6-4-1955.
2. From the Chairman, T.D.P Lr.D.No.948, dated: 27-6-1974.
3. From the Chairman, T.D.P. Lr.D.No. 2086, dated: 10-12-1974.

ORDER :-

In the G.O. first cited, orders were issued interalia authorising the Tribunal for Disciplinary Proceedings to pay batta and Travelling Allowance to non-official witnesses according to the scales prescribed in the Criminal Rules of practice for the time being in force.

2. The Chairman, Tribunal for Disciplinary Proceedings in his letter second cited, has stated that the batta to non-official witnesses prescribed in the Criminal Rules of practice is very meagre and they are reluctant to appear before the Tribunal and that this is one of the reasons for the belatedness in disposal of cases by the Tribunal. He has, therefore, proposed to enhance the batta payable to non-official witnesses to Rs.8/- per day for class I witnesses and Rs.4/- per day for Class II witnesses who appear before the Tribunal for Disciplinary Proceedings at Hyderabad.

3. Government after careful consideration accept the above proposal of the Chairman, Tribunal for Disciplinary Proceedings and in partial modification of the orders issued in para 3 of the G.O. first cited the Chairman, Tribunal for Disciplinary Proceedings is hereby authorised to pay batta at Rs.8/- and at Rs.4/- per day to non-official witnesses of Class I and Class II respectively who appear before the Tribunal for Disciplinary Proceedings at Hyderabad.

4. This order issues with the concurrence of the Finance & Planning (Finance Wing) Department vide their U.O.No.01830/42/Expr.HG/76-1, dated 17-1-1976.

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

**N. BHAGWANDAS,
CHIEF SECRETARY TO GOVERNMENT**

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS
TRIBUNAL) RULES, 1961 - AMENDED.

[G.O.Ms.No. 718, General Administration (Services.C) Department,
Dated 8th October,1976]

Read the following:

1. Judgment of the A.P. High Court in W.P. No. 2707 of 1972,
dated 28-12-1973.

* * *

ORDER :

The following notification will be published in the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the powers conferred by sub-section (l) of section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960, (Andhra Pradesh Act II of 1960), the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Civil Services (Disciplinary- Proceedings Tribunal) Rules, 1961.

AMENDMENT

In rule 3 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(l) The Government may, subject to the provisions of rule 4 refer to the Tribunal for enquiry and report under section 4 of the Act.

(a) cases relating to Government servants drawing a basic pay of Rs.360/- and above per mensem in respect of matters involving misconduct; and

(b) cases relating to Government servants drawing a basic pay of less than Rs.360/- per mensem in respect of matters involving misconduct committed by such Government servants either jointly with other Government servants drawing a basic pay of not less than Rs.360/- per mensem or In the course of the same transaction involving misconduct committed by such other Government servants ;

Provided that it shall not be necessary to refer to the Tribunal any case in which the Tribunal has at any previous stage, reported its findings in regard to the order to be passed and no fresh question has thereafter arisen for determination".

**N. BHAGWANDAS,
CHIEF SECRETARY TO GOVERNMENT**

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS
TRIBUNAL) RULES, 1961 - AMENDED.

[G.O.Ms.No. 490, General Administration (Services-C) Department,
dated 25th July, 1980.]

ORDER:-

The following notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960, (Act II of 1960), the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961.

THE AMENDMENTS

In the said rules:-

- (1) In clauses (a) and (b) of sub-rule (1) of rule 3 for the word and figure Rs.360/- the word and figure Rs.600/- shall be substituted,
- (2) In sub-rule (2) of rule 4., the words 'but before taking a decision the Government shall consult the A.P. Vigilance Commission' shall be omitted.
- (3) For clause (iii) of sub-rule (1) of rule 7, the following shall be substituted, namely:- .

"At the enquiry, oral and documentary evidence shall be first adduced by the prosecution and the Government Servant charged shall be entitled to cross examine the prosecution witnesses and to explain any documents produced by the prosecution. The Government servant charged may, thereafter within the time allowed by the Tribunal, file a written statement of his defence together with a list of witnesses whom he wishes to examine, stating the points on which he proposes to examine each of them and a list of documents proposed to be summoned stating the purpose for which such documents are sought to be summoned. He may also offer himself as a witness in his own defence. The oral and documentary evidence on his side may then be adduced and the Government Servant charged shall be entitled to advance the necessary arguments either orally or in writing or both. The prosecution shall also be entitled to advance the necessary arguments to the Government Servant's arguments, whether written or oral or even in the shape of a mere written statement detailing the whole defence case. The arguments may be oral or written or both and when time is requested for written arguments by either party, a reasonable time shall be granted".

**S.R. RAMAMURTHY,
CHIEF SECRETARY TO GOVERNMENT**

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

ACCOUNTS - DECLARATION AS A HEAD OF DEPARTMENT FOR PURPOSE OF FINANCIAL CODE - CHAIRMAN, TRIBUNAL FOR DISCIPLINARY PROCEEDINGS - AMENDMENT TO APPENDIX I OF A.P. FINANCIAL CODE VOLUME-II - ORDERS - ISSUED.

**[G.O.Ms.No.196, Finance & Plg. (Fin. wing Accts.II) Department,
dated: 22nd May, 1985]**

Read the following:-

1. letter No.755, dated 19-10-1983 from the Chairman, Tribunal for Disciplinary Proceedings.
2. A.G's. Letter No. A.G.I/A.U.I/Co-ordn. I/I/12-12/84-85/63, dt.4-2-1985.

ORDER:-

Based on the references cited the following amendment is issued to the Appendix-I of Andhra Pradesh Financial Code Volume-II.

AMENDMENT

Page 1	Add the following to the list of Heads of Departments as
Appendix I	item No. 62 "62 Chairman, Tribunal for Disciplinary
of A.P.F.C.Vol.II	Proceedings".

(Issued as C.S.No.2/85 vide G.O.Ms.No.196, dt.22-5-1985)

**AZIZ IQBAL
DEPUTY SECRETARY TO GOVERNMENT**

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS TRIBUNAL) RULES, 1961 - AMENDED.

