

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Disciplinary Cases – Violation of Andhra Pradesh Civil Services (Conduct Rules – Initiation of disciplinary action as per Andhra Pradesh Civil Services (CCA) Rules –Orders – Issued.

General Administration (Ser. –C) Department

G. O. Ms. No.680

Dated.01-11-2008

O R D E R.

All Government Employees are governed by the provision of Andhra Pradesh Civil Services (Conduct) Rules, 1964. Any violation of the said rules amounts to misconduct and for such mis-conduct disciplinary action shall be initiated as per the procedure laid down in Andhra Pradesh Civil Services (CCA) Rules, 1991.

2. According to Rule 3 (1) of A.P. Civil Services (Conduct) Rules 1964, every Government employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety.

3. It is noticed that while initiating the disciplinary action against any erring employee the above rule position is not strictly adhered to. The charges against any erring employee shall be framed by the specific mis-conduct. Such articles of charge should not be vague and general in nature i.e., the words like slack supervision, irregular way of processing the issues etc., The Courts of Law are taking a view that there is no clear application of mind by the Competent Authority while initiating the disciplinary action against erring employee. The Division Bench of the A.P. High Court in K David Wilson Vs. Secretary to Government, Law Department (2001 (5) ALT 65) held that “the charged official ought to be informed of the charges leveled against him as also the grounds upon which they are based. Charge of mis-conduct should not be vague. The charge-sheet must be specific and must set out all the necessary particulars and details irrespective of the fact whether the delinquent known it or not, he must be told about the charges and it was not his duty to connect the charge sheet with his alleged understanding or knowledge of the charge. However it is true that the charge need not be framed with the precision of a charge in criminal proceedings. But, at the same time, it must not be vague or so general as to make it impossible of being traversed. Therefore, the test is whether the charge conveys to the delinquent employee, the exact nature of the alleged misconduct in a way that would enable him to meet the charge effectively. It is well established that if a vague charge is given to a delinquent, it is a fatal defect, which vitiates the entire proceedings. It is also relevant to notice that the vagueness in the charge is not excused on the plea that the employee concerned should be deemed to have known the facts correctly. It should not be left to the delinquent official to find out or imagine what the charges against him are and it is for the employer to frame specific charges with full particulars.

4. Thus, there is need to keep in mind the provisions contained in the Andhra Pradesh Civil services (Conduct) Rules 1964, to check the mis-conduct of the Government employees to ensure that the system of administration functions smoothly.

5. Government direct that wherever connivance negligence, dereliction of duty of the Govt employee is noticed, the Competent Authority shall take prompt action for such mis-conduct in accordance with the procedure laid down in the Andhra Pradesh Civil Services (CCA) Rules,1991.

6. It is the earnest endeavour of the Govt to ensure clean and efficient administration at all levels.

7. All Depts of Secretariat, all Heads of Depts and all District Collectors are requested to take prompt necessary action as per the above order.

(By order and in the name of the Governor of AP)

P.RAMAKANTH REDDY
Chief Secretary to Government