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Rule-5 & 6 OF AP STATE AND SUBORDINATE SERVICE RULES, 1996

(5) SELECTION POSTS:- (a) All first appointments to a State Service and all promotions / appointment by transfer in that service shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal, by the appointing authority as specified in sub-rule (a) of rule 6 from the panel of candidates. Such panel shall be prepared as laid down in rule 6 by the appointing authority or any other authority empowered in this behalf.

(b) Non-selection posts: - No non-gazetted post should be treated as selection post. Promotion and appointment by transfer to higher posts other than those mentioned in sub-rule (a) shall be made in accordance with seniority-cum-fitness, unless.

(i) such promotion or appointment by transfer of a member has been with held as a penalty; or

(ii) a member is given special promotion for conspicuous merit and ability.

6. METHOD OF PREPARATION OF PANELS:- (a) The panel of approved candidates referred to in sub-rule (a) of rule – 5 shall be prepared by the appointing authority or any other authority empowered in this behalf, in consultation with, the Departmental Promotion Committee in respect of posts outside the purview of the Andhra Pradesh Public Service Commission and Screening Committee in respect of the posts within the purview of the Andhra Pradesh Public Service Commission to recommend the names to the Commission. The appointing authority shall make appointments of candidates from such panel/list, in the order in which the candidates in such panel are arranged in their order of preference.

(b) The panel of candidates for appointment by transfer to a service or a class of service in any case, where the Commission is not consulted on the suitability of candidate for such appointment under sub-clause (b) of Clause (3) of Article 320 of the Constitution of India or for promotion, shall be prepared ordinarily during the month of September every year on the basis of estimate of vacancies sent in terms of sub-rule (d). First September of the year shall be reckoned as the qualifying date to determine the eligibility of a candidate for such appointment, which shall cease to be in force on the afternoon of the 31st December of the succeeding year or till the next panel is prepared whichever is earlier and for the purpose of preparing the said panel, the zone of consideration shall be in the ratio of 1:3. The period from 1st September of the year to the 31st August of the succeeding year shall be reckoned for purpose of determining the number of vacancies during the panel:

Provided that for promotion in respect of Scheduled Caste and Scheduled Tribe candidates only, the zone of consideration in the ratio of 1:3, shall not be applicable in respect of posts whose total cadre strength is more than five. (Amended in G.O. Ms. No. 123, G.A. (Ser-D) Dept., dt: 19.4.2003)

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Provided further that if the number of candidates to be included in the panel falls short of the number of vacancies estimated such shortfall shall be made good by considering the claims of the other qualified and eligible candidates, if any, in the seniority list place immediately below.

Provided also that the panel of candidates so prepared shall be reviewed after a period of six months reckoned from the date of approval of the panel, for the purpose of considering the cases of such other persons whose names were not included in the panel prepared earlier for not passing the prescribed tests or for not having special qualifications prescribed under the rules, if they have subsequently passed those tests or acquired the said qualifications and are otherwise found suitable for inclusion in the panel of the year. No such review of list of approved candidates shall, however, be undertaken where no tests or special qualifications are prescribed under the rules as condition precedent for promotion or appointment by transfer:

Provided also that no panel of candidates need be prepared;

(i) if vacancies are not available for the particular panel period subject to the appointing authority recording a certificate to that effect; or

(ii) where the appointing authority does not consider it necessary.

Provided also that the Government may order preparation of panel of candidates as frequently as may be necessary in the exigencies of administration.

(c) The panel of candidates for promotion or appointment by transfer to a service or class of a service, in any case where it is necessary to consult the Commission on the suitability of candidates for such appointment shall be prepared ordinarily in the month of September every year reckoning 1st September of the year as the qualifying date to determine the eligibility of a candidate for such appointment, which shall cease to be in force on the afternoon of 31st December of the succeeding year or till the next panel is prepared whichever is earlier. The period from first September of the year to 31st August of the succeeding year shall be reckoned for purpose of determining the number of vacancies during the panel.

(d) The panel of candidates under sub rule (b) or sub-rule (c) shall consist of such number of candidates as is equal to the number of vacancies which are estimated to arise on the following basis during the currency of that list;

(i) the existing vacancies, including the vacancies which were not filled up in the previous years for any reason:

(ii) (1) vacancies to arise owing the retirement;

(2) Consequential vacancies due to promotion or appointment by transfer;

Provided, that when the number of qualified and eligible candidates to be included in the panel of candidates is less than the number of vacancies estimated to arise during the currency of that list, such number of candidates

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eligible and found fit only shall be included in the panel irrespective of the number of vacancies.

(e) A panel of candidates shall also be prepared taking into account the vacancies not exceeding 10% of the total estimate of vacancies, ignoring fraction of less than half or 0.5 and rounding of fraction of ½ or more i.e. 0.5 and above to the next nearest number as reserve to fill up the vacancies likely to last for more than 2 months on account of:-

(i) deputation;
(ii) training;
(iii) long leave; or

Provided also that the candidates kept in reserve in the approved list shall be not less than one, where the estimate of vacancies is five or less than five.

(f) Inclusion of a candidate's name in any panel of candidates of any State Service, class or category shall not confer on him any right for appointment to such service, class or category.

(g) The following persons shall be considered for inclusion in any panel prepared under sub-rules (b) and (c):-

(i) Persons who are qualified on the qualifying date including those who had been included in the previous panel of approved candidates but who have not commenced their probation.

(ii) Persons who had not possessed the prescribed qualifications at the time of preparation of the previous panel, but who have since acquired such qualification and are qualified as on the qualifying date.

(iii) Persons who were qualified but were considered unsuitable for inclusion in the previous panel and who continue to possess the prescribed qualifications.

Explanation:- In considering the inclusion of persons, who had been included in the previous panel but who had not commenced their probation, in the current panel it shall not be necessary to carry forward their names without having regard to their relative merit and ability with reference to the relative merit and ability of other candidates coming up for fresh consideration. If such candidates are included in the current panel it shall not be necessary to arrange them in the same order in which they had been arranged in the previous panel.

(h) Persons included in more than one panel:- Where a candidate's name has been included in different panels of approved candidates for more than one service, the cadre controlling authority of the panel in which the candidate's name is included, should intimate the cadre controlling authority of the other panel of the inclusion of the name of the candidate in the former panel and it shall be the duty of the cadre controlling authority of the parent cadre to intimate the inclusion of the candidate's name to such other cadre controlling authority, if any, in whose panel the same candidate's name had been sponsored for inclusion by the cadre controlling

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authority, of the parent cadre. The cadre controlling authority of the parent cadre to intimate the inclusion of the candidate's name to such other cadre controlling authority, if any, in whose panel the same candidate's name had been sponsored for inclusion by the cadre controlling authority of the parent cadre. The cadre controlling authority of the parent cadre shall require the candidate to initiate the service to which the candidate wishes to be appointed. On receipt of such intimation, the cadre controlling authority of the parent cadre shall inform the other cadre controlling authorities and such candidate's name shall be removed by such cadre controlling authority from the panel or panels of approved candidates for such service or services to which the candidate does not wish to be appointed.

(i) Non Selection Posts:- For non selection posts referred to in sub rule (b) of rule 5 the appointing authority shall prepare a list of eligible employees every year i.e. from first September of the year to 31st August of the succeeding year after considering the record sheet and the qualifications prescribed for the said post in the relevant Special Rules for promotion to next higher category of non selection post.

8. ELIGIBILITY FOR PROMOTION OR APPOINTMENT BY TRANSFER:

For appointment to a higher post either by promotion from one category to another within a service or by appointment by transfer from one service to another service, a member of a service or class of a service, shall have satisfactorily completed his probation in the category from which he is proposed to be promoted or appointed by transfer to such higher post.

Rule-12(3) (b) of AP State and Subordinate Service Rules says that "no person shall be eligible for appointment to a post by promotion or appointment by transfer unless he possesses the academic qualifications and technical or other qualification and has passed the departmental and other tests and has satisfactorily completed any course or training prescribed in the special rules as a prerequisite qualification, for the post, to which he is to be appointed by promotion or by transfer."

Rule-16 (c)(iii) of AP State and Subordinate Service Rules says that "a probationer in any category, class or service shall be eligible to count for probation his service in a higher category of the same service or class, as the case may be, or in any other service (State or Subordinate Service) towards his probation in the former service, to the extent of the period of duty performed by him in the latter service during which he would have held the post in the former service but for such appointment in the latter service."

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Departmental Promotion Committees – Reconstitution and guidelines – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-B) DEPARTMENT

G.O.Ms.No.187 **Dated 25th April, 1985.**
Read the following:-

1. G.O.Ms.No.283, G.A. (ARC&S) Department, dated: 30.05.1973.
2 G.O.Ms.No.397, G.A. (ARC&S) Department, dated: 26.07.1973.
3. G.O.Ms.No.337, G.A. (Ser-B) Department, dated: 18.06.1983.
4. G.O.Ms.No.5464, G.A.(Ser-B) Department, dated:14.11.1980.

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O R D E R:

In the G.Os first to second read above orders were issued to constitute Departmental Promotion Committees for promotion to the various categories of non-gazetted posts and gazetted posts promotion to which are outside the purview of Andhra Pradesh Public Service Commission. The question of streamlining the functioning of the Departmental Promotion Committees in order to ensure maximum objectivity in the appraisal of merit and ability has been engaging the attention of Government for sometime. In the G.O. fourth read above, a committee was constituted under the Chairmanship of Sri G.R.Nair, IAS, Principal Secretary to Government, Revenue Department to formulate suitable guidelines in this regard. The report submitted by the above Committee was placed before the Secretaries meeting held on 12.3.1985. The recommendations of Sri G.R.Nair Committee were broadly endorsed in the Secretaries meeting. The recommendations of G.R.Nair Committee were carefully examined by the Governor and the following orders are issued.

2. In order to secure maximum degree of objectivity in the appraisal of merit and ability of Government employees for selection to various posts and also to ensure certain minimum level of uniformity in terms of procedures and principles to be adopted by the Departmental Promotion Committees, it has been decided to constitute Departmental Promotion Committees at 2 levels in place of the existing D.P.Cs. The composition of the Committees would be as follows:-

1st level D.P.C. to consider the cases for promotion to the posts of Heads of Departments (non-cadre) Additional Secretaries to Government, Joint Secretaries to Government in the Departments of Secretariat (non-cadre).

1.	Chief Secretary to Government	....	Chairman
2.	Principal Secretary to Government to be nominated by Chief Secretary	....	Vice-Chairman
3.	Secretary to Government, General Admn.(Services) Department	....	Member/ Convenor
4.	Another Secretary to Government to be nominated by Chief Secretary	....	Member
5.	Secretary/Principal Secretary to Government of the concerned Administrative Department	....	Member

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2nd level Departmental Promotion Committees. to consider the cases for promotion to the posts in 3rd level Gazetted and above other than those to be considered by the 1st level Committee.

1.	Principal Secretary to Government to be nominated by Chief Secretary	....	Chairman
2.	Secretary to Government, General Administration (Services) Department	....	Member/Convenor
3.	Secretary to Government to be nominated by Chief Secretary	....	Member
4.	Secretary to Government of the concerned Administrative Department	....	Member
5.	Concerned Head of the Department	....	Member

3. In view of the work load for the 2nd level Committees it has been decided to constitute 3 (three) Committees following the above pattern of composition. Orders regarding the distribution of the Departments among the three Committees will be issued separately. However, in respect of the Departmental Promotion Committees constituted for the first level gazetted posts, the existing Departmental Promotion Committees will continue to process the cases.

4. In order to ensure that the cases are processed in accordance with the concerned Special/ad hoc rules, it has been decided that the proposals formulated in each Department would be scrutinized by General Administration (Services) Department and then only placed before the Departmental Promotion Committees. The Schedule of meetings of the Committees will be notified by the General Administration (Services) Department separately. However, the basic work relating to examination of cases with reference to special rules obtaining and furnishing of all the relevant information including Confidential Reports would continue to rest with the Administrative Department. All the Departmental Promotion Committees constituted earlier except the Departmental Promotion Committees constituted to consider the cases of first level gazetted posts cease to function with immediate effect. If the earlier Departmental Promotion Committees have already furnished their recommendations, which are pending in the Government, they need not be against placed before the Departmental Promotion Committees now ordered to be constituted.

5. In accordance with the recommendations of the Committee, the following revised guidelines are issued for the functioning of the above Committees.

The Zone of consideration would be determined as follows:-

No. of vacancies		No. of Officers to be considered
(a) 1	.....	5
(b) 2	.....	8
(c) 3	.....	10
(d) 4 or more	.....	3 times the number of vacancies

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6. Prescription of qualifying date to determine a Candidate's eligibility for promotion:

It has been decided that 1st September of every year should be reckoned as the qualifying date to determine one's eligibility for promotion and the General Rules would be amended accordingly. If however the needs of a particular service warrant prescription of some other dates or where a different date has already been prescribed in the Special Rules the Administrative Department may consider the matter in consultation with General Administration (Services) Department and make a suitable provision or amendment in the Special Rules:

7. Prescription of a common proforma in which information could be given to the D.P.Cs. for furnishing their recommendations:

In order to ensure that the information furnished to the Departmental Promotion Committees is complete and that no vital information to be placed before the Departmental Promotion Committee is missed the information to be furnished to the Departmental Promotion Committees should in the Proforma prescribed in the Annexure to this order.

8. Number of years for which C.Rs. should be considered:

It has been decided that evaluation of the Confidential Reports of the last 5 years would be adequate to assess the suitability of a person for promotion. In cases where the Confidential Reports of the 5 preceding years are not available, the Confidential Reports of 5 years in the preceding period of 8 years and also a special report from the Officer under whom the individual is working at the time should be taken into consideration.

9. Procedure to be followed where adverse remarks have not been communicated or where a representation is pending against such adverse remarks:

It has been decided that adverse remarks which have not been communicated should not be taken into consideration. In cases where a representation filed by the individual before the competent authority for expunction of adverse remarks is pending or the time allowed for submission of the representation is not over, the consideration of the individual's case should be deferred. After the competent authority has taken a decision on the representation, the case should be placed again before the Departmental Promotion Committee.

10. (a) Procedure to be followed in evaluating cases of persons against whom enquiries are pending:

It is brought to the notice of the Committee that there is ambiguity in the instructions issued in G.O.Ms.No.424, General Administration (Ser-C) Department, dated 25-05-1976 as to their application to case where enquiries are in the preliminary stage. In order to avoid any ambiguity, it is ordered that the instructions in G.O.Ms.No.424 General Administration (Ser-C) Department, dated 25-05-1976 should be followed only when the enquiry has reached the following stage:-

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1. In the case of Departmental enquiry, definite charges are framed against the individual or proposed to be framed or where it is proposed to appoint an enquiry officer under rule 19(2) of the C.C.A.Rules.

2. In respect of enquiry by the A.C.B., a preliminary enquiry has been completed and it is proposed to hold a regular enquiry.

10. (b) Thus, in respect of departmental enquiries, if the charges have not been framed or proposed to be framed and the matter is in the stage of preliminary enquiry, no cognizance need be taken and the case of an individual may be considered on merits disregarding the allegations which are under enquiry. Similarly in respect of the A.C.B. enquiry, if it is in the stage of preliminary enquiry the eligibility of a candidate's promotion may be determined without reference to the enquiry by the A.C.B.