[G.O.Ms.No.415, General Administration (Services-C), Department,
dated : 30-8-1985]

Read the following:-

1. G.O.Ms.No.895, G.A. (Ser.D) Dept., dt. 18-7-61.
2. G.O.Ms.No.335, G.A. (Ser.C) Dept., dt. 17-6-84.
3. G.O.Ms.No.483, G.A. (SC.D) Dept., dt. 18-8-84.

ORDER:-

The following

notification will be published in the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Act.II of 1960), the Government of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961 issued in G.O.Ms.No.895, General Administration (Services.D) Department, dated 18-7-1961 and published at pages 429-433 in the Andhra Pradesh Gazette Rules supplement to Part-I dated 3-8-1961.

2. The amendment shall be deemed to have come into force on and from the 18th August, 1984.

AMENDMENT

In the said Rules, the first proviso to clause (iii) of Sub-rule (2) of rule 7, shall be omitted.

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

**SHRAVAN KUMAR,
CHIEF SECRETARY TO GOVERNMENT**

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS TRIBUNAL) RULES, 1961 - AMENDMENT TO RULE 7(2)(iii) - ISSUED.

[G.O.Ms.No.105, General Administration (Services-C) Department,
dated : 27-2-1986]

Read the following:-

1. G.O.Ms.No.895, G.A. (Ser.D) Dept., dt. 18-7-61.
2. G.O.Ms.No.415, G.A. (Ser.C) Dept., dt. 30-8-85.
3. G.O.Ms.No.426, G.A. (Ser.D) Dept., dt. 9-9-85.
4. U.O.Note No.1610/SC.D/85-1, G.A. (SC.D) Dept., dated 10-1-1986.

ORDER:-

The following notification will be published in the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Act.II of 1960), the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961 issued in G.O.Ms.No.895, General Administration (Services.D) Department, dated 18-7-1961 and published at pages 429-433 in the Andhra Pradesh Gazette Rules supplement to Part-I dated 3-8-1961.

AMENDMENTS

In sub-rule (2) of rule 7 of the said rules:-

- (1) for clause (iii) and the provisos thereunder, the following clause and provisos shall be substituted namely:-

"(iii) The Government, after receipt of the report from the Tribunal for Disciplinary Proceedings, shall supply a copy of the report of the Tribunal to the charged Government Servant and shall pass final orders after taking into consideration any representation made by him thereto within a reasonable time, ordinarily not exceeding one month. However, it shall not be necessary to give to the person charged any opportunity of making representation on the penalty proposed to be imposed.

Provided that the Government shall consult the Director-General, Vigilance and Enforcement, before they arrive at a provisional conclusion in regard to the penalty to be imposed after the receipt of the representation, if any, from the Government servant charged, but before the final orders are passed on the charge:

Provided further that where the Government disagree with the whole or any part of the Tribunal's findings, the point or points of disagreement together with

a brief statement of the grounds there for shall, in case where it affects the Government servant charged adversely or prejudicially, be communicated along with the enquiry report of the Tribunal."

(2) After clause (iii), the following clause shall be inserted, namely:-

"(iv) The Government may, for the reasons to be recorded in writing, remit the case to the Tribunal for enquiry and report, and the Tribunal shall thereupon hold further enquiry."

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

**SHRAVAN KUMAR,
CHIEF SECRETARY TO GOVERNMENT**

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - ENQUIRIES - TRIBUNAL FOR DISCIPLINARY PROCEEDINGS - ENTRUSTMENT OF CASES TO THE TRIBUNAL FOR DISCIPLINARY PROCEEDINGS - REVISED ORDERS - ISSUED.

(G.O.Ms.No.214, General Administration (Services-C) Department,
dated 6th April, 1988.

Read the following:-

G.O.Ms.No.526, G.A. (Services-C) Department, dated 15-10-1986.

ORDER:

In the G.O. read above, the Departments of the Secretariat and the Heads of Departments were requested not to refer any fresh cases to the Tribunal for Disciplinary Proceedings consequent on the appointment of Commissioner of Enquiries. The question whether or not to refer fresh cases to the Tribunal for Disciplinary Proceedings has been examined by the Government in detail. It has been decided, in partial modification of the orders issued in the G.O. read above, that the cases enquired into by the Anti-Corruption Bureau which the Government consider fit to be referred to the Tribunal for Disciplinary Proceedings may henceforth be referred to the Tribunal for Disciplinary Proceedings.

2. All the Departments of Secretariat are requested to take action accordingly and to bring these instructions to the notice of all concerned for guidance.

**C.R. KAMALANATHAN,
SECRETARY TO GOVERNMENT**

RULES SUPPLEMENT TO PART- I
EXTRAORDINARY
OF
THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY HYDERABAD
THURSDAY, AUGUST 3, 1989.
NOTIFICATIONS BY GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT (SERVICES-C)
THE ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS
TRIBUNAL) RULES, 1989.

[G.O.Ms.No.304, General Administration (Services-C), Dept., dated 3rd June, 1989.]

In exercise of the powers conferred by sub-section (1) of section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Act II of 1960), the Government of Andhra Pradesh hereby makes the following rules, in supersession of rules issued in the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961, in G.O.Ms.No.895, General Administration (Services-D) Department, date the 18th July 1961 and published at pages 429-433 in the Andhra Pradesh Gazette Rules Supplement to Part-I, dated the 3rd August, 1961.

RULES

1. These rules may: be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989.
2. In these rules, unless the context otherwise requires :-
 - (a) "Act" means the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960.
 - (b) "Misconduct" shall mean contravention of the rules made under the proviso to article 309 of the Constitution of India, to regulate the conduct of persons appointed to public services and posts in connection with the affairs of the State.
3. (1) The Government may 'subject to the provisions of rule 4, refer to the Tribunal for enquiry and report under section 4 of the Act.-
 - (a) Cases relating to Gazetted Officers in respect of matters involving misconduct; and
 - (b) Cases relating to Non-Gazetted Officers in respect of matters involving misconduct committed by such Government servants either jointly with Gazetted Officers or in the course of the same transaction involving misconduct committed by Gazetted Officers.
- (2) Where two or more Government Servants are concerned in any case, the Government may make an order directing that disciplinary proceeding against all of them may be taken in a common proceeding; and thereupon the Tribunal shall conduct the enquiry into such case accordingly.
- (3) Notwithstanding anything contained in sub-rule (1) cases arising in the

Judicial Department and cases of officers and servants of the High Court who come under the rule making control of the Chief Justice as laid down in article 229 of the Constitution of India shall not be referred to the Tribunal.

