

## **Executive instructions issued by Government from time to time under CCA Rules and Vigilance scheme**

### **A) Suspension**

- 1) Govt. Memo No.36761/Ser-c/2004 dt.12-3-04 of GA (Ser-C) dept
  - a) Suspension of officers involved in Trap cases of ACB upon receipt of Radio message from the ACB within 24 hours of trap, irrespective of the fact whether the officer is involved directly or indirectly in the act of accepting bribe and whether the phenolphthalein test yielded positive result or not.
  - b) Suspension of officers involved in disproportionate assets cases promptly based on the preliminary report and recommendation of the DG, ACB, Hyd and also the properties of such officers permitted to be attached under relevant sections of criminal law amendment ordinance 1944, based on the recommendation of the DG, ACB, Hyd.
- 2) Formats of orders of suspension prescribed in GO Ms No.411 GA (Ser-c) dept dt 28-7-93 read with GO Ms No.296 Fin & Plg (FW-FRII)/ dept dt 14-10-96.
- 3) Revised orders regarding review of orders of suspension at an interval of six months including the competent authorities to undertake review issued in GO Ms No.578 GA (Ser-c) dept dt 31-12-99 and proforma of order of review prescribed in Govt. memo no. 32351/Ser C/2000-1 dt 11-1-2001 of GA (Ser -C) dept.
- 4) All depts. of Secretariat / Heads of Depts. / Dist Collectors directed to consult the AP vigilance commission invariably through their concerned Administrative Depts before taking decision to reinstate the Govt. servants involved in misappropriation, fraud, cheating, misconduct and bribe etc, cases if the suspension proceedings arose out of the investigations conducted by the ACB or otherwise in U.O.Note No. 2776/SC-E /98-1 dt 31-12-98 and Cir Memo No. 466/Spl-c/A1/2005-1 dt. 31-8-2005 of GA (Spl-c) dept.
- 5) The Govt. servant who is placed under suspension on a criminal charge is not entitled to back wages for the period of suspension, even though he is acquitted by court of law, but it will be counted as period of service without any break as clarified by Govt. in Cir Memo No. 32419/838/FRII/03 dt.19-6-04 of Fin (FRII) dept.

### **B) Disciplinary Rules and Vigilance scheme**

<u>Govt. order No. &amp; Date</u>	<u>Subject</u>
1) Cir Memo No. C-9101-4/8/FRI/91 Fin & Plg (FW-FRI) Dept dt. 25-12-91	Instructions regarding willful and prolonged absence from duty without proper leave - guidelines for action.
2) Cir Memo No. 13431- 160-A/FRII/93 Fin & Plg (FW-FRII) Dept dt. 1-4-93	Regarding payment of subsistence allowance during period of suspension.
3) Memo No.564/SCA/93-1 dt. 28-4-93	Regarding taking departmental acti Contd..