11. Procedure to be followed to process the cases of persons who had undergone punishment:

It has been decided that an individual, who is undergoing punishment, should not be recommended for promotion. In case, where the period of punishment imposed is already over, each case has to be evaluated by Departmental Promotion Committee on merits.

12. Grading of Officers – Procedure to be followed:

It has been decided that the Members of Departmental Promotion Committees should be through the Confidential Reports of the candidates who come within the zone of consideration and after arriving at a consensus, grade the officers into one of the following categories:

1. Outstanding
2. Good
3. Satisfactory, and
4. Unfit.

Officers who are graded in the unfit category should not be included in the panel. Officers who are included in the other grades would be arranged keeping all the officers classified as outstanding first according to their seniority and then officers who have been categorized as good etc.

13. (a) Scope of review Departmental Promotion Committees:

It has been decided that in respect of the following cases the matter should again be placed before the Departmental Promotion Committees for review, in addition to the circumstances mentioned in G.O.Ms.No.32, General Administration (Ser-B) Department, dated 22-01-1981.

(a) when eligible persons were omitted to be considered , or

(b) Ineligible persons were considered by mistake, or

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(c) where the seniority of a person is revised with retrospective effect to differ with the seniority list placed before the earlier Departmental Promotion Committee, or

(d) where some procedural irregularity was committed by Departmental Promotion Committee, or

(e) when adverse remarks in the Confidential Reports were toned down or expunged after the Departmental Promotion Committee had considered the case of the officer; or

(f) cases of persons considered and included in the panel in terms of G.O.Ms.No.424, General Administration (Ser-C) Department, Dt:25-05-1976 but who were subsequently awarded minor punishment.

(g) Where the penalty imposed has been revoked after the DPC had considered the case of the officer

[Added by G.O.Ms.No:34, GA (DPC-I) Dept., dt:24-01-1989]

13. (b) Further when a review Departmental Promotion Committee meets, it should consider only those persons who were eligible as on the date of Original Departmental Promotion Committee meeting except in the cases covered by G.O.Ms.No.32, General Administration (Ser-B) Department, dt:22.1.1981. The review Departmental Promotion Committee should restrict its scrutiny to the Confidential Reports, for the period relevant to the FIRST Departmental Promotion Committee. The Confidential Reports written for subsequent period should not be considered. However, if any adverse remarks relating to the relevant period, were toned down or expunged, the modified confidential reports should be considered as if the original adverse remarks did not exist at all.

14. It has also been decided that no non-gazetted posts should be treated as Selection posts. Orders were already issued in G.O.Ms.no.82, General Administration (Ser-C) Department, dated 21-02-1985 abolishing the maintenance of the Confidential Reports in respect of all non-Gazetted categories except those which are feeder categories to gazetted posts. All Departments of the Secretariat should take immediate action to amend the relevant rules to be consistent with the above decision. The Departmental Promotion Committees constituted for preparation of panels for promotion to all non-gazetted posts stand abolished with immediate effect.

15. The instructions issued earlier in the references 1 to 3 which are not consistent with these orders, should be deemed to have been modified to the extent necessary.

16. Necessary amendments to General Rule 4 regarding preparation of panels and notification of qualifying date will be issued by General Administration (Services-D) Department separately.

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

SHRAVAN KUMAR
Chief Secretary to Government

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ANNEXURE

PROFORMA IN WHICH PROPOSALS SHOULD BE SUBMITTED TO D.P.C.

1. Name of Department/Office:								
2. Name and designation of Members of the Departmental Promotion Committee: (copy of the orders constituting the D.P.C. to be attached).								
Name						Designation		
3. Post to which promotion is to be made:								
			Number of permanent/ Temporary posts in the Grade			Number of vacancies filling in the promotion quota		
Designation	classification	Scale of Pay	Filled	Unfilled	Filled on ad hoc basis	Existing	Anticipated	Total

3. (a) Number of vacancies out of total vacancies for promotions shown in last column 3 above reserved for

(1) Scheduled Caste.....
(2) Scheduled Tribe .....
(3) Backward Classes.....

4. Recruitment Rules for the Grade Post:

(a) Date on which Recruitment Rules were issued

(b) Method of Recruitment prescribed:
(i) % direct recruitment
(ii) % promotion
(iii) % deputation/transfer

(c) Whether an up-to-date copy of the recruitment rules has been enclosed (this should invariably be sent for reference). If any changes in the recruitment rules have been agreed to by the Commission after they were notified, details should be attached. If, after the approval of the recruitment rules any other post has been created which should normally be included in the field of promotion, give details.

5. Grade Post from which promotion is to be made:

Designation	Classification	Scale of Pay	Recruitment prescribed for eligibility for promotion	Whether reservations are required to be made for SC & ST and BCs for promotion from this Grade post indicated in S.No.3 above in accordance with orders in this regard.

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6. Seniority list

(a) Whether a seniority list as in the prescribed proforma has been enclosed. The seniority list should include names of eligible and ineligible candidates up to the last eligible candidate as per Zone of Consideration.

(b) Whether the list, before finalization was circulated to all concerned.

(c) Whether there are any officers whose seniority has not been finalised. If so, give details.

(d) Whether the seniority list has been duly authorised by the appointing authority or the Dy.Secy. of the concerned Department,

7. Character Rolls:

Complete and up-to-date character rolls of all the eligible officers are required.

(a) Whether a list (in duplicate) been attached showing the names of Officers whose character rolls are enclosed with this reference.

(b) Are the character rolls complete and up-to-date.

8. Self contained note for the D.P.C.

The self contained note for the DPC explaining proposals for promotion should invariably contain information regarding any representations/writs/court cases pending in connection with the present promotion indicating the names of aggrieved parties and the present stage of cases. If there are any Government/Court/Tribunal orders relating to the promotion which the DPC has to keep in view may also be indicated in the note. Whether any enquiry/charges are pending against the persons being considered for promotion and if so the present stage may be indicated.

---

* This information may be furnished wherever the special/adhoc rules provides for reservation in promotions for SCs, STs, and B.Cs only.

Signature :_____

Designation:_____

Date : _____

vide item 6 of the DPC proforma

Seniority list of all Officers in the Grade of _____ as on - _____

Sl. No.	Name of the Officer	* whether belongs to Scheduled Caste or Scheduled Tribe or Backward Class. If not, say neither.	Date of Birth	Date of regular appoint ment for the grade	Post held on regular basis	Whether qualified for promotion or not	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

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** Signature of Authenticating Officer
Designation_____
Dated_____

* this information may be furnished wherever the Special/Adhoc Rules provides for reservation in promotions for SCs, STs., and BCs only

** to be signed by an Officer or above the rank of Deputy Secretary.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Promotion / Appointment of employees to higher posts while investigation into the allegations / disciplinary proceedings initiated against them are pending.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No.790 **Dated: 29th Sept. 1970.**

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O R D E R:

At present there are no clear instructions as to the action to be followed in regard to consideration of cases of Government employees for promotion for appointment to higher posts while disciplinary proceedings' are pending against them or when they are under suspension. Consequently, there has been no uniformity in the procedure followed by various appointing authorities in such cases. The question, therefore, was considered by the Services Sub-Committee of Secretaries to Government at its meeting held on 24-2-1970. The Committee recommended as follows.

"it was felt that the provisional withholding of promotions would be justified in the following categories of cases:-

(a) Where an officer has been placed under suspension; or

(b) Where charges have been framed and disciplinary proceedings initiated, and the charges are so grave that if they be held proved, the officer would not be promoted; or

(c) Where an investigation has been conducted by the Anti-Corruption Bureau and it is established that there is a prima-face case for prosecution of taking disciplinary action on charges which, if held proved would warrant the supersession of the officer.

In cases where promotions are ordered deferring consideration of claims of any officers in the cases aforementioned, the Committee considered that it should be specifically stipulated that such promotions would be without prejudice to the claims of the officers the consideration of which has been deferred pending the clearance of the charges against them. Cases of all such officers as fall under the categories (a), (b) and (c) mentioned above should immediately proceedings, be reviewed for promotion as also for their rightful ranking in the light of the final outcome of these proceedings.

The Committee felt that promotion need not be withheld where the charges against an officer relate to minor lapses and have no bearing on the integrity or efficiency of an officer and which even it proved, will not stand in the way of the officer being promoted.

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2. The Government, after careful consideration, accept the above recommendations of the services Sub-Committee of the Secretaries to Government and direct that:-

(i) Provisional withholding of promotions would be justified in cases failing under categories (a)(b) (c) mentioned in para 1 ante.

(ii) Where promotions are ordered, deferring consideration of the claims of any such officers as fall under the categories (a) (b) (c) mentioned in para 1 ante it should be specifically stipulated that such promotions would be without prejudice to the claims of the officers the consideration of which has been deferred pending the clearance of the charges against them. Cases of all such officers as fall under the categories (a). (b) (c) mentioned in para 1 ante should, immediately after the conclusion of the disciplinary proceedings be reviewed for promotion, as also for their rightful ranking in the light of final outcome of these proceedings.

(iii) Promotion need not, however, be withheld where the charges against an officer relate to minor lapses and have no bearing on the integrity of efficiency of an officer and which even if proved will not stand in the way of the officer being promoted.

3. The heads of Departments and Collectors etc. are requested to see that the above instructions are followed by all competent authorities, under their administrative control, in matters of promotion or appointment by transfer Government employees to higher posts while investigation into the allegations / disciplinary proceedings initiated against them are pending.

4. The receipt of this Memo. should be acknowledged.

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

M.T.RAJU,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Promotion/ Appointment of employees to higher posts while investigation into the allegations/disciplinary proceedings initiated against them are pending.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No.211 **Dated the 31st March, 1975.**
Read the following:-

1. G.O.Ms.No.790, General Administration (Services.C) Department, dated.29.9.1970.

2. From the Andhra Pradesh Public Services Commission, Lr.No. 2494/B1/3/74, dated: 19.3.1975.

* * *

O R D E R:

In partial modification of the G.O. cited and considering the impact of certain judgment of the High Court on the instructions issued in the G.O. cited, Government direct that consideration for promotion on over all merits should not be kept in abeyance or deferred in the cases falling under the categories (b) and (c) in para 1 of the G.O. cited viz.,

(i) where charges have been framed and disciplinary proceedings initiated and the charges are so grave that if they be held proved, the officer would not be promoted; or

(ii) where an investigation has been conducted by the anti corruption Bureau and it is established that there is a prima facie case for prosecution or taking disciplinary action charges which, if held proved, would warrant the supersession of the officer.

On the other hand, Government direct that such cases also should be given consideration to meet requirements of the principles of naturals justice.

2. The Heads of Departments, Collectors etc., are requested to see that the above instructions are followed by all competent authorities under their administrative control in matters of promotion or appointment by transfer of government servants to higher posts, in cases where investigation into the allegations or disciplinary proceedings initiated against them are pending.

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

N.BHAGAWANDAS,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Promotion/ Appointment of employees to higher posts while investigation into the allegations/disciplinary proceedings initiated against them are pending – Revised Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No.424. **Dated the 25th May, 1976.**
Read the following:-

1. G.O.Ms.No.790, General Administration (Services.C) Department, dated:29-09-1970.
2. G.OMs.No.211, G.A.(Services-C) Department, dt:31-03-1975.

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O R D E R:

Government have carefully considered the existing instructions regarding consideration of the claims for promotion of 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, and have decided that the following procedure shall be followed in such cases.

2. Officers who are facing enquiry, trial investigation can be categorized into the following groups based on the nature of the allegations / charges pending against them or about to be instituted.

(i) an officer with a clean record the nature of charges/allegations against whom relate to minor lapses having no bearing on his integrity or efficiency, which even if held proved, would not stand in the way of his being promoted;

(ii) an officer whose record is such that he would not be promoted, irrespective of the allegations/charges under enquiry, trial or investigation; and

(iii) an officer whose record is such that he would have been promoted had he not been facing enquiry, trial or investigation, in respect of charges which, if held proved, would be sufficient to supersede him.

3. The suitability of all officers eligible for promotion including those mentioned above should be assessed at the time of consideration of promotion by the Departmental Promotion Committee or other authority, as the case may be. The Departmental Promotion Committee or other authority may consider promotion of officers coming under category (i) above and indicate the rank to be assigned to such officers in the promotion list, notwithstanding the enquiry, trial or investigation. Similarly, suppression may be recommended straightway in respect of officers coming under category (ii), on ground of their being unfit for promotion. In the case of officers coming under category (iii) the Departmental Promotion Committee or other authority should consider whether such an officer would have been

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recommended for promotion, if the officer had his conduct not been under enquiry trial or investigation, and make its recommendations and the rank to be assigned to him in the promotion list, in such cases the Departmental Promotion Committee may make a specific recommendation that their promotion should be deferred until after the termination of the disciplinary proceedings or criminal prosecution.

4. In the event of there being an officer whose promotion has been recommended to be deferred, the vacancy that could have gone to the officer should be filled only on a purely temporary basis by the next person in the approved list of candidates for promotion. If the officer concerned is completely exonerated he should be promoted to the post filled on a temporary basis, restoring him his rightful place in the list of promoted officers with restoring him his rightful place in the list of promoted officers with retrospective effect.

5. In cases where an officer is under suspension pending enquiry, investigation of trial the provisional withholding of promotions would be justified and the instructions issued in G.O.Ms.No.790, General Administration (Ser-C), dated 29-9-1970 would continue to apply.

6. This order issues in supersession of the order issued in G.O.Ms.No.211, General Administration (Services-C) Department dated 31-3-1975.

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

N.BHAGAWANDAS
CHIEF SECRETARY TO GOVERNMENT

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Promotion / appointment of employees to higher posts while investigation into the allegations / disciplinary proceedings initiated against them are pending – Further Instructions – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No.104 **Dated 16-12-1990**
Read the following:-

1. G.O.Ms.No.790, General Administration (Services-C) Department, dated.29-09-1970.
2. G.OMs.No.211. General Administration (Services-C) Department, dated 31-03-1975.
3. G.OMs.No.424. General Administration (Services-C) Department, dated 25-05-1976.
4. O.M.No.22011/2/89-Estt.(A), Dated 12-1-1988, Govt. of India, Dept. of Personnel and Training.

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O R D E R:

In the G.O. third read above, instructions have been issued, among other things, for consideration of the claims for promotion of Officers who are facing enquiry in any Departmental proceedings of before a criminal court or whose conduct is under investigation and against whom departmental proceedings or criminal prosecution is about to be instituted as per the procedure laid down therein. It has also been ordered in para 2 (iii) of the said G.O. that in the case of an officer whose record is such that he would have been promoted had je not been facing enquiry, trial or investigation, in respect of charges which, if held proved, would be sufficient to supersede him, the Departmental Promotion committee or other authority should consider whether such an officer would have been recommended for promotion, of the officer, had his conduct not been under enquiry, trial or investigation, and make its recommendations and the rank to be assigned to him in the promotion list. In such cases, the Departmental Promotion Committee or other authority may make a specific recommendation that their promotion should be deferred until after the termination of the disciplinary proceedings or criminal prosecution.