4. (1) In case of the type referred to in sub-rule (1) of rule 3, on completion of enquiry or investigation, as the Case may be, the Anti-Corruption Bureau or the departmental authority shall, where it is necessary that an inquiry by the Tribunal is called for, submit a report of the case to the Government.

(2) The Government shall after examining such records and after consulting the Head of the Department concerned, if necessary, decide whether the case shall be inquired into by the Tribunal.

(3) If the Government decide that the case shall be enquired into by the Tribunal, they shall send or cause to send, as the case may be, the records relating there to the Tribunal.

(4) There shall be a Government Counsel and as many Government Counsels as may be considered necessary, to conduct enquiries on behalf of the Government in disciplinary cases before the Tribunal' and the Charged officer concerned shall be allowed to be represented by counsel. In case where the Government Counsel or Counsels cannot attend to examination of witnesses on commission, an ad-hoc Government Counsel shall be appointed.

5. The Tribunal may sit at such places as it may determine, with due regard to the convenience of the parties concerned and expenses involved.

6. (1) Notwithstanding anything contained in the A.P. Civil Services '(Classification Control and Appeal) Rules, 1963, the following procedure' shall be followed by the tribunal in conducting enquiries into cases of misconduct referred to it under section 4 of the Act.

(a) As soon as the records relating to allegations of misconduct against a Government Servant are received, the Tribunal shall frame appropriate charges and communicate them to the Government servant charged, together with a list of witnesses proposed to be examined in respect of each of the charges and with information as to the date and place of enquiry.

(b) The Tribunal shall, before the date fixed for enquiry, furnish copies of the statements of witnesses proposed to be examined recorded by the Anti-Corruption Bureau and the concerned Departments to the Government servant charged for purposes of cross examination. The charge or charges shall at the enquiry, be read over to the Government servant charged and he shall be asked whether he admits or denies the charge or charges. If the Government servant charged admits any of the charges, the Tribunal shall record the plea and return a finding of guilty in respect of the charge or charges as are admitted by him. If the Government servant charged denies any of the charges brought against him, evidence shall be recorded on such of the charge or charges as are not admitted by him.

(c) At the enquiry, oral and documentary evidence shall be first adduced by the prosecution and the Government servant charged shall be entitled to cross examine the prosecution witnesses and to explain any documents produced by the prosecution. The Government servant charged may, thereafter within the time

allowed by the Tribunal, file a written statement of his defence together with a list of witnesses whom he wishes to examine stating the points on which he proposes to examine each of them and a list of documents proposed to be summoned, stating the purpose for which such documents are sought to be summoned. He may also offer himself as a witness in his own defence. The oral and documentary evidence on his side may then be adduced and the Government servant charged shall be entitled to advance the necessary arguments. The prosecution shall also be entitled to advance the necessary counter arguments to the Government servant's arguments or file a mere written statement detailing the whole prosecution case. The arguments may be oral or written or both and when time is requested for written arguments by either party, a reasonable time shall be granted.

(d) The Tribunal shall, as far as possible, observe the basic rules of evidence relating to the examination of witnesses and the marking of documents and the enquiry shall conform to the principles of natural justice.

(e) The Tribunal on the application of the Government servant charged, shall furnish to him certified copies of depositions of witnesses records by the Tribunal and may also furnish to him certified copies of the documents exhibited before the Tribunal.

Provided that the Tribunal may, for reasons to be recorded in writing, refuse to grant certified copy of any such documents.

Provided further that the Tribunal shall in every case where it refuses to grant a certified copy of any document asked for, give, under proper supervision, an opportunity to the Government servant charged or to his counsel, if any to inspect the document and take notes.

(f) The Tribunal shall, on the application of the Government Counsel or Additional Government Counsel, furnish to him certified copies of depositions of witnesses recorded by the Tribunal and the documents exhibited before it, on plain unstamped paper.

(g) The Tribunal may also interrogate the Government servant charged after the closure of the prosecution evidence.

(h) For sufficient reasons to be recorded in writing, the Tribunal shall have power to refuse on either side:-

- (i) to summon and examine any witness;
- (ii) to call for and exhibit any document; or
- (iii) to recall a witness for further examination.

(i) The Tribunal may, if necessary, authorise the Government Servant charged or his counsel, if any, to go to offices where the documents are available in order to enable him either to secure - copies of such documents or take necessary extracts from such documents.

(j) The proceedings of the Tribunal shall contain a sufficient record of the evidence.

(2) (a) After the enquiry has been completed, the Tribunal shall send the report of its findings and recommendations to the Government together with its opinion, in cases in which exoneration of Government servant charged is recommended, whether he is "fully exonerated" for purposes of Fundamental Rule 54 (A) , Where the Tribunal

does not express any such opinion it shall be presumed by the Government that he is not fully exonerated by the Tribunal.

(b) The Government, after receipt of the report from the Tribunal for Disciplinary proceedings, shall supply a copy of the report of the Tribunal to the charged Government servant and shall pass final orders after taking into consideration any representation made by him thereto within a reasonable time, ordinarily not exceeding one month. However, it shall not be necessary to give to the person charged any opportunity of making representation on the penalty proposed to be imposed.

Provided that the Government shall consult the Director General Vigilance and Enforcement in regard to the course of further action to be taken and take the advice into consideration, before orders are passed.

Provided further that where the Government disagree with the whole or any part of the Tribunal's findings, the point or points of disagreement together with a brief statement of the grounds therefore shall, in case where it affects the Government servant charged adversely or prejudicially, be communicated along with the enquiry report of the Tribunal.

(c) The Government may, for the reasons to be recorded in writing remit the case to the Tribunal for enquiry and report and the Tribunal shall thereupon hold further enquiry.

(3) Where the Government servant charged has absconded or where it is for other reasons impracticable to communicate with him or where he wilfully fails to take part in an enquiry, the enquiry shall be conducted or continued even in his absence.

(4) All or any of the provisions of sub-rule (1) may in exceptional case for special and sufficient reasons to be recorded in writing, be waived by the Tribunal where there is difficulty in observing the requirements of the sub-rule, and the requirements can be waived without injustice to the person charged.