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| of Home (SC-A) dept   | in traps which end in acquittal in court.  |
| 4) Memo No. 22/ Ser-c / 93-3 dt. 1-5-93<br>of GA (Ser-c) dept.  | Presenting officer to be senior to the<br>charged officer.   |
| 5) UO Note No. 1700/ SC-D/ 92-4 dt. 9-3-94<br>of GA (SC-D) dept (Read Memo No.1621/<br>spl-B/2001-01 dt 26-11-01              | Expeditious action to be taken for<br>dismissal of employees convicted by<br>courts without waiting for the<br>disposal of the appeals filed by them in<br>courts. |
| 6) Memo No. 2139/ SC- F/ 92-1 dt 7-5-94<br>of GA(SC-F) dept   | Court cases- inquiry officers not to be<br>impleaded - If impleaded to be opposed.   |
| 7) Memo No. 18/SC-D/94-3 dt. 1-6-94 of<br>of GA (SC-D) dept   | Traps- MROS not to be taken as<br>witnesses outside their jurisdiction in<br>traps.  |
| 8) Memo No. 263/SC-D/94-2 dt 4-1-95 of<br>GA (Ser-D) dept read with<br>Memo No.320/SC-D/95-3 GA (Ser-D)<br>dept dt 10-11-95   | Department should not conduct parallel<br>enquiry when ACB is seized of the<br>matter.   |
| 9) Memo No. 650/Ser-C/94-3 dt.6-1-95 of<br>GA (Ser-C) dept  | Departmental inquiry- examination of<br>charged officer by Presenting officer.   |
| 10) UO Note No.3269/ SC-F/95-7 dt.23-2-96<br>of GA (SC-E) dept  | Charges – Framing of charges –<br>shortcomings noticed and suggestions on<br>framing of charges in disciplinary cases.   |
| 11) GO Ms No. 77 GA (Ser-C) dept<br>dt 27-2-96  | Regarding empowering District<br>collections for initiating disciplinary<br>proceedings against District officials under<br>APCS (CCA) Rules 1991.                 |
| 12) GO Ms No. 82 GA (Ser-C) dept<br>dt 1-3-96   | Instituting disciplinary action<br>consolidated instructions and proformae<br>prescribed.  |
| 13) Memo No 689/Ser-C/95-3 dt16-3-96<br>of GA (Ser-C) dept [Ref: Memo No.<br>2261/Ser-C/79-2 dt 23-10-79of GA<br>(Ser-C) Dept | Regarding taking of simultaneous action<br>of prosecution and<br>disciplinary proceedings in cases of<br>misappropriation.   |
| 14) GO Ms No.241 GA (Sc-C) dept   | Act regarding Department inquires Act  |

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- dt 31-5-96 read with Memo No 83846/Ser-C/o3 dt 20-8-03
- 15) Memo No.4707/SC-E/96-1 dt 1-2-97 of GA (SC-E) dept
- 16) Memo No.3037/SC-E/97-1 Dt 27-4-98 of GA (SC-E) dept
- 17) GO Ms No.2 GA (Ser-C) dept dt 4-1-99 read with GMNo.698/Spl-B/99-1dt 30-8-99 G Memo No.178/Spl-C2003 dt 7-5-03
- 18) VO Note No.598/SC-E/99-1 dt 26-2-99 of GA (SC-E) dept
- 19) GO Ms No.203 GA (Ser-C) dept dt 5-5-99
- 20) Memo no.32667/Ser-C/98-8 dt 13-5-99 of GA (Ser-C) dept
- 21) Gr Memo No.3026/18/Az/Den I/99.Fin& Plg FW-Pen1) Dept dt 1-6-99
- 22) GO Ms No. 257 GA (Ser-C) dept dt10-6-99 [Orders in GO Ms No.74 dt 10-6-99 cancelled]
- 23) Letter No.46499/Ser-C/99 dt 21-8-99 of GA (Ser-C) dept
- 24) Cir Memo No.698/Spl B3/99-1 dt 30-8-99 of GA (Spl B) dept
- 25) Cir Memo No. 20-9-22/Ser-C/
- for witnesses and documents issued in 1993
- Prior permission of Govt has to be obtained for filing of an appeal against the orders of acquittal passed by the courts on the special Judge for ACB cases
- Types of cases that can be referred to commisionarate of inquiries
- To ensure clean and efficient administration, the penalty of dismissal from service shall be imposed in all proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery and outraging modesty of women
- Disciplinary authority not to consult HOD or A.C.B on inquiry reports
- Promotion overall performance to be taken
- It shall not be necessary to consult APPSC to pass an order imposing major penalty by any authority other than the departments of Secretariat at Govt level
- Disciplinary Proceedings under Rule-9 of Revised Pension Rules 1980 can continue after retirement even where there is no pecuniary loss to Govt
- Sealed cover promotion for promotion of employees facing disciplinary enquiries not concluded even after expiry of two years
- Tribunal for Disciplinary Proceedings- No jurisdiction over retired Govt servants
- Vigilance commission scheme to be strictly followed-disciplinary action to be taken for violation of scheme or imposition of minor penalty for corruption, bribery, misappropriation, etc.,
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Checklist on step by step, stage by stage