However, there are no instructions to defer promotion / appointment to higher post of an officer included in the panel, if between the date of such inclusion in the panel and actual ate promotion, investigation /inquiry/trial has been taken up against an officer so included in the panel and the charges are serious enough to warrant categorization of that officer into the group referred to in para 2 (iii) of the G.O. third read above. The Government of India, have issued instructions in their O.M. fourth read above to defer promotion / appointment in such cases, until after the termination of such proceedings.

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The Government have examined the issue, keeping in view the instructions issued by the government of India in this regard, and decided that promotion / appointment by transfer to higher post of an office included in the panel, if between the date of inclusion in the panel and the date of actual promotion, disciplinary proceedings / investigation / enquiry / trial has been taken up against such officer whose case falls under the group referred to in para 2 (iii) of the G.O. third read as mentioned in para 1 above shall be deferred, until after termination of all such proceedings. In the event, the officer concerned is completely exonerated, he should be promoted/appointed to the post restoring him his rightful place with retrospective effect viz., with effect from the date on which his immediate junior was promoted or from the date on which he would have been promoted, has the enquiry / investigation / trial not been initiated against him, as the case may be.

All Departments of Secretariat / Heads of Departments are requested to follow the above instructions scrupulously and bring them to the notice of all concerned.

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

G.R.NAIR,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Promotion / appointment of employees to higher posts while investigations disciplinary proceedings initiated against them are pending – Further orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No.66. **Dated:30.1.1991.**
Read the following:-

1. G.OMs.No.424, General Administration (Services-C) Department, dated 25-05-1976.
2. G.OMs.No.187, General Administration (Services-B) Department, dated 25-04-1985.
3. G.OMs.No.104, General Administration (Services-C) Department, dated 16-02-1990.

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O R D E R:

In the G.O. first and second read above, instructions have been issued, among other things, for consideration of claims for promotion of 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, as per the procedure laid down therein. In the G.O. third read above, instructions have been issued that promotion / appointment by transfer to higher post of an officer include din the panel, if between the date of inclusion in the panel and the date of actual promotion, disciplinary proceedings / investigation / enquiry / trial has been taken up against such office whose case falls under the group referred to in para 2 (iii) of the G.O. first read above, shall be deferred, until after termination of all such proceedings.

2. The Supreme Court in State of Madhya Pradesh Vs. Bani Singh, 1990 Crl. Ltd. 1315 has observed as follows:-

> "Normally, pendency or contemplated initiation of disciplinary proceedings against a candidates must be considered to have absolutely no impact upon to his right to be considered. If the departmental enquiry had reached the stage of framing of charges after a prima-facie case has been made out, the normal procedure followed as mentioned by the Tribunal was 'sealed cover' procedure but if the disciplinary proceedings had not reached that stage of framing of the charge after prima-facie cases established the consideration for the promotion to a higher or selection grade cannot be withheld merely on the ground of pendency of such disciplinary proceedings. Deferring the consideration in the Screening Committee Meeting held on 26-11-1980 on this ground was therefore unsupportable."

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3. In another case, in C.O. Armugam and others Vs. State of Tamil Nadu and others 1990(1) S.L.R. P.298 the Supreme Court observed thus:

> "---------- it is necessary to state that every civil servant has a right to have his case considered for promotion according to his turn and it is guarantee flowing from Arts.14 and 16 (1) of the Constitution. The consideration of promotion could be postponed only on reasonable grounds. To avoid arbitrariness, it would be better to follow certain uniform principle. The promotion of persons against whom charge has been framed in the disciplinary proceedings or charge-sheet has been filed in criminal case may be deferred till the proceedings are concluded. They must, however, be considered for promotion if they are exonerated or acquitted from the charges. If found suitable, they shall then be given the promotion with retrospective effect from the date from which their juniors were promote."

4. It is obvious from the above observations of the Supreme Court that a promotion of member of service can be deferred if in the departmental enquiry or criminal case instituted against him charge has been framed or a charge-sheet has been filed against him, as the case may be.

5. Government, however, hereby direct that promotion / appointment by transfer to a higher post in respect of officers who are facing disciplinary proceedings or a criminal case or whose conduct is under investigation and whose case falls under the group referred to in para 2 (iii) of the G.O. first read above, shall be deferred, only when charges of misconduct are framed by the competent authority and served on the concerned delinquent officer,; or a charge-sheet has been filed against him in criminal court, as the case may be.

6. The instructions issued earlier in the G.Os. read above which are not consistent with these orders, should be deemed to have been modified to the extent necessary.

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

V.P.RAMARAO
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Promotion / appointment to higher posts of officers – Who are involved in Enquiries – Further Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No.74. **Dated:24.02.1994**
Read the following:-

1. G.O.Ms.No.424, General Administration (Services-C) Department, dated 25-05-1976.
2. G.O.Ms.No.104, General Administration (Services-C) Department, dated 16-02-1990.
3. G.O.Ms.No.066, General Administration (Services-C) Department, dated 30-01-91.

-ooOoo-

O R D E R:

In the G.Os. read above, instructions have been issued for consideration of the claims for promotion of 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. During the meeting of the Secretaries to Government held on 7-7-1992, the issue of inordinate delays in finalizing enquiries both Departmental and Anti-Corruption Bureau resulting in hardship to the employees, was discussed and an Officers Committee was constituted, to examine among others, the issue of "Promotion of Officers" involved in Enquiries and to submit proposals for review of the existing instructions. The Committee has accordingly made certain recommendations which have been accepted by the Standing Sub-Committee of Secretaries to Government in their meeting held on 6-12-1993.

3. Keeping in view the said recommendations and the procedure and guidelines issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, Government of India vide their Memorandum No.22011/4/91, Estt.A. Dated 14-9-1992, Government direct that the following procedure be followed for promotion of Officers against whom disciplinary cases are pending.

4. The appointing authorities concerned should specifically bring to the notice of Departmental Promotion Committee/Screening Committee the following categories of disciplinary cases:-

i) Officers under suspension
ii) Officers in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending
iii) Officers in respect of whom prosecution for a criminal charge is pending.

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5. The Departmental Promotion Committee/Screening Committee shall assess the suitability of the officers coming within the purview of the circumstances mentioned above, along with other eligible candidates following the procedure prescribed in G.O.Ms.No.424, General Administration (Ser.C) Department, dated 25-5-1976.

6. In cases where the Officer's promotion is deferred in terms of G.O.Ms.No.424 General Administration (Ser.C) Department, dated 25-5-76 and the proceedings have not been disposed of, such cases should be reviewed by the Departmental Promotion Committee in its next meeting to ascertain the progress made in the Disciplinary proceedings/Criminal Prosecution and further measures taken to expedite their completion.

7. There may be some cases, where the disciplinary case/criminal prosecution against the Officers is not concluded even after the expiry of two years from the date of the meeting of the first Departmental Promotion Committee. In such a situation, the appointing authority may review the case of the Officers, provided they are not under suspension, to consider the desirability of giving them ad hoc promotion, keeping in view the following aspects:-

a) Whether the promotion of the officer will be against public interest.

b) Whether the charges are grave enough, to warrant continued denial of promotion.

c) Whether there is any likelihood of the case coming to a conclusion in the near future.

d) Whether the delay in the finalization of proceedings, departmental or in a Court of Law, is not directly or indirectly attributable, to the officer concerned.

e) Whether there is any likelihood of misuse of official position which the officer may occupy after ad hoc promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

8. If the disciplinary proceedings arose out of the investigations conducted by the Anti-Corruption Bureau, the Anti-Corruption Bureau should also be consulted and its views should be taken into account.

9. In case the appointing authority consider that it would not be against the public interest to allow ad hoc promotion to the officer concerned, his case should be placed before the next Departmental Promotion Committee held in the normal course to decide whether the officer is suitable for promotion on ad hoc basis. Where the officer is considered for ad hoc promotion, the Departmental Promotion Committee should made its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him/her.

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10. If a decision is taken to promote an officer on an ad hoc basis, an order of promotion may be issued making it clear in the order itself that:-

i) The promotion is being made on purely ad hoc basis and the ad hoc promotion will not confer any right for regular promotion, and

ii) The promotion shall be until further orders. It should also be indicated in the orders that the Government reserve the right to cancel the ad hoc promotion and revert at any time the officer to the post from which he was promoted.

11. If the officer concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the ad hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad hoc promotion with all attendant benefits. In case the officer could have normally got his regular promotion from a date prior to the date of his ad hoc promotion with reference to his placement in the Departmental Promotion Committee Proceedings, and the actual date of promotion of the person ranked immediately junior to him by the same Departmental Promotion Committee, he would also be allowed his due seniority and benefit of notional promotion.

12. If the Officer is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the officer is not exonerated in the departmental proceedings, the ad hoc promotion granted to him should be brought to an end.

13. The orders issued in the G.Os. read above shall be deemed to have been modified to the extent necessary as per these orders.

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

K. JAYABHARATH REDDY,
CHIEF SECRETARY TO GOVERNMENT.

(Note: This G.O. has been cancelled by G.O.Ms.No:257, General Administration (Services-C) Department, dated 10-6-1999)

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Appointment by promotion/transfer to higher categories – Recommendation of Member of Service against whom a series of penalties are awarded – Further guidelines – Orders – Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No:203 Dated 05-05-1999
Read the following:-

G.O.Ms.No:187, GA (Ser.B) Department, dated 25-04-1985.

-ooOoo-

O R D E R:

According to the orders issued in the G.O. read above, an individual who is undergoing punishment should not be recommended for promotion. In cases, where the period of punishment imposed is already over, each case has to be evaluated by Departmental Promotion Committee on merits.

2. It has come to the notice, that where an officer had undergone a number of punishments, but they are not subsisting at the time of the meeting of the Departmental Promotion Committee or the Screening Committee and the Committees are not very comfortable in recommending his name but the existing instructions are such that they are interpreted to mean that a person can be recommended for promotion if there is no subsisting punishment besides there is being no charges or adverse entries even though he might have undergone a number of punishments in the past. It is noticed that in some Screening Committees or Departmental Promotion Committees where the presiding officer is very strict they do not recommend a person if in the past there are punishments even though at the time of the meeting there is no punishment subsisting. Government considers that this is the correct stand because a person who undergoes a number of punishments does not deserve to be promoted to a selection post even though at the time of Departmental Promotion Committee or Screening Committee meeting no punishment is subsisting. It is therefore decided to modify the existing instructions to the Departmental Promotion Committees or Screening Committees to the effect that they should take into account the overall performance of the officer concerned which includes past punishments and not merely be guided by the fact whether a punishment is subsisting as on the date of the meeting of the Departmental Promotion Committee or Screening Committee or on the qualifying date for the preparation of the panel.

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3. The Departments of Secretariat, Heads of Departments and the District Collectors are requested to follow the above guidelines for preparation of list of candidates for promotion or appointment by transfer to next higher categories.

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

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

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to:
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, A.P.Administrative Tribunal, Hyderabad.
The General Administration (COI.CH)/(COI.R) Department.
All Special Chief Secretaries to Government
All Secretaries/Principal Secretaries to Government.
All Chairman, Departmental Promotion Committees/Screening Committees.
The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.

//Forwarded::By order//

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GOVERNMENTOF ANDHRA PRADESH
ABSTRACT

Public Services – State and Subordinate Services – Appointment by Promotion/Transfer to higher categories of Employees who are facing disciplinary case – Guidelines – Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No.257. **Dated 10-06-1999.**

Read the following:

1. G.O.Ms.No.424, GA (Ser.C) Dept., dt.25-05-76.
2. G.O.Ms.No.104, GA (Ser.C) Dept., dt.16-02-1990.
3. G.O.Ms.No.66, GA (Ser.C) Dept., dt.30-01-91.
4. From the Dept. of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions Govt.of India, Memo.No.22011/ 4/91-Estt. (A), dt.14-09-1992.
5. G.O.Ms.No.74, GA (Ser.C) Dept., dt.24-02-94.
6. G.O.Ms.No.203, GA (Ser.C) Dept., dt.05-05-99.

-ooOoo-

ORDER:

In the G.Os 1st to 3rdread above, orders were issued enunciating guidelines for consideration of employees who are facing disciplinary enquiries in regard to their appointment by promotion or transfer to higher categories.

2. In the reference fourth read above, the Ministry of Personnel, Public Grievances and Pensions, Government of India have issued guidelines in regard to consideration of Government servants against whom disciplinary or court proceedings are pending or whose conduct is under investigation, for promotion to next higher categories. Keeping in view the said guidelines, orders have been issued in the G.O. fifth read above, for consideration of employees for ad hoc promotion where the disciplinary case/criminal prosecution against the Govt. employees is not concluded even after the expiry of two years from the date of the meeting of the first Departmental Promotion Committee, in which the employee was considered, in case the employee is not under suspension.

3. It has come to the notice of Government, that the guidelines issued in the said orders are not being strictly adhered to in several departments and ad hoc promotion is being considered on the simple ground, that two years period has elapsed after institution of disciplinary proceedings against the employee without going into the desirability of making ad hoc promotion in such case. The Government have carefully reviewed the issue and accordingly it has been decided to cancel the orders issued in the G.O. fifth read above and issue suitable guidelines on the subject.

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4. Accordingly, orders issued in the G.O.Ms.No.74, General Administration (Ser-C) Department, dated the 24th February, 1994 are hereby cancelled with immediate effect.

5. Government also order that with immediate effect the following procedure and guidelines, be followed to consider the employees against whom disciplinary cases or criminal prosecution are pending or whose conduct is under investigation, for appointment by promotion or transfer, to next higher categories.

A. The details of employees in the zone of consideration for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committees or Screening Committees:-

(i) Officers under suspension;

(ii) Officers in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending;

(iii) Officers in respect of whom prosecution for a criminal charge is pending.

B. Officers who are facing enquiry, trial or investigation can be categorised into the following groups based on the nature of the allegations of charges pending against them or about to be instituted namely:-

(i) an officer with a clean record, the nature of charges or allegations against whom relate to minor lapses having no bearing on his integrity or efficiency, which even if held proved, would not stand in the way of his being promoted;

(ii) an officer whose record is such that he would not be promoted, irrespective of the allegations or charges under enquiry, trial or investigation; and

(iii) an officer whose record is such that he would have been promoted had he not been facing enquiry, trial or investigation, in respect of charges which, if held proved, would be sufficient to supersede him.

C. The suitability of the officers for inclusion in the panel should be considered on an overall assessment based on the record which should include namely:-

(i) Adverse remarks recorded in the Annual Confidential reports, the penalties awarded and the bad reputation of the officer as vouchsafed by the Head of the Department and the Secretary to Government of the Department concerned;

The above cases should be considered as falling under category (ii) of item (B) above.

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(ii) The officers who do not have any adverse entry in the Annual Confidential Report, and who have no penalties awarded against them in the entire duration of the post and not merely in the past five years and whose reputation is vouchsafed by the Head of the Department and Secretary to Government of the Department concerned should be considered as falling under category (iii) of item (B) above.