(5) The provisions of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963, shall apply in regard to any other matter for which no specific provision has been made in these rules.

(6) Where the chairman or any Member of the Tribunal is prevented by death, transfer or other cause from concluding any enquiry or from reporting his findings in any case referred to the Tribunal, his successor may deal with any evidence taken down by his predecessor in office as if such evidence had been taken down by him and may proceed with the enquiry from the stage at which his predecessor has left it, or report his findings to the Government.

(7) Notwithstanding anything contained in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963, the Government shall be the authority competent to impose a penalty in cases of Government servants enquired into by the Tribunal.

**G.R. NAIR,
CHIEF SECRETARY TO GOVERNMENT**

**GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (Services-C) DEPARTMENT**

CIRCULAR MEMO. NO.1563/SER.C/89-1

DATED 11-11-1989

Sub:- ANDHRA PRADESH CIVIL SERVICES (Disciplinary Proceedings Tribunal) RULES 1989 - Clarification - Issued.

Ref:- G.O.Ms.No.304, General Administration (Ser.C) Department, dated 3-6-89.

* * *

The attention of Departments of Secretariat and Heads of Departments etc., is invited to the revised Andhra Pradesh Civil Services. (Disciplinary Proceedings Tribunal) Rules, 1989 issued through the reference cited. The Cases of the officers involved in mis-conduct as defined in Rule 2(b) will be referred to the Tribunal for Disciplinary Proceedings for enquiry and report under section 4 of the Andhra Pradesh Civil Services Disciplinary Proceedings Tribunal) Act by the Government subject to the provisions in rules 3(l) and 4(1) of the said rules which are extracted below for reference:-

- "3(1) The Government may subject to the provisions of rule 4, refer to the . Tribunal for enquiry and report under section 4 of the Act-
- (a) cases relating to Gazetted Officers in respect of matters involving mis-conduct; and
 - (b) cases relating to Non-Gazetted Officers in respect of matters involving mis-conduct committed by such Government servants either jointly with Gazetted Officers or in the course of the same transaction involving mis-conduct committed by Gazetted Officers.
- 4(1) In a case of the type referred to in sub-rule (1) of rule 3, on completion of enquiry or investigation, as the case may be, the Anti-Corruption Bureau or the departmental authority shall, where it is necessary that an inquiry by the Tribunal is called for, submit a report of the case to the Government".

Therefore, the cases of the officers of the type indicated in rule 3(1) referred to above and where it is considered necessary that an enquiry by the Tribunal is called for alone have to be sent to Government for taking further action under sub-rule (2) of rule 4 of the said rules. In other words, cases relating to:-

- (1) Gazetted Officers in whose cases, the Anti-Corruption Bureau or the Departmental authority considers it unnecessary on completion of enquiry or investigation; and
- (2) Non-Gazetted Officers other than those referred to in rule 3(1) (b) need not be referred to Government for placing them on their defence before the Tribunal for Disciplinary Proceedings in respect of matters involving mis-conduct committed by such Government Servants. In all such cases action can be taken by the competent authorities under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules.

All the Departments of Secretariat and Heads of Departments etc., are requested to take action accordingly.

**C.R. KAMALANATHAN,
SECRETARY TO GOVERNMENT**

AN EXTRACT OF RULES SUPPLEMENT TO PART I

OF

THE ANDHRA PRADESH GAZETTE

ISSUE No. 8, DATED 3-11-1994 PUBLISHED AT PAGES 29-30

AMENDMENT TO THE ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS TRIBUNAL) RULES, 1989.

[G.O.Ms.No.514, General Administration (Services-C) Dept., 15th October, 1994.]

In exercise of the powers conferred by sub-section (1) of section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Act II of 1960), the Government of Andhra Pradesh hereby make the following amendments to the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 issued in G.O.Ms.No 304, G.A. (Ser-C) Department, dated the 3rd day of June, 1989 and published at pages 557 to 562 in Andhra Pradesh Gazette Rules Supplement to Part-I, dated the 3rd August, 1989.

AMENDMENT

In the said rules;-

- (1) for the expression "Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963", wherever it occurs the expression "Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991" shall be substituted.
- (2) for sub-rule (1) of rule 3, the following sub-rule shall be substituted, namely:-
 - (1) The Government may, subject to the provisions of rule 4, refer the cases relating to the Gazetted and Non-Gazetted Officers in respect of matters involving misconduct committed by them to the Tribunal for enquiry and report under section 4 of the Act.
- (3) In sub-rule (2) of rule 6.-
 - (a) In clause (a), the words "and recommendations to the Government together with its opinion" shall be omitted.
 - (b) In the first proviso to clause (b), for the expression "the Director General Vigilance and Enforcement", the expression "Andhra Pradesh Vigilance Commission" shall be substituted.

**K. JAYABHARATH REDDY
CHIEF SECRETARY TO GOVERNMENT**

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 – Amendment - Issued.

[G.O.Ms.No.387, General Administration (Services.C) Department, Dated 13-9-1995]

Read the following:-

- (1) G.O.Ms.No.304, G.A.(SER.C) Dept. dt. 3-6-1989.
- (2) G.O.Ms.No.514, G.A.(SER.C) Dept., dt.15-10-1994.

ORDER:-

The following notification will be published in the Andhra Pradesh Gazette :

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Act II of 1960), the Government of Andhra Pradesh hereby make the following amendments to the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 issued in G.O.Ms.No.304, G.A. (SER.C) Department, dated the 3rd June, 1989 and published at pages 557 to 562 in Andhra Pradesh Gazette, Rules supplement to part-I, dated the 3rd August, 1989.

AMENDMENT

In the said rules;-

For clause (a) of sub-rule (2) of rule 6 the following shall be substituted, namely :-

"In all cases after the enquiry has been completed the Tribunal shall send its report of findings to the Government within thirty days. However, in cases in which, exoneration of Government servant charged is recommended by the Tribunal, it shall specify, whether the charged officer is "fully exonerated", for purposes of Fundamental Rule 54 (A). Where the Tribunal does not express any such opinion, it shall be presumed by the Government that the Charged Officer is not fully exonerated by the Tribunal.