- 99 dt 28-9-99 of GA (Ser-c) dept  
 procedure in disciplinary proceedings prescribed
- 26) Cir Memo No.56183/Ser-C/99  
 dt 15-10-99 of GA (Ser-C) dept  
 Formats of enquiry report and check list for suspension prescribed
- 27) Memo No. 46733/Ser-C/99  
 dt 22-10-99 of GA (Ser-C) dept  
 Disciplinary proceedings-Supreme court observations- Inquiry officer to be appointed normally
- 28) Cir Memo No. 706/Spl A3/99  
 dt 28-10-99 of GA (Spl A)dept  
 Anonymous, Pseudonymous complaints not to take any action and to be filed
- 29) Cir Memo No.34633/Ser-C/99  
 dt 4-11-99 of GA (Ser-C) dept  
 Withholding of increments- Officers undergoing the punishment not to be recommended for promotion during the currency of punishment
- 30) Cir Memo No. 60897/Ser-C/99  
 dt 12-11-99 of GA (Ser-C) dept  
 Penalty be imposed or official exonerated specifically-Imposition of warning not proper
- 31) GO Ms No.147 GA (Spl B) dept  
 dt 1-5-2000 read with U.O. Note No. 235/Spl B/2001-1 dt 26-7-01 of GA (Spl B) dept  
 Scheme of vigilance commission- defining jurisdiction, powers, etc.,- clarification issued
- 32) GO Rt No.1034 Fin & Plg (FW-Pen 1) dept dt 9-6-2000  
 Pensions-Disciplinary cases pending at the time of retirement-Finalization of the proceedings and payment of interest
- 33) GO Rt No. 1097 Fin & Plg (FW-Pen 1) dept dt 22-6-2000  
 Regulation of payment of pensionary benefits to Govt servants who retired from service pending disciplinary action-consolidated orders
- 34) Cir Memo No. 1728/Spl-B3/99-2  
 dt 31-7-2000 of GA (Spl-B) dept  
 Recommendation of vigilance commission given due consideration-deviation to be avoided
- 35) U.O. Note No.1636/Spl B/2000-1  
 dt 4-9-2000 of GA (pl B) dept  
 To avoid quoting correspondence with vigilance commission and ACB in the orders issued and also to avoid making copies to others to avoid likely legal complications
- 36) Cir Memo No.24637/Ser-C/2000-2  
 Departmental inquiries-further

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- dt 5-9-2000 of GA (Ser-c) dept instructions
- 37) U.O. Note No. 1788/Spl-B/2000-1  
dt 14-11-2000 of GA (Spl-B) dept Combating corruption in public services-  
separation of vigilance and disciplinary  
matters from service matters
- 38) U.O Note No. 1067/L & O-1/A1/  
2000-4 dt 30-12-2000 of GA (L&O)-1  
dept Regarding investigation of criminal  
cases by CID -referring criminal cases  
to CID
- 39) Cir Memo No. 58414/Ser-C/2000-4  
dt 7-2-01 of GA (Ser-c) dept Inquiry officer should be superior in  
rank to charged officer
- 40) Cir Memo No. 58226/ser A/2000-2  
dt 1-5-01 of GA (Ser-A) dept Appointment of compassionate grounds-  
termination with show cause notice for  
neglecting family members
- 41) U.O.Note No. 599/Spl-B/99-1  
dt 31-05-2001 of GA (Ser-B) dept V & E department regarding cases  
investigated by V & E dept- draft articles of  
charges, appointment of presenting officer  
etc.,
- 42) U.O.No.858/Spl-B/2000-3  
dt 10-7-01 of GA (Spl-B) dept Corruption-Preventive measures in  
combating corruption-Display of notice
- 43) Memo No. 24313/Ser-C/2000  
dt 26-7-01 of GA (Ser-C) dept Departmental action against district  
officials-Initiation by District collectors
- 44) Memo No. 1621/Spl-B/2001-1  
dt 26-11-01 of GA (Spl-B) dept Govt servants convicted not to be  
retained in service until disposal of appeal-  
Appointing authorities/Disciplinary authorities  
will be personally held responsible for non-  
implementation of these instructions failing  
which they will be liable for disciplinary  
action in addition to recovery  
salary/pension/provisional pension paid if any
- 45) Cir Memo No. 13673/Ser-C/2002-03  
dt 5-7-02 of GA (Ser-C) dept Comprehensive check list for use Contd..  
disciplinary and inquiry authorities