The officers categorised as under item (iii) of G.O.Ms.No.424, GA (Ser.C) Dept., dated 25-05-76 as mentioned above only should be considered for adhoc promotion after completion of two years from the date of the Departmental Promotion committee or Screening committee Meeting in which their cases were considered for the first time.

6. The appointing authority should consider and decide that it would not be against public interest to allow ad hoc promotion to the officer concerned and this shall be decided with reference to the charge under enquiry. If the charge is one of moral turpitude, misappropriation, embezzlement and grave dereliction of duty then the appointing authority should consider as not in the public interest to consider ad hoc promotion to such charged officer. But, however, if the charge is not a grave one but is a minor one, not involving moral turpitude, embezzlement and grave dereliction of duty then only in such cases he appointing authority should consider that it would not be against public interest to allow ad hoc promotion because till then his record is clean with reference to ACRs, past punishment and reputation in the department as vouchsafed by the Head of the Department and Secretary to Government. The appointing authorities should strive to finalise the disciplinary cases pursuing them vigorously so that within two years the proceedings are concluded and final orders issued.

7. If the Officer concerned is acquitted, in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the ad hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad hoc promotion with all attendant benefits. In case the officer could have normally got his regular promotion from a date prior to the date of his ad hoc promotion with reference to his placement in the Departmental Promotion Committee proceedings and the actual date of promotion of the person ranked immediately junior to him by the Departmental Promotion committee, he would also be allowed his due seniority and benefit of notional promotion.

8. If the Officer is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher Court or to proceed against him departmentally or if the Officer is not exonerated in the departmental proceedings, the adhoc promotion granted to him should be brought to an end.

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9. All the Departments of Secretariat and Heads of Departments should follow the above instructions scrupulously and bring it to the notice of all the concerned.

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

V.ANADARAU,
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat.
All Heads of Departments.
All Collectors/District Judges.
The Registrar, A.P. Administrative Tribunal, Hyderabad.
The Registrar, A.P. High Court, Hyderabad.
The Secretary, A.P Public Service commission, Hyderabad.
The Secretary to Vigilance Commissioner, A.P.Vigilance commission, Hyderabad.
All Service Sections in Genl.Admn.Department.

// Forwarded by Order//

Section Officer

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

Cir.Memo.No:15813/Ser.C/2007 Dated 11-09-2007

Sub:- Public Services – State & Subordinate Services – Promotion/ Appointment of employees to higher posts while investigation into allegations/disciplinary proceedings initiated against them are pending – Orders issued – Reiterated.

Ref:- 1) G.O.Ms.No:424, GA (Ser.C) Dept., dt:25-05-1976
2) G.O.Ms.No:104, GA (Ser.C) Dept., dt:16-02-1990
3) G.O.Ms.No:066, GA (Ser.C) Dept., dt:30-01-1991
4) G.O.Ms.No:257, GA (Ser.C) Dept., dt:10-06-1999
5) Cir.Memo.No:36500/Ser.C/2005, GA (Ser.C) Dept., dated 19-04-2006.

-ooOoo-

In the G.O. 1st cited, orders were issued on the procedure to be followed assess the suitability of officer's eligibility for promotion to next higher category and to categorize the officers who are facing enquiry, trial investigation into the following groups based on the nature of allegations/charges pending against them or about to be instituted:-

(i) an officer with a clean record the nature of charges / allegations against whom relate to minor lapses having no bearing on his integrity or efficiency, which even if held proved, would not stand in the way of his being promoted.

(ii) an officer whose record is such that he would not be promoted, irrespective of the allegations / charges under enquiry, trial or investigation; and

(iii) an officer whose record is such that he would have been promoted had he not been facing enquiry trial or investigation, in respect of charges which, if held proved, would be sufficient to supersede him.

2. The suitability of all officers eligible for promotion including those mentioned above should be assessed at the time of consideration of promotion by the Departmental Promotion Committee or other authority, as the case may be. The Departmental Promotion Committee or other authority may consider promotion of officers coming under category (i) above and indicate the rank to be assigned to such officers in the promotion list. notwithstanding the enquiry, trial or investigation. Similarly, suppression may be recommended straightway in respect of officers coming under category (ii), on ground of their being unfit for promotion. In the case of officers coming under category (iii) the Departmental Promotion Committee or other authority should consider whether such an officer would have been recommended for promotion, if the officer had his conduct not been under enquiry trial or investigation, and make its recommendations and the rank to be assigned to him in the promotion list, in such cases the Departmental Promotion Committee may make a specific recommendation that their

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promotion should be deferred until after the termination of the disciplinary proceedings or criminal prosecution.

3. In G.O.Ms.No:104, GA (Ser.C) Dept., dt:16-02-1990, orders issued "that promotion/appointment by transfer to higher post of an officer included in the panel, if between the date of inclusion in the panel and the date of actual promotion, disciplinary proceedings / investigation / enquiry / trial has been taken up against such officer whose case falls under the group referred to in para 2 (iii) of the G.O.Ms.No:424, GA (Ser.C) Dept., dt:25-05-1976 shall be deferred, until after termination of all such proceedings. In the event, the officer is completely exonerated, he should be promoted/appointed to the post restoring him his rightful place with retrospective effect viz., with effect from the date on which his immediate junior was promoted or from the date on which he would have been promoted, had the enquiry / investigation / trial not been imitated against him, as the case may be".

4. In the G.O. 3rd cited, orders were issued that promotion/appointment by transfer to a higher post in respect of officers who are facing disciplinary proceedings or a criminal case or whose conduct is under investigation and whose case falls under the group referred to in para 2(iii) of G.O.Ms.No:424, GA (Ser.C) Dept., dated 15-05-1976 shall be deferred only when charges of misconduct are framed by the competent authority and served on the concerned delinquent officer or a charge sheet has been filed against him/her in a criminal court, as the case may be.

5. In the G.O. 4th cited, orders were issued to consider adhoc promotion to the employees who are facing disciplinary cases, where such cases are pending for more than (2) years from the date of the Departmental Promotion Committee or Screening Committee meeting in which their cases were considered for the first time.

6. Instructions were issued in the reference 5th cited, for expeditious completion of disciplinary cases against Government employees wherein it is stated that if the delay is on the part of the Enquiry Officer in conducting inquiry, disciplinary action will be initiated against such Enquiry Officer for the delay.

7. The orders/instructions issued in the references cited are reiterated and direct the competent authority to ensure that the promotion to the Government employees shall be considered in accordance with the orders/ instructions and procedure laid down. Wherever, the employees are facing disciplinary cases such employees shall be considered in accordance with the categorization ordered in G.Os 1st to 4th cited. It shall be ensured that the employees are considered for promotion to their rightful place at right time as per the orders in vogue. It should be the earnest endeavour of the Government to meet the objective of a sense of satisfaction of the work force for the smooth and efficient administration at all levels.

8. All the Departments of Secretariat, Heads of Departments and District Collectors should follow the above orders/instructions scrupulously and bring it to the notice of all concerned.

J. HARI NARAYAN,
CHIEF SECRETARY TO GOVERNMENT

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GOVERNMENTOF ANDHRA PRADESH
ABSTRACT

Public Services – Promotion of the employees to the next higher category – Further Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No. 529 Dated:19-08-2008.
Read the following:-

1. G. O. Ms. No. 424, Genl.Admn. (Ser-C) Deptt., dated. 25-5-76.
2. G. O. Ms. No. 104, Genl.Admn.(Ser-C) Deptt., dated.16-02-90.
3. G. O. Ms. No. 66, Genl.Admn. (Ser-C) Deptt., dated.30-01-91.
4. G. O. Ms. No. 203, Genl.Admn. (Ser-C) Deptt., dated.05-05-99
5. G. O. Ms. No. 257, Genl.Admn.(Ser-C) Deptt., dated.10-06-99.
6. Circular Memo. No.15813/Ser-C/2007, General Administration (Services-C) Department, Dated.11-09-2007.

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ORDER:

In the G.O.'s read above, orders were issued on the procedure to be followed to consider promotions when the employees are facing the disciplinary cases. It was ordered that where disciplinary cases are not concluded even after two years and the promotion to the employees is deferred due to pendency of the disciplinary cases, ad-hoc promotions shall be considered pending finalization of the disciplinary cases. In-spite of these specific orders, the Employees associations have brought to the notice of the Government that due to pendency of the disciplinary cases for years together, the employees are denied even the ad hoc promotion for next higher categories. It is also brought to the notice of the Government that in criminal cases registered against the employees, such employees are not considered for promotion even though they are acquitted, due to appeal filed in the Higher Courts.

2. After careful consideration, Government direct to consider the cases of employees for promotion to the next higher categories wherever the charges are held not proved by the Criminal Court and acquitted them, even though an appeal is preferred before the higher Court against such acquittal.

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

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

P.RAMAKANTH REDDY
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat.
All Heads of Departments / All District Collectors.
The Registrar, A.P. Administrative Tribunal, Hyderabad.
The Registrar, High Court of A.P., Hyderabad.
The Secretary A.P. Public Service Commission, Hyderabad.

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The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Hyderabad.
All Service Sections in G. A. D.
SF/SC.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Employees acquitted by trial courts – Appeal preferred before the higher courts – Promotion of the employees to the next higher category – Amendment – Orders – Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No. 593 Dated: 21-10-2011.

Read:

G.O.Ms.No.529, General Administration (Services-C) Department, dt.19-8-2008.

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ORDER:

In the G.O., read above, orders were issued to consider the cases of employees for promotion to the next higher categories, wherever charges are held not proved by the criminal court and acquitted them, even though an appeal is preferred before the higher court against such acquittal.

2. It has been brought to the notice of the Government that a number of proposals are being placed before Departmental Promotion Committees / Screening Committees to review the cases of the employees for promotion to the next higher categories retrospectively, on par with their juniors, where appeals are pending in Higher court against their acquittal by the trial court. It is therefore felt necessary to issue a suitable amendment to the G.O., read above.

3. The Government, after careful examination of the matter, hereby makes the following amendment to the orders issued in G.O.Ms.No.529, General Administration (Services-C) Department, dt.19-8-2008:-

A M E N D M E N T

In the paragraph 2 of the said G.O., the following words shall be added at the end namely:-

"Such promotion shall be purely on temporary basis with prospective effect and subject to outcome of the appeal pending before higher court. Such consideration shall be in the ensuing Meeting of the Departmental Promotion Committee / Screening Committee only."

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

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

To
All the Departments of Secretariat.

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All the Heads of Departments.
All the District Collectors.
The Registrar, High Court of AP, Hyd.
The Registrar, APAT, Hyderabad.
The Secretary, APPSC, Hyderabad.
The Secretary to VC, APVC.
Copy to:
The Law (E) Department.
All the Service Sections in GAD.
The PS to Spl.CS to CM.
The PS to Chief Secy.
The PS to Secy.(Ser.)
The PA to Dy.Secy.(Ser.)
SF/SCs

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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:03.05.2013
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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O R D E R:

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, GA (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 cannot 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 giving 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.

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

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.

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SECTION OFFICER

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Stoppage of increments with cumulative effect – Following the procedure under Rule 22 (2), treating it as major penalty – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No:335 Dated 14-6-1993
Read the following:-

G.O.Ms.No.487, G.A.(Ser.C) Dept., dt. 14-9-92.

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ORDER:

In "Kulwant Singh Gill vs. State of Punjab" (1990(3) SLJ-135) the Supreme Court held, "withholding of increments" of pay simpliciter without any hedge over it certainly comes within the meaning of Rule 5(iv) of the Rules. (Corresponding to Sub-Clause IV of Rule 9 of the Andhra Pradesh Civil services (Classification, Control and Appeal) Rules, 1991). But when penalty was imposed withholding two increments i.e., for two years with cumulative effect, it would indisputably mean that the two increments earned by the employee was cut off as a measure of penalty forever in his upward march of earning higher scale of pay. In other words the clock is put back to a lower stage in this time scale of pay and on expiry of two years the clock starts working from that stage afresh. The insidious effect of the impugned order by necessary implication, is that the appellant employee is reduced in his timescale by two places and it is imperpetutity during the rest of tenure of his service with a direction that two years increments would not be counted in his time-scale of pay as a measure of penalty. Considering from this angle we have no hesitation to hold that the impugned order would come with the meaning of Rule 5(v) of the said rules; (corresponding to Sub-Clause (iv) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991); it is major penalty and imposition of the impugned penalty without enquiry is per se illegal".

2] The Andhra Pradesh Administrative Tribunal in O.A.No:8527/1991, dated 4-6-1991, while relying on the above judgment of the Supreme Court, has set aside the orders issued by the Government in G.O.Rt.No.73, HM&FW Dept., dt. 11-1-1990 on the ground that Rule 9(1)(iii) of the Andhra Pradesh Civil Services (CCA) Rules, 1963 does not empower the disciplinary authority to impose penalty of withholding increments of pay with cumulative effect except after holding an inquiry and following the prescribed procedure and considered that the said order issued by the Government is without jurisdiction or authority of Law.

3] The Andhra Pradesh Civil Services (CCA) Rules, 1991, have been issued through G.O.Ms.No.487, dated 14-09-92. The said rules came into force with effect from 01-10-92. Rule 22 of the said Rules deals with the procedure for imposition of Minor penalties. Among others, according to Sub-Rule (2) of Rule 22, notwithstanding anything contained in Clause (b) of

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sub-rule (1), if in a case it is proposed, after considering representation, if any made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (3) to (23) of Rule 20, before making any order imposing on the Government servant any such penalty. In other words, for imposing the penalty of withholding of increments of pay with cumulative effect for any period, the elaborate procedure prescribed under Rule 20 of the said Rules for imposition of a major penalty, have to be followed. The penalty of stoppage of increments with cumulative effect, therefore amounts to a major penalty under the A.P.C.S. (CCA) Rules, 1991, and the procedure for imposition of major penalty prescribed in these rules will have to be followed.

4] All the Departments of Secretariat and Heads of Departments are requested to keep in view the above rule position while dealing with cases where it is proposed to impose the punishment of stoppage of increments, keeping in view the provisions of Sub-Rule (2) of Rule 22 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

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

A. CHENGAPPA,
SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – State and Subordinate Services – Promotion/appointment to higher posts of officers who are involved in Enquiries – Further orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No:968 Dated 26-10-1995
Read the following:-

1. G.O.Ms.No.187 G.A.(Ser.B) Dept., dt. 25-4-85.
2. G.O.Ms.No.335 G.A.(Ser.C) Dept., dt. 14-6-93.

-ooOoo-

ORDER:

In para 11 of the G.O. first read above, orders were issued individual who is undergoing punishment should not be recommended for promotion. In cases, where the period of punishment imposed is already over, each case has to be evaluated by the Departmental Promotion Committee on merits. In the G.O. second read above, orders were issued to the effect that the penalty of stoppage of increments with cumulative effect amounts to a major penalty under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and the elaborate procedure prescribed under rule 20 of the said rules is to be followed.

2] A question arose whether the punishment of stoppage of increment with cumulative effect constitutes a permanent bar for promotion and also whether it is with or without cumulative effect, the punishment should be deemed to be subsisting to the extent of the number of annual grade increments stopped. There is a suggestion that if it is a case of stoppage of increments with cumulative effect, the punishment should be deemed to run for twice the period for which the increment is stopped for. For example, if the punishment is the stoppage of two increments with cumulative effect, the Officer should be denied of his promotion/appointment by transfer for four years.