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

**M.S. RAJAJEE,
CHIEF SECRETARY TO GOVERNMENT**

To

The Commissioner Printing, Stationery and Stores Purchase (for publication of the notification in the A.P. Gazette and supply 500 copies).

The Chairman, Tribunal for Disciplinary Proceedings, Hyderabad.

The Vigilance Commissioner, A.P. Vigilance Commission.

All Departments of Secretariat.

All Heads of Departments.

All District Collectors/District Judges.
All Service Sections in G.A.D.
G.A. (SC.D) Dept./G.A. (V&E) Dept.
Law (E) Department/Law (I) Department.

//FORWARDED : BY ORDER//

**(Sd.)
Section Officer.**

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

ESTABLISHMENT-Tribunal for Disciplinary Proceedings -The temporary post of III Member and other temporary staff-Posts made permanent-Orders- Issued.

(G.O.Ms.No.271, General Administration (Services.C) Department, Dated 19-6-1996.)

Read the following:- ,

1. G.O. Rt. No. 2235, G.A. (Ser. C) Dept., dated 13-6-1989.
2. G.O. Rt. No. 469, G.A. (Ser. C) Dept., dated 30-1-1990.
3. G.O. Rt. No. 3370, G.A. (Ser. C) Dept., dated 7-9-1990.
4. G.O. Rt. No. 5376, G.A. (Ser. C) Dept., dated 26-11-1991.
5. From the Chairman, T.D.P. Lr. No. 77, dated 23-1-1992.
6. G.O.Rt. No.2199, G.A. (Ser.C) Dept., dated 22-5-1992.
7. G.O.Rt.No.1925, G.A. (Ser. C) Dept., dated 26-4-1993.
8. G.O. Rt. No.1987, G.A. (Ser. C) Dept., dated 23-4-1994.
9. G.O. Rt. No.702, G.A. (Ser. C) Dept., dated 6-2-1995.;
10. From the Chairman, Tribunal for Disciplinary Proceedings, D.No. 1028, dated 15-12-1995.

* * *

ORDER :-

In the circumstances stated by the Chairman, Tribunal for Disciplinary Proceedings in his letter 10th read above and based on the recommendations of the Implementation Committee in its meeting held on 3-5-1996. Government, after careful consideration, hereby accord sanction for continuance of the temporary post of III Member in the cadre of District Judge (Grade-II), created in the order first read above and last continued in the order 9th read above and the following supporting Non-Gazetted staff sanctioned in the orders second and third read above be made on a permanent basis: .

(1) Superintendent	(1) One
(2) Senior Assistant	(1) One
(3) Senior Steno	(1) One
(4) Typist	(1) One

The expenditure towards Pay and Allowances on the posts mentioned in para 1 above shall be debited to "2052-Secretariat General Services-092 Other Offices (06) Tribunal for Disciplinary Proceedings-010-Salaries". -

This order issues with the concurrence of Finance & Planning (F.W.) Department Vide their U.O.No.15378/402/EBSI/A1/96, dated. 30-.5-1996.

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

**N.V.H. SASTRY
SECRETARY TO GOVERNMENT**

To

The Chairman, Tribunal for Disciplinary Proceedings, Hyderabad.

The General Administration (SC.F) Department. The Pay and Accounts Officer, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:

The Registrar, Andhra Pradesh High Court.

The Director General, Anti-Corruption Bureau, Hyderabad.

The General Administration (Vigilance & Enforcement) Department. . .

The Finance and Planning (Fin. Expr. G.A.D.) . Department.

The Finance & Planning (PRC) Department.

SF/Spare Copies. .

//FORWARDED BY ORDER//

Sd/-

Section Officer.

AN EXTRACT OF PART I

of

**THE ANDHRA PRADESH GAZETTE, ISSUE No. 46, DATED 14-11-1996
PUBLISHED AT PAGE 1258**

AMENDMENTS TO ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS TRIBUNAL) RULES, 1989.

[G.O.Ms.No.409, General Administration (Ser.C) Dept., 20th September, 1996.]

No. 86

In exercise of the powers conferred "by Sub-section (1) of Section 10 of the Andhra Pradesh" Civil Services (Disciplinary Proceedings Tribunal Act, 1960 (Act II of 1960), the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 issued in G.O.Ms.No.304, G.A. (Ser.C) Department dated the 3rd June, 1989 and published at pages 557 to 562 in the Andhra Pradesh Gazette, Rules Supplement to Part-I, dated the 3rd August, 1989.

AMENDMENTS

In the said rules,-

(1) for Sub-rule (1) of rule 3, the following shall be substituted namely:- .

"(1) The Government may, subject to the "provision of rule 4, refer all cases of Officers, Gazetted or otherwise involving corruption, integrity, enquired into by Anti Corruption Bureau including cases of misappropriation, embezzlement investigated by Anti-Corruption Bureau or emanating otherwise and which are considered not appropriate for prosecution in a Court of Law, to the Tribunal for Disciplinary Proceedings for enquiry and report under section 4 of the Act."

2. For Sub-rule (1) of rule 4, the following sub-rule, shall be substituted, namely:-

"(1) In all cases of the type referred to in sub-rule (1) of rule 3, on completion of enquiry or investigation, as the case may be, the Anti Corruption Bureau or the Departmental authority or any other Agency "viz., Crime Branch, Criminal Investigation Department, Director General, Vigilance and Enforcement or any Enquiry Officer appointed by a Government Department" shall submit a report in each of the cases to the Government.

**M.S. RAJAJEE,
CHIEF SECRETARY TO GOVERNMENT**

GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (SER.C) DEPARTMENT

U.O.Note No. 75025/Ser-C/97-1
1997.

dated. 14-10-

Sub:-Public Services - Disciplinary cases against Government Employees -
Inquiries conducted by the Tribunal for Disciplinary proceedings -
Certain Instructions - Reiterated.

Ref:-1.Genl. Admn. (Ser.D) Deptt., Memo.No.2317/Ser.D/73, dt. 25-6-1974.