- 46) Memo No. 2780/Spl-B/ 2000-2 dt 14-10-02 of GA (Spl-B) dept read with Memo of even No dt 19-12-02  
Departmental enquiries-Nomination of an officer as presenting officer-officer nominated by ACB to be appointed as P.O
- 47) Memo No. 51883/Ser-C/2002-03 dt 19-12-02 of GA (Ser-C) dept (GM No. 23537/Ser-C/99-5 dt 28-7-99 and also U.O.No.58445 Ser-C/2002-02 dt 24-1-03 and also U.O.Note No. 19952/Ser-C/ 2000 Dt 27-4-00  
Departmental inquiry-Time schedule to expedite departmental inquiries and further instructions
- 48) Cir Memo No.4532/Ser-D/2002-03 dt 1-1-03 of GA (Ser-D) dept  
Discharge of probations from service-certain instructions
- 49) GO Ms No.48 GA (Ser-A) dept dt 18-2-03  
Issue of false Medical Certificates Penalty of removal from service on medical officers who issued such certificates and who obtained and submitted such false MCs
- 50) Memo No. 368/Spl-B/2002-1 dt 28-2-03 of GA (Spl-B) dept  
Disproportional assets-Margin of 10% (but not 20%) of the total income of the accused Govt servant be allowed while computing the disproportionate assets in view of the decision of Supreme court
- 51) GO Ms No. 104 GA (Spl-B) dept dt 4-4-03  
Chief vigilance officers and vigilance offices-Job chart
- 52) GO Rt No. 1699 GA (Spl-C) dept dt 15-4-03  
Delay in investigation, inquiry, trial-action against officials found responsible
- 53) Memo No.82494/Ser-C/2003 dt 28-7-03 of GA (Ser-C) dept  
Regarding time limits to expedite inquiries in disciplinary cases-Instructions in Memo No.23537/Ser-C/99-5 dt 28-4-99 and U.O Note No.19952/Ser-C/2000 dt 27-4-2000 reiterated and further instructed not more than one week time shall be taken to request the APPSC for its concurrence
- 54) GO Ms No.232 GA/Spl-C/dept dt 6-8-03  
Combating corruption in public services-Maintenance of lists of officers of doubtful integrity and suspect officers-Instructions
- 55) Memo No. 91715/Ser-C/2003  
Inquiries-Conduct of common inquiry

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- dt 25-8-03 of GA (Ser-C) dept
- 56) Memo No. 107309/Ser-C/2003  
dt 3-9-03 of GA (Ser-C) dept
- 57) GO Ms No.260 GA (Ser-C)  
dept dt 4-9-03 read with  
Cir Memo No. 4152-C/761/  
FR I/2005 dt 28-9-05
- 58) GO Ms No. 25 GA (Ser-C) dept  
dt 3-2-04 read with Memo No.  
70765/Ser-C/A1/2004-1  
dt 29-5-04
- 59) GO Memo No. 664/Spl-C/A1/  
2004-01 dt 6-12-04 of GA(Ser-C)  
dept
- 60) Cir Memo No. 84/Spl-C/04-01  
dt 24-3-05 of GA (Spl-C) dept
- into charges against more than one charged officer in common proceedings-Certain instructions
- Punishments-Imposed by the Disciplinary authorities should not be modified by the High Court Judgment-Issue of instructions
- Unauthorized absence-Willful and prolonged absence from duty for a continuous period exceeding one year without proper leave-Imposition of Major penalty of removal from service after duly following the procedure in CCA Rules
- Misappropriation cases-Consolidated guidelines issued-Further instructions issued to report all cases of misappropriation to the % the Principal AG (Audit I) AP
- PSs-All cases of corruption and other irregularities which are covered under Para-6 of the vigilance commission issued in GO Ms No. 421 GA (SC-D) dept dt 3-8-93 irrespective of whether enquired into by ACB or other authorities have to be referred to V.C. for its advice-Instruction reiterated
- PSs departmental enquiries-A disciplinary proceedings is not a criminal trial hence the standard proof required is that of preponderance of probability and not proof of beyond reasonable doubt but is a reasonable inference from proved facts-Rules of Evidence of Evidence Act need not be followed strictly