3] After careful consideration, it has been decided that since the fact that the stoppage of increment with cumulative effect is a major penalty under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the Government direct that whenever any Government servant is punished with the stoppage of increment with cumulative effect, the cases of such Officers shall not be considered for promotion/appointment by transfer for twice the number of years for which the increment(s) is/are stopped with cumulative effect.

4] All Departments of Secretariat/Heads of Departments shall follow the above orders scrupulously and bring it to the notice of all concerned.

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

M.S. RAJAJEE,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Minor penalties – Censure – Further clarification – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No:53 Dated 4-2-1997
Read the following:-

1. G.O.Ms.No.187 G.A.(Ser.B) Dept., dt.25-4-85.
2. Memo.No.322/Ser.B/87-6 GAD dt.8-2-88.

-ooOoo-

ORDER:

According to sub-rule (i) of rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, "Censure" is declared as a minor penalty. Para 11 of the G.O. first read above provides that an individual, who is undergoing punishment, should not be recommended for promotion and where the period of punishment imposed is already over, each period of punishment imposed is already over, each case has to be evaluated by Departmental Promotion Committee on merits. In the Government Memo. second read above, instructions were issued to the effect that solitary instance of minor punishment such as censure, fine, withholding of increments or recovery from pay of the pecuniary loss caused to the State Government or Central Government undergone or being undergone by a Government employee by itself does not automatically render a person unfit for promotion to a non-selection post.

2] The Government of India, Ministry of Home Affairs, in its instructions issued in O.M.No.39/21/56, Ests.(A), Dt.13-12-56 has clarified that an order of "Censure" is formal and public act intended to convey that the person concerned has been guilty of some blameworthy act or omission for which it has been found necessary to award him a formal punishment and nothing can amount to a "censure" unless it is intended to be such a formal punishment and imposed for 'good and sufficient reason' after following the prescribed procedure and that a record of the punishment so imposed is kept on the officer's confidential roll and the fact that he has been 'Censured' will have its bearing on the assessment of his merit or suitability for promotion to higher posts.

3] As the penalty of censure has a bearing on the assessment of the Government Servant about his merit or suitability for promotion to higher posts and as the currency of punishment based on previous record stands as an impediment for promotion, it is considered necessary to specify the time limit during which the said penalty of "Censure" is effective besides defining the penalty.

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4] Hitherto, there are no specific orders in regard to definition of "Censure" and its implications. After careful consideration, the Government decided to issue the following orders in regard to definition of "Censure" and it's implications in assessing the "merit" and suitability of the Government Servant for his promotion/appointment by transfer.

Definition: "Censure" is a formal and public act intended to convey that the person concerned has been guilty of some blameworthy act or omission for which it has been found necessary to award him a formal punishment, and nothing can amount to a "Censure" unless it is intended to be such a formal punishment and imposed for "good and sufficient reason" after following the prescribed procedure.

Effect: Every censure awarded shall debar a Government Servant for promotion/ appointment by transfer for one year to both Selection and Non-Selection posts.

5] All the Departments of Secretariat and Heads of Departments are requested to bring these orders to the notice of all concerned.

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

M.S. RAJAJEE,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Minor Penalties – Effect of Penalty – Orders – Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No:342 **Dated 04-08-1997**

Read the following:-

1. G.O.Ms.No.187 G.A.(Ser.B) Dept., dt. 25-4-85.
2. G.O.Ms.No.53 G.A.(Ser.C) Dept., dt.4-2-97.

-ooOoo-

ORDER:

Under rule 9 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the following are the minor penalties:

(i) Censure.

(ii) Withholding of Promotion.

(iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the State Government or the Central Government or to a Local Authority or to a Corporation owned or controlled by the State or the Central Government by negligence or breach of orders, while working in any department of the State or the Central Government local authority or Corporation concerned.

(iv) Withholding of increments of pay.

(v) Suspension, where a person has already been suspended under rule 8 to the extent considered necessary.

2] As per para 11 of G.O.Ms.No.187 General Administration (Services.B) Department, dated 25-4-1985 the individual who is undergoing punishment, should not be recommended for promotion. In case, where the period of punishment imposed is already over, each case has to be evaluated by Departmental Promotion Committee on merits.

3] The need for issue of comprehensive instructions on the currency and effect of minor penalties on Government employees who were involved in disciplinary cases and who come up for consideration for promotion to higher

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categories has been examined and further instructions are issued as follows:

PENALTY	EFFECT
(i) Censure	In terms of orders issued in G.O.Ms. No.53, General Administration (Ser.C) Department, dated 04-02-97 "every Censure awarded shall debar a Government employee for promotion/ appointment by transfer for one year to both selection and non-selection posts."
(ii) Withholding of Promotion	This penalty awarded to Government employee shall debar the individual for promotion/appointment by transfer to a higher post during the period of subsistence of penalty which shall be indicated in the order imposing the penalty subject to a minimum period of one year both for selection and non-election posts.
(iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the State Government or the Central Government or to a local authority or to a Corporation owned or controlled by the State or Central Government by negligence or breach of orders while in any department of the State or the Central Government, Local authority or Corporation concerned. [Recovery from pay i.e., sub-rule (iii) of rule-9 of APCS (CCA) Rules, 1991 has been deleted vide G.O.Ms.No:335, GA (Ser.C) Dept., dated 4-8-2005]	Whenever a Government employee is awarded the penalty of recovery from pay, it shall debar the individual for promotion/appointment by transfer to a higher post during the period of penalty which shall be indicated in the order imposing the penalty subject to a minimum period of one year both for selection and non-selection posts. Even if an employee remits the amount in one lumpsum, he/she *[shall not be recommended for promotion]/ appointment by transfer for minimum period of one year. *substituted by G.O.Ms.No:431, GAD., dated 14-10-1997
(iv) Withholding of increments of pay	
a) With cumulative effect:	(i) In G.O.Ms.No.335, General Administration (Ser.C) Department, dt.14-6-93 orders were issued to the effect that the penalty of stoppage of increments with cumulative effect amounts to a major penalty under the Andhra Pradesh Civil Services (CCA) Rules, 1991 and the elaborate procedure prescribed under rule 20 of the said rules is to be followed. (ii) In terms of G.O.Ms.No.968,

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	General Administration (Ser.C) Department, dated 25-10-95 whenever any Government employee is awarded the penalty of stoppage of increment with cumulative effect, the cases of such employees shall not be recommended for promotion/ appointment by transfer for twice the period for which the increment(s) is/are stopped with cumulative effect, both for selection and non-selection posts. (iii) Whenever any Government employee is awarded the penalty of stoppage of increment with cumulative effect, the individual [shall not be recommended for promotion] / appointment by transfer for twice the period with a minimum of one year both for selection and non-selection posts.
(b) Without Cumulative effect:	This penalty awarded to Government employee shall debar him/her for promotion/ appointment by transfer to a higher post during the period of subsistence of penalty which shall be indicated in the order subject to a minimum period of one year both for selection/non-selection posts.
(v) Suspension where a person has already been suspended under rule 8 to the extent considered necessary.	Where suspension is revoked exonerating a person fully his/her can may be considered for promotion with retrospective effect. Where the disciplinary proceedings finally resulted in a penalty he/she will be debarred during the period of penalty and subject to a minimum period of one year from the date of reinstatement. In case the suspension period itself is treated as substantive penalty, he/she shall be debarred for promotion / appointment by transfer for a period of minimum one year both for selection/non-selection posts.

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4] All departments of Secretariat/Heads of Departments; all District Collectors shall follow the above orders scrupulously and bring it to the notice of all concerned.

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

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

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

Circular Memo.No:34633/Ser.C/99 Dated 4-11-1999

Sub: APCS (CCA) Rules, 1991 – Penalties as per Rule-9 – Stoppage of increments with or without cumulative effect – Currency of the penalty – Clarification – Issued.

Ref: G.O.Ms.No.342 G.A.(Ser.C) Dept., dt. 4-8-97.

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Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 deals with "Penalties" and its classification as minor penalties and major penalties. Item (iv) specifies withholding of increment without cumulative effect which is a minor penalty and item (vi) specifies withholding of increment of pay with cumulative effect which is a major penalty. The currency of these penalties and their effect on promotion was ordered in the G.O. cited. The currency of the penalty is for a minimum period of one year during which the delinquent employee
shall not be recommended for promotion.

2] According to F.R. 24 an increment shall ordinarily be drawn as a matter of course unless it is withheld as a measure of punishment. An increment may be withheld from a Government servant by the State Government, or by any authority to whom the State Government may delegate this power if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

3] It is clarified that where the penalty of stoppage of increments with or without cumulative effect is imposed, under rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the increment or increments falling due immediately after the date of issue of the order should be withheld. It is also clarified that the employee whose increments were withheld shall not be recommended for promotion during the period for which the increments were ordered to be withheld with effect from the date of the issue of the order imposing the penalty.

4] The District Collectors, Heads of Departments and Departments of Secretariat are requested to follow the above clarification in dealing with disciplinary cases.

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

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

Circular Memo.No.60897/Ser.C/99 **Dated 12-11-1999**

Sub: APCS (CCA) Rules, 1991 – Final orders in disciplinary proceedings – Regarding.

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It is being observed in a good number of cases that final orders are being issued by the concerned disciplinary authorities with either **"Warning"** or **"let off"** or **"to be more careful in future"** etc. None of these is a punishment listed in the A.P. Civil Services (CCA) Rules as a penalty under rule 9 of the rules. The disciplinary proceedings cannot be deemed to have been concluded unless they end with one of the penalties mentioned under the CCA Rules if any penalty is imposed or the delinquent officer is exonerated and specifically it is stated that charges are dropped. When words like warning, let off etc, are used 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 CCA Rules.

2] In view of the above, all the Departments of Secretariat are requested to keep the above in view while issuing final orders and suitably instruct the offices under their control to clearly mention the penalty imposed if any under the CCA Rules or state the fact of exoneration in case the charged officer is proved not guilty, duly dropping the charges.

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

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Amendment – Orders –Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No:335 Dated 04-08-2005
Read the following:-

1. G.O.Ms.No:487, G.A. (Ser.C) Dept., dated 14-09-1992.
2. G.O.Ms.No:284, G.A. (Ser.C) Dept., dated 07-07-1997.
3. G.O.Ms.No:373, G.A. (Ser.C) Dept., dated 06-12-2003.

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O R D E R:

Government have come across several disciplinary cases in which charges of misappropriation or loss caused to Government by the charged Government servant in discharging of their official duties or by negligence are proved. In proved cases of this nature the concerned Administrative Departments are often leaving the charged officers without imposing any penalty against them for the misconduct of causing loss, on the plea that loss is recovered from them and there is no need to impose any other penalty. Government have noticed that the above confusion might be due to the fact that recovery from pay of the whole or part of any pecuniary loss caused by the delinquent is a minor penalty under sub-rule (iii) of Rule 9 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. In the case of Sri K.Chinnaiah Vs The Secretary, Ministry of Communications, 1995 (3) SLR Page 324, the Central Administrative Tribunal, Hyderabad held that "Normally, there will no need for two penalties at one time, but the penalty of recovery from the pay of whole or part of any pecuniary loss caused by an official by negligence or breach of order, can be imposed along with other penalties.

In view of the above, Government after careful examination of the matter have decided to omit the sub-rule (iii) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 so that the disciplinary authorities impose penalties against the charged officers in proved cases of this nature besides recovery of the loss.

Accordingly, 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, the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 issued in G.O.Ms.No:487, General Administration (Ser.C) Department, dated 14th September, 1992 and published in the Andhra Pradesh Gazette Part-I, Extra-ordinary No.235, dated the 1st July, 1992 and as subsequently amended from time to time.

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AMENDMENT

In rule 9 of the said rules, under the heading "Minor Penalties" the existing sub-rule (iii) shall be omitted.

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

A.K. GOYAL,
Prl. Secretary to Government (Ser)

To
The Commissioner, Printing, Stationery and Stores Purchase,
Hyderabad (with a request to furnish 100 copies of Gazette Notification)
All Departments of Secretariat.
All Heads of Departments
All District Collectors
All Services Sections in General Administration Department.
The Secretary to A.P.Vigilance Commissioner, Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad.
The Law (Scrutiny) Department
Copy to the Director of Prosecutions, A.P., Hyderabad.
A copy of the order is available on the internet and can be accessed at the address http://www.apts.gov.in/aptos.
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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (SER.C) DEPARTMENT

Circular Memo.No:5074/Ser.C/A1/2009-1 Dated 09-02-2009

Sub : Public Services – Disciplinary cases against Government employees – Penalties imposed as per rule 9 of the APCS (CCA) Rules, 1991 – Currency of the penalty – Promotion of the employees to next higher categories against whom the penalties are imposed – Clarification – Issued.

Ref: 1 G.O.Ms.No:342, General Administration (Ser.C) Department, dated 04-08-1997.
2 Circular Memo.No:34633/Ser.C/1999, General Administration Department, dated 04-11-1999.

-ooOoo-

Rule 9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 deals with "penalties" and its classification as minor and major penalties.

2. In G.O. 1st cited, comprehensive instructions were issued on the effect of disciplinary penalties for consideration of promotion of Government employees to next higher categories.

3. In Circular Memo. 2nd cited, a clarification was issued that the employees whose increments were withheld shall not be recommended for promotion during the currency of penalty period from the date of issue of orders imposing the penalty.

4. However, where the penalty of stoppage of increments with cumulative effect is imposed, it shall debar an employee for consideration for promotion to the next higher category for the twice the period for which the increments are stopped. But in no case it shall be less than one year.

5. Accordingly, it is further clarified that where the penalty of stoppage of increments with cumulative effect is imposed under rule-9 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, an employee shall not be considered for promotion to the next higher category for twice the number of years for which the increment(s) is/are stopped subject to a minimum period of one year with effect from the date of issue of order imposing the penalty as ordered in the G.O. 1st cited.

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

S. BALASUBRAMANYAM,
SECETARY TO GOVERNMENT (SERVICES)

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to:
The Registrar, High Court of Andhra Pradesh.

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The Registrar, Andhra Pradesh Administrative Tribunal.
The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
All Service sections in General Administration Department.
SF/SC

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

Circular Memo.No.27052/Ser.C/A1/2010-5 Dated 4-6-2011.

Sub: A.P. Civil Services (Classification, Control & Appeal) Rules, 1991- Final Orders in disciplinary proceedings – Reiteration of Instructions – Regarding.

Ref: Cir.Memo.No.60897/Ser.C/99, General Administration (Ser.C) Dept., Dated 12-11-1999.

In the reference cited, instructions were issued that the disciplinary proceedings initiated against a Government employee can be concluded either by award of the penalties mentioned under rule 9 of the Andhra Pradesh Civil Services (CCA) Rules, 1991, or by dropping further action against him where the delinquent officer is exonerated of the charges. When words like warning, let off, to be more careful in future etc., are used in the 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 is not in accordance with the provision of Andhra Pradesh Civil Services (CCA) Rules, 1991 and it was requested to keep the above in view while issuing final orders.