2. From the Director General, Anti Corruption Bureau
C.No.63/RPC(C)/97, dt. 5-6-1997.

* * *

In the reference 1st cited, (copy enclosed) instructions were issued to the effect that copy of the Inquiry Report of the Tribunal for Disciplinary Proceedings should be communicated to the Anti Corruption Bureau, in respect of cases which emanated from the A.C.B., along with a copy of the final orders passed by the Government. However, it is brought to the notice that only a copy of the final order passed in the matter is being sent to the Anti-Corruption Bureau without a copy of the inquiry report of the Tribunal for Disciplinary Proceedings.

2. To have an analytical study as to how the evidence collected during the course of Investigation by the Investigating Officer was appreciated by the Tribunal for Disciplinary Proceedings and also to know whether there is any lacunae in the investigation and to check if there has be any failure -on the part of prosecution to take suitable remedial measures, there is imperative need for the Anti Corruption Bureau to have a copy of the inquiry report of the Tribunal.

3. Government reiterate the instructions issued in the reference 1st cited and direct that the departments of Secretariat are requested to ensure that the inquiry report of the Tribunal for Disciplinary Proceedings in respect of disciplinary cases amanated from the Anti Corruption Bureau are invariably sent to the Anti Corruption Bureau along with final orders passed in the matter.

N.V.H. SASTRY
SECRETARY TO GOVERNMENT

To

The Departments of Secretariat (10 copies each)
The Director General A.C.B.,. Hyderabad.
The Secretary to A.P. Vigilance Commission.
The Genl. Admn. (SC.D/SC.E) Deptt.

//Forwarded by order//

Sd/-
SECTION OFFICER.

**ANDHRA PRADESH CIVIL SERVICES
(DISCIPLINARY PROCEEDINGS TRIBUNAL) SERVICE RULES
GOVERNMENT OF ANDHRA PRADESH**

ABSTRACT

"Public Services - State Services - A.P. Tribunal for Disciplinary Proceedings Service - Rules - Re-issued.

[G.O.Ms.No.600, General Administration (SC.D) Department, Dated 7-11-1990.]

Read the following:

1. G.O.Ms.No.1355, General Administration (Ser-D) Department, dated 26-10-1961.
2. From One Man Commission, letter No. 295 (OMC SPF-Ser-II) 89-5, General Administration Department, dated 30-11-89.
3. From the Secretary, Andhra Pradesh Public Service Commission letter No. 84/RR/4/90, dated 1-10-1990.

ORDER:

The following notification shall be published in Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the powers conferred by proviso to article 309 of the Constitution of India and of all other powers hereunto enabling and in supersession of the Ad-hoc rules issued in G.O.Ms.No.1355, General Administration (Ser-D) Department, dated the 26th October, 1961, the Governor of Andhra Pradesh hereby makes the following Special Rules for the Andhra Pradesh Tribunal for Disciplinary Proceedings Service,"

RULES

1. **Short title and commencement** :- (1) These rules may be called the Andhra Pradesh Tribunal for Disciplinary Proceedings Service Rules.

(2) They shall come into force with immediate effect.

2. **Constitution**:- This service shall consist of the post of Secretary to the Tribunal for Disciplinary Proceedings, Andhra Pradesh, Hyderabad, which is a distinct category.

3. **Method of appointment**:- Appointment to the post shall be made by transfer on tenure from among:-

(i) Persons who are working as District Munsifs in the Andhra Pradesh State Judicial Service;

(ii) Persons who are working as Assistant Secretaries to Government in the Andhra Pradesh General Service Class-IX, Category-2.

Provided that the appointment shall be made by the Government on the recommendation of the Chairman, Tribunal for Disciplinary Proceedings and the person so appointed shall draw pay in his own scale and allowances as admissible from time to time:

Provided further that a person already appointed to the said post on regular basis before the commencement of these rules shall continue to hold the post till it is vacated by him for any reason.

4. Tenure:- The person appointed under rule 3 shall be on tenure for a period not exceeding three years at a time.

Provided that this shall not preclude the Government either on its own motion or on a request from the Chairman, Andhra Pradesh Tribunal for Disciplinary Proceedings from replacing him at any time, before completion of the period of tenure.

5. Qualifications:- No person shall be eligible for appointment to the post Unless:

(a) he has put in a service of not less than three years in the category of District Munsif in the Andhra Pradesh State Judicial Service or Assistant Secretary to Government in Andhra Pradesh General Service Class-IX - Category 2, as the case may be;

(b) he possesses a Bachelor's Degree in Law of a University in India established or incorporated by or under a Central Act, Provincial Act or a State Act or an Institution recognized by the University Grants Commission or any equivalent qualification; and

(c) he has passed the Accounts Test for Subordinate Officers, Part-I.

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

**DEEPAK KUMAR PANWAR
SECRETARY TO GOVERNMENT**

To

The Director, Printing, Stationery and Stores Purchase, Hyderabad for publication in A.P. Gazette and to supply (500) copies to this Department.

The Chairman, Tribunal for Disciplinary Proceedings, A.P., Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

Copy to Law (E) Department.

(Sd/-)

SECTION OFFICER.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - State Services - A.P.Tribunal for Disciplinary Proceedings
Service Rules-Amendment - orders - Issued.

[G.O.Ms.No. 28, General Administration (Ser.C) Department, Dated 20-01-1998.]

Read the following:

1. G.O.Ms.No.600, General Administration (SC.D) Department, dated 07-11-1990.
2. From the Chairman, Tribunal for Disciplinary Proceedings, Dis. No. 683, dated 20-10-97.
3. Govt. Lr. No. 79822/Ser.C/97-3, General Administration (Ser. C) Department, dated 09-12-97.
4. From the Secretary, A.P. Public Service Commission, Lr. No. 3352/RR/2/97, dated 09-01-98.

ORDER:

The following notification will be published in the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Tribunal for Disciplinary Proceedings Service Rules, issued in G.O.Ms.No.600, General Administration (SC.D) Department, dated the 7th November, 1990.

AMENDMENT

In the said rules, for rule 3, the following shall be substituted, namely:-

"3 method of Appointment:

Appointment to the post shall be made by transfer or by' promotion from among:-

(i) Candidates· who are working as District Munsifs in the Andhra Pradesh State Judicial Services.

OR

(ii) Candidates who are working as Assistant Secretaries in the Andhra Pradesh Secretariat Service.

OR

(iii) Candidates working. in any service who are holding initial Gazetted post.

