

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - State and Subordinate Services - Promotion/ Appointment of employees to higher posts in respect of the cases, where charges were dropped or penalty orders are modified etc., - Further Orders - Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No. 331

Dated:04.05.2013.

Read the following:

- 1) G.O.Ms.No.424, G.A.(Ser.C) Dept., Dt. 25.05.1976.
- 2) G.O.Ms.No.187, G.A.(Ser.B) Dept., Dt.25.04.1985.
- 3) G.O.Ms.No.34, G. A. (DPC.I) Dept., Dt.24.01.1989.
- 4) Circular Memo No.60897/Ser.C/99, G.A.(Ser.C) Dept., Dt.12.11.1999.

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ORDER:

In the G.O first read above, orders were issued, among others, prescribing the procedure to be followed while considering the claims for promotion of the Officers who are facing enquiry in any departmental proceedings or before a criminal court or whose conduct is under investigation and against whom Departmental proceedings or criminal prosecution is about to be instituted.

2. In the G.O. second read above, orders were issued reconstituting the Departmental Promotion Committee's with revised guidelines to determine the eligibility of an employee for consideration for promotion. As per Para 11 of said G.O., the name of the employee, who is undergoing punishment, should not be recommended for promotion. Further, as per para-13(a) of the said G.O., read with G.O.Ms. No.34, General Administration (DPC.I) Department, dt.24-1-1989, the case of the officer where the penalty imposed has been revoked after the Departmental Promotion Committee had considered his case should again be placed before the Departmental Promotion Committee for review.

3. In the Circular Memo fourth read above, certain instructions were issued to the effect, that the disciplinary proceedings can not be deemed to have been concluded unless they end with one of the penalties mentioned under CCA Rules or clearly state the fact that the delinquent officer is exonerated and charges are dropped. When words like "warning", or "let off", or "to be more careful in future" etc., are used in final order, it is to be construed that the charges and the guilt of the officer have been proved, but a lenient view is taken and no punishment is awarded. Such action will not be in accordance with the provisions of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and it was requested to keep the above in view while issuing final orders.

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4. In spite of the aforesaid orders / instructions, it has come to the notice of the Government that in several cases, the original order of penalty is being modified in appeal or revision petition by the authorities concerned after a lapse of considerable time i.e., after more than three years and in certain cases, even after ten years and also after retirement of the employee on humanitarian grounds. Further, in certain cases, charges are being dropped on humanitarian grounds, taking a lenient view etc., instead of the merits of the case. In criminal cases also, the delinquent officers are being acquitted by the Courts going benefit of doubt. As such, they are claiming all the consequential benefits with retrospective effect by quoting the aforesaid GOs/ Circular Memorandums, which lead to additional burden on State Exchequer and also resulting in disturbing the settled seniority, besides legal complications.

5. In view of the aforesaid circumstances, the Government after careful examination of the matter, issue further orders that promotions shall be considered with prospective effect only in subsequent panel years duly placing the matter before the Departmental Promotion Committee/ Screening Committee afresh in respect of the cases where;

- (i) Charges were dropped using the words such as let off, warning, to be more careful in future, on humanitarian grounds, on benefit of doubt etc.,
- (ii) Original order of penalty was modified on appeal or revision, after elapse of stipulated time (or) on humanitarian grounds (or) due to retirement etc.,
- (iii) The individual was acquitted by courts on benefit of doubt in criminal cases.

6. All the Departments of Secretariat, Heads of Departments and District Collectors shall follow the above instructions scrupulously and bring it to the notice of all the concerned.

B.VENKATESWARA RAO
SECRETARY TO GOVERNMENT (SER & HRM)

To
All the Departments of Secretariat.
All Heads of Departments.
All District Collectors.

Copy to:

The Registrar, High Court of A.P., Hyderabad.
The Registrar, A.P. Administrative Tribunal, Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad.
The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
All Service Sections in General Administration Department.
The Law (E) Department.
SF/SC.

//FORWARDED : : BY ORDER//

SECTION OFFICER