2. It was observed that in number of disciplinary cases the disciplinary authorities are using the above words in the final orders which were not listed as a penalty in the Andhra Pradesh Civil Services (CCA) Rules, 1991 even though instructions on the above were already issued vide reference cited.

3. The instructions issued in the reference cited are hereby reiterated and the disciplinary authorities are directed to comply with the above instructions strictly while concluding the disciplinary cases.

4. All the Departments of Secretariat, all Heads of Departments and all the District Collectors should follow the above orders/instructions scrupulously and bring it to the notice of all the concerned.

S.V. PRASAD,
CHIEF SECRETARY TO GOVERNMENT.

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
The Registrar, A.P. Administrative Tribunal, Hyderabad.
The Registrar, High Court of A.P., Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad.
The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, Hyderabad.
SF/Sc.

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SECTION OFFICER.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Prescription of minimum service for promotion / appointment by recruitment by transfer to next higher class, category or grade – Ad-hoc Rule – Re-issued.

GENERAL ADMINISTRATION (SERVICES-A) DEPARTMENT

G.O.Ms.No.627 **Dated: 21-12-1983**

Read the following:-

1. G.O.Ms.No.1647, General Administration (Services-A) Department, dated: 31.10.1960.
2. Memo.No.2741/G.A.(Ser-A)/68-3, dated:21.1.1969.
3. From the Secretary, APPSC Lr.No.2905/B1/ 1/78, dated:9-11-1978.
4. G.O.Ms.No.85, G.A.(Ser-A)Deptt., dated:12.2.1979.

-ooOoo-

ORDER:

According to the policy enunciated in the G.O. first cited, in certain special/ ad-hoc rules relating to various State and Subordinate Services, a provision was made to the effect that a member of a service should ordinarily put in a period of five years of service in the lower category from which promotion is to be made to the next higher category in the same service or appointment is to be made by transfer from any other service. The Government with a view to avoiding administrative difficulties, issued an ad-hoc rule in the G.O. fourth cited reducing ordinarily five years in the lower category to three years, of which at least two years service was required to be in the category, class or grade from which promotion was to be made. The wording of the rule is considered to be defective, as it is capable of denoting the minimum service required in the lower category as three years and the same time two years in the category, class or grade from which promotion is to be made. Hence, to keep the matter beyond doubt without giving scope for any other interpretation, it has become necessary to make the following ad-hoc rule.

2. Accordingly, the following notification is published in the Andhra Pradesh Gazette:-

NOTIFCATION

In exercise of the powers conferred by the 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.85, General Administration (Ser-A) Department,, dt:12-2-1979, the Governor of Andhra Pradesh hereby makes the following ad-hoc rule:-

2. The ad-hoc rule hereby made shall be deemed to have come into force on the 12th February, 1979. All the Departments of Secretariat are requested to take action to amend the special/ad-hoc rules with which they are concerned to bring them in conformity with the ad-hoc rule.

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AD-HOC RULE

"Notwithstanding anything contained in the relevant Special Rules or the Ad-hoc rules for the State and Subordinate Services, the minimum period of "Ordinarily" five years of service wherever prescribed in the said rules for appointment of a member of a service from the lower category, class or grade, to the next higher category, class or grade, whether such appointment is made either by promotion in the regular line or by recruitment by transfer from any other service, that period shall be reduced to ordinarily three years, but in no case shall it be less than two years in the category, class or grade from which such promotion or transfer is made".

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

G.V. RAMAKRISHNA
CHIEF SECRETARY TO GOVERNMENT

[This G.O. was annulled vide G.O.Ms.No:232, GA (Ser.A) Dept., dated 3-05-2014]

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1. SHORT TITLE, SCOPE AND RELATION TO SPECIAL RULES.

(a) These Rules may be called the Andhra Pradesh State and Subordinate Service Rules 1996.

(b) The gazetted and non-gazetted posts under the State Government shall be constituted into various State and Subordinate Services and they shall be governed by the Andhra Pradesh State and Subordinate Service Rules (General Rules) and the Special Rules as well as adhoc rules issued by the Government.

(c) These rules shall apply to the State and Subordinate Services and to the holders of posts, whether temporary or permanent included in any State or Subordinate Service except to the extent otherwise expressly provided:-

(i) by or under any law for the time being in force;

(ii) in respect of holders of any post, appointed by contract or agreement subsisting between such holders and the State Government.

(d) Relation to Special Rules: If any provision in these rules are repugnant to the provisions in the special rules applicable to any particular service in regard to any specific matter, the latter shall, in respect of such service and such specific matter, prevail over the provisions in these rules.

Rule-16 of A.P.State and Subordinate Service Rules

(c) Period of Probation:- Unless otherwise stated in the special rules or in these rules, the period of probation shall be as follows:-

(i) Every person appointed by direct recruitment to any post shall, from the date on which he commences his probation be on probation for a period of two years on duty within a continuous period of three years.

(ii) Every person appointed to any post either by promotion or by transfer (not by transfer on tenure) shall, from the date on which he commences his probation, be on probation for a period of one year on duty within a continuous period of two years. 26

(iii) A probationer in any category, class or service shall be eligible to count for probation his service in a higher category of the same service or class, as the case may be, or in any other service (State or Subordinate Service) towards his probation in the former service, to the extent of the period of duty performed by him in the latter service during which he would have held the post in the former service but for such appointment in the latter service.

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

Memo.No:53975/Ser.D/2000-3 Dated 09-01-2001

Sub : Public Services – State and Subordinate Service Rules – Prescription of minimum service for promotion/appointment by transfer to next higher class, category or grade – Commencement of probation - Clarification – Regarding.

-ooOoo-

In G.O.Ms.No:627, General Administration (Ser.A) Department, dated 21-12-1983 an adhoc rule has been issued reducing the minimum period of five years of service wherever prescribed in the special rules for appointment of a member of a service from the lower category, class or grade, to the next higher category, class or grade to three years, but in no case shall it be less than two years in the category, class or grade from which such promotion or transfer is made.

2. In all the special rules governing the State and Subordinate Services, minimum period for promotion/appointment by transfer to next higher categories has been prescribed.

3. Proposals are being received from various Departments for consideration of promotions to higher categories in relaxation of Special Rule relating to minimum service in the lower categories owing to the exigencies of service. Such proposals are being considered only for making adhoc and temporary promotions under rule 10(a) of the Andhra Pradesh State and Subordinate Service Rules to meet the urgent needs of the Departments concerned without resorting to any relaxation of rules. As per rule 10(c) of the said rules, a person appointed under sub-rule (a) shall not be regarded as a probationer in such service, class or category or be entitled by reason only of such appointment to any preferential claim to future appointment to such service, class or category.

4. It is noticed that in certain cases the persons considered for appointment by transfer, involving promotion on temporary basis referred to at para 3 above are being allowed to commence their probation from the date of temporary promotion made under rule 10(a).

5. It is clarified that a person appointed or promoted on adhoc or temporary basis without fulfilling the required number of years of service in the feeder category, by invoking rule 10(a) of the A.P.State and Subordinate Service Rules, may be allowed to count his service in higher category or class as the case may be to the extent of period of duty performed by him in the latter service during which he would have held the post in the former service but for such appointment in the latter service and the probation of such individual so promoted or appointed may have to be commenced from the next date of such completion of the required period of service in the former service (in the lower feeder category).

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6. All the Heads of Departments/Departments of Secretariat/ District Collectors/District Judges are requested to bring these instructions to the notice of all the appointing authorities to follow the scrupulously

G.S.R.C.V. PRASAD RAO,
SECETARY TO GOVERNMENT (SER)

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
All District Judges.
Copy to the Secretary, A.P.Public Service Commission, Hyderabad.
Copy to:Law (E) Department.

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(The above Memo. was annulled vide Circular Memo.No.13452-A/Ser-D/ A2/2014-1, Dated: 31-05-2014)

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

Cir.Memo.No.28085/Ser-D/2011, Dated:20-10- 2011.

Sub:- Public Service – A.P. State & Subordinate Service Rules, 1996 – Prescription of minimum service for promotion / appointment by transfer to next higher class, category or grade – Commencement of probation – further clarification – Regarding.

Ref:- 1. G.O.Ms.No.436, GA (Ser-D) Dept., dt: 15.10.1996.
2. Memo. No. 53975/Ser.D/2000-3, Dated: 9.1.2001.

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It has brought to the notice of the Government that number of Departments are referring the cases for relaxation of minimum service in the lower categories owing to the exigencies of service and such proposals are being considered only for making ad hoc and temporary promotions under rule-10(a) of A.P.State and Subordinate Service Rules 1996 to meet the urgent needs of the Department concerned without resorting to any relaxation of rules. According to the rule-10(c) of the said rules, a person appointed under sub-rule (a) shall not be regarded as a probationer in such service, class or category or be entitled by reason only of such appointment to any preferential claim to future appointment to such service, class or category.

2. In the reference 2nd cited, it was clarified that a person appointed or promoted on ad hoc or temporary basis without fulfilling the required number of years of service in the feeder category by invoking rule-10(a) of A.P. State and Subordinate Service Rules 1996, may be allowed to count his service in higher category or class as the case may be to the extent of the period of duty performed by him in the latter service during which he would have held the post in the former service but for such appointment in the latter service and the probation of such individual so promoted or appointed may have to be commenced from the next date of such completion of the required period of service in the former service (in the lower feeder category).

3. Inspite of above clarification, proposals are being received to consider the cases of employees for promotion / appointment by transfer to the next higher category, who are not approved probationers in the feeder category and also without any justification on exigency of administration for invoking rule-10(a) of AP State & Subordinate Service Rules, 1996.

4. Government therefore, hereby reiterate the clarification issued in reference 2nd cited and further direct that the appointing authority shall justify the exigency of administration while invoking the provisions of rule-10(a) of A.P. State & Subordinate Service Rules, 1996 duly keeping in-view the rule-8 of the AP State & Subordinate Service Rules, 1996 and it should be invoked in respect of all categories of employees, who are approved probationers but not for implementing rule of reservation only while considering promotion/by appointment by transfer to higher category of posts. The appointing authorities are directed to strictly adhere to the above rule position.

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5. All the Departments of Secretariat / Heads of Departments / District Collectors are requested to issue instructions to all the appointing authorities under their administrative control to follow the above instruction scrupulously.

PANKAJ DWIVEDI
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
The Registrar General, High Court of A.P.
for issuing suitable instructions to the concerned.
Copy to the Secretary,
A.P. Public Service Commission, Hyderabad.
Copy to: Law (E) Department
Sf/sc.

//Forwarded:: By Order//

SECTION OFFICER

(The above Memo. was annulled vide Circular Memo.No.13452-A/Ser-D/ A2/2014-1, Dated: 31-05-2014)

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES – State and Subordinate Services – Prescription of minimum service for promotion/appointment by recruitment by transfer to next higher class, category or grade – Ad-hoc Rule annulled and re-issued.

GENERAL ADMINISTRATION (SERVICES-A) DEPARTMENT

G.O.Ms.No. 230 Dated:31-05-2014.

Read

G.O.Ms.No.627 G.A.(Ser.A)Department, dated:21.12.1983.

<<>>

ORDER:-

According to the policy enunciated in the G.O. cited, in certain special/adhoc rules relating to various State and Subordinate Services, a provision was made to the effect that the minimum period of service was reduced from 'five years' to 'three years' but in no case shall it be less than two years in the category, class or grade from which promotion or appointment by transfer is proposed to the next higher category, class or grade. The above rule position created certain confusion. Hence, to keep the matter beyond doubt without giving scope for any other interpretation, it has become necessary to make the following ad-hoc rule.

2. Accordingly, the following notification is 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 and in supersession (annulling) of the ad-hoc rule issued in G.O.Ms.No.627 G.A.(Ser.A)Department, dated:21.12.1983, and subsequent amendments issued there on if any, the Governor of Andhra Pradesh hereby makes the following ad-hoc rule:-

3. The ad-hoc rule hereby made shall be come into force with immediate effect. All the Departments who are following the ad-hoc rules framed in G.O.Ms.No.627 G.A.(Ser.A) Department, dated:21.12.1983, shall issue separate rules prescribing minimum service in the feeder cadre/category as 3 years.

AD-HOC RULE

"Notwithstanding anything contained in the relevant Special Rules or the Adhoc rules for the State and Subordinate Services, the minimum period of service wherever prescribed in the said rules for member of a service from the lower category, class or grade, to the next higher category, class or grade, whether such appointment is made either by promotion in the regular line or by recruitment by transfer from any other service, that period shall be

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three years in the category, class or grade from which such promotion or transfer is made".

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

S.K.SINHA
SPL. Chief Secretary to Government (Ser & HRM)[FAC]

To
All Departments of Secretariat,
All Heads of Departments,
All Collectors and District Judges
All Service Sections in GAD.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (SER-D) DEPARTMENT

Circular Memo.No.13452-A/Ser-D/A2/2014-1 Dated: 31.05.2014.

Sub:- PUBLIC SERVICES – State and Subordinate Services – Prescription of minimum service for promotion / appointment by transfer to next higher class, category or grade – Commencement of probation – Further clarification – Regarding.

Ref: - 1. Govt. Memo No.53975/Ser.D/2000-3, GAD, dt. 09-01-2001.
2. Cir.Memo.No.28085/Ser-D/2011, GAD, dated: 20-10-2011.

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In the reference first cited, it was clarified that a person appointed or promoted on adhoc or temporary basis without fulfilling the required number of years of service in the feeder category by invoking rule-10(a) of A.P. State and Subordinate Service Rules, 1996, may be allowed to count his service in higher category or class as the case may be to the extent of the period of duty performed by him in the latter service during which he would have held the post in the former service but for such appointment in the latter service and the probation of such individual so promoted or appointed may have to be commenced from the next date of such completion of the required period of service in the former service (in the lower feeder category).

2. In the reference second cited, while reiterating the said instruction, it was further directed that the appointing authority shall justify the exigency of administration while invoking the provisions of rule10(a) of A.P. State and Subordinate Service Rules, 1996, duly keeping in-view the rule-8 of the said rules and it should be invoked in respect of all categories of employees, who are approved probationers but not for implementing rule of reservation only while considering promotion / by appointment by transfer to higher category of posts.

3. Inspite of above clarifications, proposals are being received to consider the cases of employees for promotion / appointment by transfer to the next higher category, without any justification on exigency of administration for invoking rule-10(a) of A.P. State and Subordinate Service Rules, 1996. It is noticed that the departments in many cases, who have completed one year of service, are invoking rule-10(a) of A.P. State and Subordinate Service Rules, 1996, by using the said Cir.Memos, though there is no exigency to fill up the said posts. In fact provision of Rule-10(a) of A.P. State and Subordinate Service Rules, 1996, is being invoked not for any administrative exigencies, but for ensuring promotion to certain employees even though he is retiring on the same day when such promotions are given to him / her.

4. In view of the above, the clarifications issued in the circular Memos., 1st and 2nd cited, are hereby cancelled with immediate effect, so as to safe guard rule-10(a) of A.P. State and Subordinate Service Rules, 1996, to be adhered strictly by all departments hereafter.

(P.T.O.)