OR

(iv) by promotion of the candidates holding the post of Superintendents In the

Office of Tribunal for Disciplinary Proceedings, who have put in five years of service.

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

**N.V.H. SASTRY
SECRETARY TO GOVERNMENT**

To

The Commissioner and Director of Printing, Stationery and Stores Purchase, Hyderabad.

The Chairman, Tribunal for Disciplinary Proceedings, Nampally, Exhibition Grounds, Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad (10 copies).

Copy to:

The Law (E) Department.

The General Administration (SC-F) Department.

**Sd/-
SECTION OFFICER**

**RULES SUPPLEMENT TO PART- I
EXTRAORDINARY
OF
THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY**

No. 16] HYDERABAD, THURSDAY, AUGUST 3, 1989'

**NOTIFICATIONS BY GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(SERVICES-C)**

**THE ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS
TRIBUNAL) RULES, 1989.**

[G.O.Ms.No.304, General Administration (Services.C) Dept., 3rd June, 1989.]

In exercise of the powers conferred by subsection (1), of section 10 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 (Act II of 1960) the Government of Andhra Pradesh makes the following rules, in supersession of rules issued in the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1961, in G.O.Ms.No.895, General Administration (Services. D) Department, dated the 18th July, 1961 and published at pages 429-433 in the Andhra Pradesh Gazette Rules Supplement to Part-I, dated the 3rd August, 1961.

RULES

1. These rules may be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989.

2. In these rules, unless the context otherwise requires:-

(a) "Act" means the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960:

(b) "Misconduct" shall mean contravention of the rules made under the proviso to article 309 of the Constitution of India to regulate the conduct of persons appointed to public services and posts in connection with the affairs of the State.

3. (1) The Government may, subject to the provisions of rule 4, refer all cases of Officers, Gazetted or otherwise involving corruption/ integrity, enquired into by Anti-Corruption Bureau including cases of misappropriation / embezzlement investigated by Anti-Corruption Bureau or emanating otherwise and which are considered' not appropriate for prosecution in a court of Law, to the Tribunal for Disciplinary Proceedings for enquiry and report under section 4 of the Act."

(2) Where two or more Government servants are concerned in any case, the Government may make an order directing that disciplinary Proceedings against all of them may be taken in a common proceedings, and thereupon the Tribunal shall conduct the enquiry into such case accordingly.

Amendment vide
G.O.Ms.No.409,
G.A. (Ser.C)
Dept. dt.20-9-96.

(3) Notwithstanding anything contained in sub-rule (1) cases arising in. the judicial department and cases of officers and servants of the High Court who come under the rule making control of the Chief Justice as laid down in article 229 of the Constitution of India shall not be referred to the Tribunal.

Amendment vide
G.O.Ms.No.409,
G.A. (Ser.C)
Dept. dt.20-9-96.

4. (1) In all cases of the type referred to in sub-rule (1) of rule' 3, on completion of inquiry or investigation, as the case may' be, the Anti-Corruption Bureau or the, Departmental Authority or any other Agency viz., Crime Branch Criminal Investigation Department, Director General, Vigilance and Enforcement or any Enquiry Officer appointed by a Government Department, shall submit a report in each of the cases to the Government."

(2) The Government shall after examining such records and after consulting the Head of the Department concerned, if necessary, decide Whether the case shall be inquired into by the Tribunal.

(3) If the Government decide that the case 'shall be enquired into by the Tribunal, they shall send or cause to send, as the case may be, the records relating thereto to the Tribunal.

(4) There shall be a Government Counsel and as many Government Counsels as may be considered necessary, to conduct enquiries on behalf of the Government in disciplinary cases before the Tribunal and the charged officer concerned shall be allowed to be represented by counsel. In case where the Government Counsel or Counsels cannot attend to examination of witnesses on commission adhoc Government Counsel shall be appointed.

5. The Tribunal may sit at such places as it may determine, with due regard to the convenience of the parties concerned and expenses involved.

Amendment vide
G.O.Ms.No.514,
G.A. (Ser.C)
Dept. dt.15-10-94.

6. 1) Notwithstanding anything contained in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the following procedure shall be followed by the Tribunal in conducting enquiries into cases of misconduct referred to it under section 4 of the Act.

(a) As soon as the records relating to allegations of misconduct against a Government Servant are received, the Tribunal shall frame appropriate charges and communicate them to the Government servant charged, together with a list of witnesses proposed to be examined in respect of each of the charges and with information as to the date and place of enquiry.

(b) The tribunal shall, before the date fixed for enquiry, furnish copies of the statements of witnesses proposed to be examined recorded by the Anti-Corruption Bureau and the concerned Departments to the Government servant charged for purposes of cross examination. The charge. or charges shall at the enquiry, be read over to the Government servant charged and he shall be asked whether he admits or denies the charge or charges. If the Government servant charged admits any of the charges, the Tribunal shall record the plea . and return a finding of guilt in respect of the charge or charges as are admitted by him. If the Government servant charged denies any of the charges brought against him, evidence shall be recorded on such of the charge or charges as are not admitted by him.

(c) At the enquiry, oral and documentary evidence shall be first adduced by the prosecution and the Government servant charged shall be entitled to cross examine the prosecution witnesses and to explain any documents produced by the prosecution. The Government servant charged may, thereafter within the time allowed by the Tribunal, file a written statement of his defence together with a list of witnesses whom he wishes to examine stating the points on which he proposes to examine each of them and a list of documents proposed to be summoned, stating the purpose for which 'such documents are sought to be summoned. He may also offer himself as a witness in his own defence. The oral - and documentary evidence on his side may then be adduced and the Government servant charged shall be entitled to advance the necessary arguments. The prosecution shall also be entitled to advance the necessary counter arguments to the Government Servants arguments or file a mere written statement detailing the whole prosecution case. The arguments may be oral or written or both and when time is requested for written arguments by either party, a reasonable time shall be granted.

(d) The Tribunal shall, as far as possible, observe the basic rules of evidence relating to the examination of witnesses and the marking of documents and the enquiry shall conform to the principles of natural justice.

(e) The Tribunal on the application of the Government servant charged, shall furnish to him certified copies of depositions of witnesses recorded by the Tribunal and may also furnish to him certified copies of the documents exhibited before the Tribunal.

Provided that the Tribunal may, for reasons to be recorded in writing, refuse to grant certified copy of any such documents.

Provided further that the Tribunal shall in every case where it refuses to grant a certified copy of any document asked for, give, under proper supervision, an opportunity to the Government servant charged or to his counsel, if any to inspect the document and take notes.

(f) The Tribunal shall, on the application of the Government Counsel or Additional Government Counsel, furnish to him certified copies of depositions of witnesses recorded by the Tribunal and the documents exhibited before it, on plain unstamped paper.

(g) The Tribunal may also interrogate the Government servant charged after the closure of the prosecution evidence.

(h) For sufficient reasons to be recorded in writing, the Tribunal shall have power to refuse on either side:-

(i) To summon and examine any witness;

(ii) to call for and exhibit any document; or

(iii) to recall a witness for further examination.

(i) The Tribunal may, if necessary, authorise the Government servant charged or his counsel, if any, to go to the offices where the documents are available in order to enable him either to secure copies of such documents or take necessary extracts from such documents.

(j) The proceedings of the Tribunal shall contain a sufficient record of the evidence.

AMENDMENT

In the said rules,

In rule-6, in sub-rule (1), after item (J) the following shall be added, namely:-

(k) In any disciplinary case instituted by the Tribunal for

disciplinary proceedings, if the Charged Officer, during the course of inquiry, retires from service on attaining the age of superannuation, the inquiry can be continued and completed.

(G.O.Ms.No.279, G.A. (Ser-C) Dept., dt.23.6.1999)

AMENDMENT

In the said rules, for clause (a) of sub-rule (2) of rule 6, the following shall be substituted, namely:-

(a) "In all cases after the enquiry has been completed, the Tribunal shall send its report of findings to the Government within thirty days".

(G.O.Ms.No.60, G.A. (Ser-C) Dept., dt.10.3.2004)

Earlier Rule Positions

AMENDMENT

In the said rules,

for clause (a) of Sub-rule (2) rule 6 the following shall be substituted, namely:-

(a) "In all cases after the enquiry has been completed, the Tribunal shall send its report of findings to the Government within thirty days. However, in cases in which exoneration of Government servant charged is recommended by the Tribunal, it shall specify, whether the charged officer is "fully exonerated", for purposes of Fundamental Rule 54 (A). Where the Tribunal does not express any such opinion, it shall be presumed by the Government that the Charged Officer is not fully exonerated by the Tribunal."

(G.O.Ms.No.455, G.A. (Ser-C) Dept., dt.7.11.2002)

AMENDMENT

In the said rules, in rule-6, in sub-rule (2), for clause (a) the following shall be substituted, namely:

(a) "In all cases after the enquiry has been completed, the Tribunal shall send its report of findings and recommend penalty together with its opinion to the Government within thirty days. However, in cases in which exoneration of Government servant charged is recommended by the Tribunal, it shall specify, whether the charged officer is "fully exonerated", for purposes of Fundamental Rule 54 (A). Where the Tribunal does not express any such opinion, it shall be

presumed by the Government that the Charged Officer is not fully exonerated by the Tribunal."

(G.O.Ms.No.392, G.A. (Ser-C) Dept., dt.6.9.2002)

Amendment vide G.O.Ms.No.387, G.A. (Ser.C) Dept. dt.13-9-95.

2. (a) In all cases after the enquiry has been completed, the Tribunal shall send its report of findings to the Government within thirty days. However, in cases in which exoneration of Government servant charged is recommended by the Tribunal, it shall specify, whether the charged officer is "fully .exonerated", for purposes of Fundamental Rule 54 (A). Where the Tribunal does not express any such opinion, it shall be presumed by the Government that the Charged Officer is not fully 'exonerated by the Tribunal:"

(b) The Government, after receipt of the report from the Tribunal for Disciplinary Proceedings, shall supply a copy of the report of the Tribunal to the charged Government servant and shall pass final orders after taking into consideration any representation made by him thereto within a reasonable time, ordinarily not exceeding one month. However, .it shall not be necessary to give to the person charged any opportunity of making representation on the penalty proposed to be imposed

Amendment vide G.O.Ms.No.514, G.A. (Ser.C) Dept. dt.15-10-94.

Provided that the Government shall .consult the Andhra Pradesh Vigilance Commission in regard to the course of further action to be taken and take the advice into consideration, before orders are passed.

Provided further that where the Government disagree with the whole or any part of the Tribunal's findings, the point or points of disagreement together with a brief statement of the grounds there for shall in case where it affects the Government servant charged adversely or prejudicially, be communicated along with the enquiry of the Tribunal.

(c) The Government may, for the reasons to be recorded in writing remit the case to the Tribunal' for enquiry and report and the Tribunal shall thereupon hold further enquiry.

(3) Where the Government servant charged has absconded or where it is for other reasons impracticable to communicate with him or where he wilfully fails to take part in an enquiry the enquiry shall be conducted or continued even in his absence.

(4) All or any of the provisions of sub-rule (1) may, in exceptional case .for special and sufficient reasons to be recorded in writing, be waived by the Tribunal, where there is difficulty in observing the requirements of the sub-rule, and the

requirements can be waived without injustice to the person charged.

Amendment vide (5) The provisions of the Andhra Pradesh Civil Services G.O.Ms.No.514, (Classification, Control and Appeal) Rules, 1991, shall apply G.A. (Ser.C) in regard to any other matter for which no specific provision Dept. dt.15-10- has been made in these rules. 94.

(6) Where the Chairman or any Member of the Tribunal is prevented" by death, transfer or other cause from concluding any enquiry or from reporting his findings in any case referred to the Tribunal, his successor may deal with any evidence taken down by his predecessor in office as if such evidence had been taken down by him and may proceed with the enquiry from the stage at which his predecessor has left it, or report his findings to the Government.

Amendment vide (7) Notwithstanding anything contained in the Andhra Pradesh G.O.Ms.No.514, Civil Services (Classification, Control and Appeal) Rules, G.A. (Ser.C) 1991, the Government shall be the authority competent to Dept. dt.15-10- impose a penalty in cases of Government servants-enquired into by the Tribunal. 94.

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

**G.R. NAIR
CHIEF SECRETARY TO GOVERNMENT**