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5. All the Departments are therefore requested to invoke rule-10(a) of A.P. State and Subordinate Service Rules, 1996, wherever / whenever necessary duly justifying the public interest to fill any vacancy emergently.

S.K. SINHA,
Special Chief Secretary to Government (Ser. & HRM) (FAC)

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors
The Registrar General, High Court of A.P.
for issuing suitable instructions to the concerned.
Copy to the Secretary, APPSC, Hyderabad.
Copy to Law (E) Department.
SF/SC.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Rules - Andhra Pradesh Secretariat Service Rules, 1998 – Amendment – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-B) DEPARTMENT

G.O.Ms.No. 232 Dated: 31-05-2014
Read the following:-

1) G.O.Ms.No.445, G.A. (Ser.B) Department, dated:29.10.1998.
2) From the Secretary, APPSC Letter No. 683/RR/2014, dt.29-05-2014.

***

O R D E R:

In Andhra Pradesh Secretariat Service Rules issued in the G.O. read above, minimum service was prescribed in rule 6, which read as "....., unless he has put in not less than three years of service but in no case shall it be less than two years," which is giving scope for ambiguity. In order to clear this, the Government decides to amend the said rule 6.

2. Accordingly, 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 amendment to the Andhra Pradesh Secretariat Service Rules, 1998 issued in G.O.Ms.No.445, General Administration (Ser.B) Department, dated the 29th October, 1998 and as subsequently amended from time to time.

AMENDMENT

In the said rules, for rule 6, the following shall be substituted, namely:-

" 6. Minimum Service:

Unless otherwise specified elsewhere in these rules, no person shall be eligible for appointment by transfer or promotion unless he has put in not less than **three** years of service, in the category from which promotion or appointment by transfer is made.

Provided that in the case of appointment by transfer of Assistant Section Officers including Assistant Section Officer (SC) or Special Category Stenographers in the Andhra Pradesh Secretariat Subordinate Service, the minimum service of three years shall be exclusive of any period of service rendered in any Non-Secretariat Department.

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Provided further that the service put in by any Officer as Private Secretary/ Personal Secretary or Personal Assistant to Ministers shall count towards the minimum period of qualifying service of **three** years for the purpose of promotion, but for his appointment as Private Secretary/ Personal Secretary/ Personal Assistant he would have continued in his parent post.

Provided also that the above stipulation of minimum service shall not be applicable for appointment to the post of Addl. Secretary to Government (Non Cadre) including Secretary to Government (NC) in Law Department, only approved probationers who have satisfactorily completed the period of probation are eligible for promotion as per rule-8 of A.P. State & Subordinate Service Rules and as per rule-7 of A.P. Secretariat Service Rules.

Provided also that the service of Section Officers (SC) as Section Officers shall also count for purposes of promotion".

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

S.K.SINHA,
SPECIAL CHIEF SECRETARY TO GOVT.,(Services & HRM) (FAC)

To
The Commissioner,
Printing, Stationery & Stores Purchase, AP, Hyderabad. (with a request to publish in AP Gazette and supply 500 copies of the same)
All the Departments of Secretariat.
All the Heads of the Departments.
All District Judges.
The Law (E) Department.
The Secretary, APPSC, Hyderabad.
All Service Sections in G.A.D.
SF/SC.

//FORWARDED :: BY ORDER //

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23. APPEAL, REVISION AND REVIEW OF ORDERS OF APPOINTMENT (INCLUDING PROMOTION) TO HIGHER POSTS :- An order appointing a member of a service or class of service or category, to a higher post by transfer or by promotion may, within a period of six months from the date of such order, be revised by an authority to which an appeal would lie against the order of dismissal passed against a member of a service, class or category, such revision may be made by the appellate authority aforesaid, either on its own motion or on an appeal filed by the aggrieved member of the service, class or category:

Provided that the Government may, irrespective or whether they are the appellate authority or not, revise such order of appointment after the expiry of the period of six months aforesaid, for special and sufficient reasons to be recorded in writing:

Provided further that no order or revision under this rule shall be passed unless the person likely to be affected by such revision is given an opportunity of making his representation against the proposed revision.

Provided also that a member of service may submit a revision petition against the order of the Appellate Authority, within three months of the order passed by the Appellate Authority, to the Government.

[Amended in G.O.Ms.No.76, G.A.(Ser. D) Dept., dt: 11-3-2003. (3rd proviso added)]

24. REVISION OF LISTS OF APPROVED CANDIDATES (PANELS) OR LIST OF ELIGIBLE CANDIDATES FOR APPOINTMENT BY PROMOTION OR BY TRANSFER:- (a) The State Government shall have the power to revise in any manner they consider suitable, any panel of approved candidates for appointment by transfer or by promotion to any category class or service, prepared by a Head of the Department or any other authority subordinate to the Head of the Department, in exercise of the powers conferred on them by the special rules or these rules:

Provided that before revision of the panel is under taken the cases for review should be placed before the D.P.C/Review D.P.C/ Screening Committee and their recommendations obtained:

Provided that where the panel is prepared by an authority subordinate to a Head of the Department, in exercise of the powers conferred on him by the special rules, the aforesaid power of revision may be exercised by the Head of the Department. This will not preclude the State Government from exercising the powers of the revision aforesaid, against the orders either of the Head of the Department or of any other subordinate authority aforesaid.

(b) The State Government and the Head of the Department shall have power to revise in any manner they consider suitable, any list of eligible candidates for promotion to any category, class or service in respect of the

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subordinate service, prepared in accordance with rule-5. The aforesaid power of revision by the State Government could be exercised by them in respect of an order passed by the Head of the Department or by any other subordinate authority.

(c) The aforesaid power or revision mentioned in sub rule (a) and sub-rule (b), may be exercised by the State Government or by the Head of the Department on their own motion, at any time, or on an application made by the aggrieved person, within a period of six months from the date of order of appointment or promotion of a person junior to the aggrieved person:

Provided that the time limit of six months aforesaid may, for good and sufficient reasons to be recorded in writing, be waived by the State Government.

Provided further that where the panel referred to in sub-rule (a) has been partially utilized, any order of revision likely to affect a person who has already been appointed from such panel shall be given an opportunity of making his representation against the proposed revision, before any order of revision is passed.

Provided also that if any revision of list of eligible candidates mentioned in sub-rule (b) is likely to affect a person already promoted from the aforesaid list of eligible candidates, he shall be given an opportunity of making a representation against the proposed revision before any order of revision is passed.

Provided also that where a panel has been prepared on the basis of the recommendations made by a DPC / Screening Committee any revision of such panel shall be made only after consultation with such D.P.C / Screening Committee.

25. REVIEW: The State Government may, of their own motion or otherwise, review any original order passed by them, promoting a member of a service or class, to a higher post or approving a panel of candidates for appointment or promotion to any category, class or service, prepared by them, or any order of revision passed by them under rule 24, if it was passed under any mistake, whether of fact or of law, or in ignorance of any material fact or for any other sufficient reason.

Provided that no order of review under this rule shall be passed unless the person affected or likely to be affected thereby is given an opportunity of making his representation against the proposed review.

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GOVERNMENT OF ANDRHA PRADESH
ABSTRACT

PUBLIC SERVICES – Departmental Promotion Committees – Reconstitution and Guidelines - Amendment - Orders – issued.

GENERAL ADMINSITRATION (DPC-I) DEPARTMENT

G.O.Ms.No.62 **Dated 8th February,1989.**
Read the following:-

G.O.Ms.No.187, General Administration (Ser.B) Department, dated 25-04-1985.

* * *

O R D E R:

Under General Rule 36 of Andhra Pradesh State and Subordinate Service Rules the state Government have power to revise in any manner they consider suitable, any list of approved candidates, for appointment or promotion to any category, class or service prepared by the head of a Department in exercise of the powers conferred category class or service in accordance with General rule 34(b)(ii). Such revision may be made by the State Government either on their own motion at any time or on an application made by the person affected within a period of six months from the date of order of application, or promotion of his immediate junior. The time limit may, for sufficient reasons to be recorded in writing, be waived by the Government.

2. Under General Rule 36-A, the State Government may of their own motion or otherwise review, any original order passed by them, promoting a member of a service or class to a selection category of grade, for approving any list of candidates for appointment or promotion to any category, class or service prepared by them in exercise of the powers conferred on them by Special Rules for any service or any order of revision passed under Rule 35 or Rule 36 if it was passed under any mistake, whether of fact of law, or in ignorance of any material fact or for any other sufficient cause.

3. Proposals are being received by Government for review of panels prepared earlier in consultation with the Departmental Promotion Committees Concerned in regard to grading of some persons considered. A question has arisen whether for undertaking the review or revision of the panels prepared and approved in consultation with the Departmental Promotion Committees whether Government should take action under the provisions of Rule 36-A of the General Rules straightaway or whether before passing orders under the provisions of the above rules the cases should be placed the Departmental Promotion Committees/Review Departmental Promotion Committees. The Government have examined the issue and have decided that before action is taken under General Rule 36-A, the cases for review should be placed before the Departmental Promotion Committee concerned and its recommendations obtained. It is accordingly ordered that cases of review or revision relating to grading etc., should be placed before the Departmental Promotion Committee/Review Departmental Promotion Committee concerned in addition to cases mentioned in para 13(a) of G.O.Ms.No.187 General Administration (Ser.B) Department, dated 25-4-1985.

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4. The Government after due consideration have also decided that while reviewing the panels, the Departmental Promotion Committees shall adopt the uniform criteria and assessing merit that should not be reassessed, the panel on review/revision by the inclusion of fresh names should be restricted or limited to the number of persons whose names are included in the original panel. If, in the process of review/revision it is decided to include the names of certain number of persons in the panel, the names of an equal number of persons included at the end of the original panel should be deleted from the panel.

5. Accordingly, the orders issued in G.Ms.No.187, General Administration (Ser.B) Department, dated 25-4-1985 shall stand modified to this extent.

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

C.R.KAMALANATHAN
SCRETARY TO GOVERNMENT

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Assignment of notional dates of seniority – Consideration for further promotion – Instruction – Issued.

GENERAL ADMINSITRATION (SERVICES.A) DEPARTMENT

G.O.Ms.No.354 **Dated: 11-5-1990.**
Read the following:-

1. G.O.Ms.No.62, General Administration (DPC-II) Department, dated. 8-2-1989.

* * *

O R D E R:

According to the provisions contained in rule 36 in Part-II of the Andhra Pradesh State and Subordinate Service Rules, the State Government may revise the list of approved candidates for appointment or promotion as per the stipulations contained therein. Normally, the revision should be done within six months from the date appointment of the persons concerned. However, in a few cases, it becomes necessary to revise the lists of approved candidates even after three or four years. It is now therefore, well settled that a notional date of promotion can be given whenever it is found that the claims of the member of service for such promotion in due turn were ignored without justification and the competent authority or the court dealing with the said claim upheld the plea and directed such promotion. Such retrospective notional service is given in order to compensate the Officer by reckoning such period during which he was deprived of promotion as deemed promotion to render effective justice to him. Such deemed period must necessary mean, period during which he was not on duty and indeed could not have been on duty. In this connection, in cases where a review has been undertaken and the list of approved candidates has been revised, the two issues which normally emerge for consideration are whether the notional date of promotion to a member of service can be taken into consideration.

(a) for computing, the qualifying length of service in a category prescribed in the relevant rules for promotion to a next higher category; and

(b) whether such notional service can be counted for the purposes of probation in the promotional category.

2. Whether such a restoration of promotion is made retrospectively, such restoration normally includes the service benefits which would accrue to a member of service had he been promoted in the normal course. In the case of normal course of promotion the duty period would have been reckoned for computing the minimum qualifying service as well as for other purpose like probation, sanction of increments etc. In this connection, the procedure/practice followed in Government of India and the State Government of Karnataka and Tamilnadu has been examined carefully. After careful consideration of all the aspects, the Government have decided that the notional date of promotion may be taken into consideration for computing the qualifying length of service in the feeder category for promotion to the next higher category and that the notional service may be counted for the purpose of declaration of probation also in the feeder category.

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2. In this context, where notional promotions are decided to be given with retrospective effect, the orders issued in the G.O.Ms.No.62, General Administration (DPC-I) Department, dated the 8th February, 1989 shall also be kept in view and the panel prepared on review/ revision by the inclusion of fresh names should be restricted or limited to the number of persons whose names are included in the original panel. If, in the process of review/ revision, it is decided to include the names of certain number of persons in the panel, the names of an equal number of persons included at the end of the original panel should be deleted from the same.

4. Necessary amendment in this regard will be issued to the Andhra Pradesh State and Subordinate Services Rules by the General Administration (Services.D) Department, separately.

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

G.R.NAIR,
CHIEF SECRETARY TO GOVERNMENT.

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Rule-33(c) of A.P.State and Subordinate Service Rules, 1996

(c) Whenever notional date of promotion is assigned, such date of notional promotion shall be taken into consideration for computing the qualifying length of service in the feeder category for promotion to the next higher category and that the notional service shall be counted for the purpose of declaration of probation also in the feeder category.

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Requirements of Review DPC/Screening Committees

Sl. No:	Description of the document	
01	Self contained note in detail for the use of Screening Committee/ Departmental Promotion Committee, duly indicating the reasons for review of the proposed officer.	
02	Proforma in which proposals should be submitted to the Screening Committee/Departmental Promotion Committee.	
03	Seniority list of officers, which was placed before the Screening Committee/Departmental Promotion Committee for the relevant panel year.	
04	Seniority list of officers, after inclusion of the name of the proposed officer at appropriate place for the relevant panel year.	
05	Copy of the proceedings of the Screening Committee/Departmental Promotion Committee meeting for the relevant panel year.	
06	Copy of order, wherein the panel was approved.	
07	Copies of charge memos/punishment orders etc., in respect of the proposed officer.	
08	Copies of orders issued for regularization of suspension period/ dropping the charges/setting aside the punishments etc., in respect of the proposed officer.	
09	Copy of order, wherein the proposed officer was promoted notionally in the feeder category.	
10	Copy of order, wherein junior to the proposed officer was promoted.	
11	Copies of orders, if any relevant to the present review.	
12	ACRs in respect of the proposed officer for the relevant period of 5 years.	
13	Furnish the ACRs proforma duly attested by the officer not below the rank of Deputy Secretary to Government	
14	Copies of Court orders etc.	

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Rule-22 of A.P.State and Subordinate Service Rules, 1996

22. SPECIAL REPRESENTATION (RESERVATION) : 1 Reservations may be made for appointments to a service, class or category in favour of Scheduled Castes, Scheduled Tribes, Backward Classes, Women, Physically handicapped, Meritorious Sportsman, Ex-Servicemen and such other categories, as may be prescribed by the Government from time to time, to the extent and in the manner specified hereinafter in these rules or as the case may be, in the special rules. The principle of reservation as hereinafter provided shall apply to all appointments to a service, class or category:-

(i) by direct recruitment, except where the Government by a General or special order made in this behalf, exempt such service, class or category;

(ii) otherwise than by direct recruitment the principle of reservation in the matter of promotion and appointment by transfer involving promotion in so far it relates to Scheduled Castes and Scheduled Tribes only shall apply to such Services, Class or Category whose total cadre strength of the post is more than five.

[Amended in G.O.Ms.No. 123, G.A.(Ser. D) Dept., dt:19-04-2003 (w.e.f. 14-02-2003.)]

2. (a) The unit of appointment for the purpose of direct recruitment shall be hundred vacancies of which fifteen shall be reserved for Scheduled Castes, six shall be reserved for Scheduled Tribes, twenty five shall be reserved for Backward Classes and remaining fifty four appointments shall be made on the basis of open competition and subject to Rule 22-A of these rules.
2(a)(i) The unit of appointment for the purpose of reservation in the matter of promotion and appointment by transfer involving promotion shall be hundred vacancies of which fifteen shall be reserved for Scheduled Castes and six for Scheduled Tribe employees as per the roster points in sub-rule 2(e).

A. In the case of appointments / promotions to the posts referred to in clause 2 (a) (i) above, the panels of eligible candidates for promotion, the names of eligible Scheduled Caste and Scheduled Tribe employees from the feeder Category have to be shown against the roster points earmarked for them irrespective of their seniority position in the feeder category.

B. If a Scheduled Caste and Scheduled Tribe employee gets a higher place in the eligible candidates list by virtue of his seniority in the feeder category he need not be adjusted in a lower position which is earmarked for an Scheduled Caste and Scheduled Tribe employees as per roster system. Such roster point has to be filled up by moving up an Scheduled Caste and Scheduled Tribe employees who is below in the seniority list in the feeder category.

C. Filling up the roster points shall continue till the required percentage of Scheduled Caste and Scheduled Tribe candidates is obtained. Once the required percentage is obtained by taking into account both the Scheduled Caste and Scheduled Tribe candidates who are found in the list of candidates fit for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of

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Scheduled Caste and Scheduled Tribe employees against roster point has to be stopped.

D. Unutilized roster points after the required Scheduled Caste and Scheduled Tribes percentage is met, shall lapse.

E. If required number of Scheduled Caste and Scheduled Tribe employees are not available in the feeder category to obtain the required representation in the promotion category. The vacancies earmarked for Scheduled Caste and Scheduled Tribe employees according to the roster points will be carried forward.

[Amended in G.O.Ms.No. 123 G.A.(Ser. D) Dept., dt: 19-04-2003 (w.e.f. 14-02-2003.)]

(b) Out of fifty four appointments to be made on the basis of open competition, three appointments shall be reserved for direct recruitment of the physically handicapped persons.

(c) In the case of appointments to clerical posts including the posts of typists i.e. in Group II and Group IV services in the case of posts in the Andhra Pradesh Police Subordinate Service, to which the principle of reservation of appointments applies, out of fifty four as the case may be, fifty one appointments to be made on the basis of open competition, two appointments shall be reserved for direct recruitment of Ex-servicemen.

(d) In the case of appointments to the posts of Junior Assistants, Junior Stenographers and Typists in the offices of Heads of Departments, Assistant Section Officers, Typist-cum-Assistants and Junior Stenographers in the Secretariat to which the principle of reservation of appointment applies, out of fifty four, as the case may be, forty nine appointments to be made on the basis of open competition, one appointment shall be reserved for direct recruitment of meritorious sportsmen.

[G.O.Ms.No:147, GA (Ser.D) Dept., dt:16-05-2003 with effect from 1-6-2001]
(Subs by G.O.Ms.No:674, GA (Ser.D) Dept., dt:30-10-2008)

Provided that the claims of members of the Scheduled Castes, Scheduled Tribes, Backward Classes, Women and the Physically handicapped persons or the Ex-servicemen as the case may be, shall also be considered for the remaining appointments which shall be filled on the basis of open competition, the number of appointments reserved for that category shall in no way be affected during the period the reservation for that category is in force.

(e) Appointments under this rule shall be made in the order of rotation specified below in a unit of hundred vacancies:-

1.	Open competition	Women	
2.	Scheduled Castes	Women	
3.	Open Competition		
4.	Backward Class (Group-A)	Women	
5.	Open Competition		

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6.	Visually Handicapped	Women	Amended in G.O.Ms. No: 252, General Admn (Ser-D) Department, dt:28-08-2004 with effect from 27-11-2003
7.	Scheduled Castes		
8.	Scheduled Tribes	Women	
9.	Open Competition		
10.	Backward Class (Group-B)	Women	
11.	Open Competition		
12.	Open Competition	Women	
13.	Open Competition		
14.	Backward Class (Group-C)	Women	In every 3rd cycle of 100 point roster, this point shall be reserved for Women belonging to BC-C category [vide GO Ms. No.476. GA (Ser.D) Dept., dt: 15-11-97]
15.	Open Competition		
16.	Scheduled Castes		
17.	Open Competition	Women	
18.	Backward Class (Group-D)	Women	
19.	Open Competition		
20.	Backward Class (Group-A)		
21.	Open Competition		
22.	Scheduled Castes	Women	
23.	Open Competition	Women	
24.	Backward Class (Group-B)		
25.	Scheduled Tribes		
26.	Open Competition		
27.	Scheduled Castes		
28.	Open Competition		
29.	Backward Class (Group-A)		
30.	Open Competition	Women	
31.	Hearing Handicapped	Open	Amended in G.O. Ms. No. 252, GA (Ser-D) Dept., dt: 28-08-2004 with effect from 27-11-2003
32.	Open Competition		
33.	Scheduled Tribes		
34.	Open Competition	Women	
35.	Backward Class (Group-B)		
36.	Open Competition		
37.	Open Competition		
38.	Open Competition	Women	
39.	Backward Class (Group-D)		
40.	Open Competition		
41.	Scheduled Castes		

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42.	Open Competition		
43.	Backward Class (Group-D)		
44.	Open Competition	Women	
45.	Backward Class (Group-A)	Women	
46.	Open Competition		
47.	Scheduled Castes	Women	
48.	Open Competition		
49.	Backward Class (Group-B)	Women	
50.	Open competition	Women	
51.	Open Competition		
52.	Scheduled Castes		
53.	Open Competition		
54.	Backward Class (Group-A)		
55.	Open Competition	Women	
56.	Orthopedically Handicapped	Open	Amended in G.O. Ms. No. 252, GA (Ser-D) Dept., dated 28-08-2004 with effect from 27-11-2003
57.	Open Competition		
58.	Scheduled Tribes	Women	
59.	Open Competition	Women	
60.	Backward Class (Group-B)		
61.	Open Competition		
62.	Scheduled Castes		
63.	Open Competition		
64.	Backward Class (Group-D)	Women	
65.	Open Competition	Women	
66.	Scheduled Castes	Women	
67.	Open Competition		
68.	Backward Class (Group-D)		
69.	Open Competition		
70.	Backward Class (Group-A)		
71.	Open Competition	Women	
72.	Scheduled Castes		
73.	Open Competition		
74.	Backward Class (Group-B)		
75.	Scheduled Tribes		
76.	Open Competition		
77.	Scheduled Castes		
78.	Open Competition	women	
79.	Backward Class (Group-A)		
80.	Open Competition		
81.	Backward Class (Group-B)	Women	
82.	Open Competition		
83.	Scheduled Tribes		
84.	Open Competition	Women	
85.	Backward Class (Group-B)		
86.	Open Competition		
87.	Scheduled Castes	Women	
88.	Open Competition		

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89.	Backward Class (Group-D)		
90.	Open Competition	Women	
91.	Scheduled Castes		
92.	Open Competition		
93.	Backward Class (Group-D)		
94.	Open Competition		
95.	Backward Class (Group-B)		
96.	Open Competition	Women	
97.	Scheduled Castes		
98.	Open Competition		
99.	Backward Class (Group-B)	Women	
100.	Open Competition		

Provided that :- (i) in the case of appointments to a post referred to in sub-rule (c), the 13th and 37th turns in each unit of hundred vacancies shall be reserved for ex-servicemen. Out of 13th and 37th roster points, preference to one of the two points for women can be given and if women candidates are not available, both the points with men shall be considered. However, wherever the special or adhoc rules provide that there shall be no reservation for ex-servicemen or if a qualified and suitable candidate is not available from ex-servicemen, the turn allotted to ex-servicemen shall be deemed to be allotted to Open Competition.

(Amended in G.O.Ms.No.310, G.A.(Ser. D) Dept., dt: 19-7-2005 w.e.f. 10.2.2005)

"(ii) In the second cycle of 100 roster points the following points shall be reserved as follows:-

"106. (Visually Handicapped) (Open)
131. (Hearing Handicapped) (Women)
156. (Orthopaedically Handicapped) (Open)

" In the third cycle of 100 roster points the following points shall be reserved as follows:-

"206. (Visually Handicapped) (Open)
231. (Hearing Handicapped) (Open)
256. (Orthopaedically Handicapped) (Women)"

The 6th, 31st and 56th points in each cycle of 100 vacancies shall be allotted to the Visually Handicapped, Hearing Handicapped and Orthopaedically Handicapped persons respectively as stated above and where qualified and suitable candidates are not available from among them, the turn allotted for them in the unit referred to above shall be carried forward for three succeeding recruitment years. In the third succeeding recruitment year, if disabled candidates from any category are not available for appointment in the turn allotted, the vacancy shall be filled by next group of disabled in rotation by effecting interchange and the reservation shall cease thereafter".

(Amended in G.O. Ms. No. 252, G.A. (Ser-D) Dept. dt: 28.8.2004 w.e.f 27.11.2003)

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(f) The reservation in the case of Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) and Physically Handicapped persons shall be in force for the period commencing from the 23rd September, 1990 to 31st May, 2011

[Amended in G.O. Ms. No. 147 G.A.(Ser. D) Dept., dt: 16-05-2003 w.e.f.01-06-2001.]

(g) If in any recruitment, qualified candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) and women are not available for appointment to any or all the vacancies reserved for them, a limited recruitment confined to candidates belonging to them shall be made immediately after the general recruitment to select and appoint qualified candidates from among the persons belonging to these communities to fill such reserved vacancies.

(h) (I) If in any recruitment, qualified candidates belonging to Scheduled Castes or, Scheduled Tribes or, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women are not available for appointment to all or any of the vacancies reserved for them even after conducting a limited recruitment as specified in sub-rule (g), such vacancies or vacancy may be allotted to the Open Competition after obtaining the permission of the Government and may, thereafter, be filled by a candidate or candidates selected on the basis of Open Competition.

(II) Where any vacancies reserved for the Scheduled Castes or Scheduled Tribes or, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or Women are so filled by candidates belonging to other communities, an equal number of vacancies shall be reserved in the succeeding recruitment for the Scheduled Castes or Scheduled Tribes or, Backward Classes or Women in addition to the vacancies that may be available for that recruitment for them and if in the said succeeding recruitment year also, qualified candidates belonging to the Scheduled Castes or Scheduled Tribes or, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or Women are not available for appointment all or any of the additional vacancies which are so reserved in the that succeeding recruitment year, an equal number of vacancies shall again be reserved in the next succeeding recruitment year for the Scheduled Castes or, Scheduled Tribes or, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or Women in addition to the number of vacancies that may be available for the next succeeding recruitment for the Scheduled Castes or, Scheduled Tribes or, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or Women.

Provided that if in the said second succeeding recruitment also no qualified candidates belonging to the Scheduled Castes or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or Women are available for appointment to all or any of the additional vacancies which are so reserved in that succeeding recruitment year, an equal number of vacancies shall again be reserved in the next succeeding recruitment year for the Scheduled Castes or, Scheduled Tribes or, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or Women in addition to the number of vacancies that may be

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available for the next succeeding recruitment for the Scheduled Castes or, Scheduled Tribes or Backward Classes or Women.

Provided further that in the third succeeding recruitment if qualified candidates belonging to the Scheduled Tribes or as the case may be Scheduled Castes are not available, a vacancy reserved to be filled by a candidate belonging to Scheduled Tribes may be filled by a candidate belonging to Scheduled Castes and a vacancy reserved to be filled by a candidate belonging to Scheduled Castes may be filled by a candidate belonging to Scheduled Tribes and if a qualified candidate belonging to a particular group of Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) is not available for appointment, the vacancy reserved to that group shall accrue to the next group.

Third Proviso omitted (G.O. Ms. No. 236, G.A. (Ser-D) Dept., dt: 25.6.1998)

(III) If any additional vacancy or vacancies reserved in favour of candidates belonging to the Scheduled Castes or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or Women in any recruitment in accordance with the provisions in clause (II), appointments thereto shall be made before the appointments in the order of rotation for the relevant recruitments are made.

(i) At no selection for recruitment other than any limited recruitment made in accordance with the provisions of sub-rule (g), the number of reserved vacancies including the additional vacancies reserved under sub-rule (h), shall exceed 52% of the total number of vacancies for the selection; and all vacancies in excess of 52% of the total number of vacancies for which recruitment is made on any particular occasion shall, notwithstanding anything in this rule, be treated as unreserved:

Provided further that the carry forward vacancies and current reserved vacancies in a recruitment year shall be available for utilisation even where the total number of such reserved vacancies exceeds 52% of the vacancies filled in that recruitment, in case the overall representation of the Scheduled Castes, Scheduled Tribes, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) and Women in the total strength of the concerned grade or cadre, has not reached and prescribed percentage of reservation of 15% for the Scheduled Castes, 6% for the Scheduled Tribes, 7% for Backward Classes (Group-A), 10% for Backward Classes (Group-B), 1% for Backward Classes (Group-C), 7% for Backward Classes (Group-D) respectively.

(j) Where there is only a single solitary post borne on the class, or category of a service, the rule of special representation shall not apply for appointment to such post, not withstanding anything contained in the foregoing sub-rules. Provided that the rule of special representation shall be applicable for appointment if the number of posts borne on the cadre, category of grade is more than one, even though selection is to be made against only one vacancy at any recruitment other than limited recruitment.

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(k) In respect of appointments by promotion or recruitment by transfer from Subordinate Service to State Service, where such appointments or recruitment by transfer is required to be made on the principle of merit and ability, seniority being considered only where merit and ability are approximately equal, the claims of any members of the Scheduled Castes and Tribes shall be considered for such appointment on the basis of seniority subject to fitness. Provided that a member of the Scheduled Caste or the Scheduled Tribe possessing superior merit and ability shall be allowed to supersede not only others but also the members of Scheduled Castes or Scheduled Tribes as the case may be. Note:-

1) The principle of carry forward of vacancies in respect of Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) shall be with effect from the 18th March, 1996.

2) The principle of carry forward of vacancies in respect of women shall be with effect from the 28th October, 1996.

3) The principle of roster points for women candidates shall be with effect from the 1st August, 1996.

(As amended in G.O.Ms.No.65, Genl. Admn. Dept., (Ser. D) Dept., dt:15-2-1997)

22-A WOMEN RESERVATION IN APPOINTMENTS :- Not withstanding anything contained in these rules or special rules or Adhoc rules:-

(1) In the matter of direct recruitment to posts for which women are better suited than men, preference shall be given to women: Provided that such absolute preference to women shall not result in total exclusion of men in any category of posts.

(2) In the matter of direct recruitment to posts for which women and men are equally suited, there shall be reservation to women to an extent of 33 1/3% of the posts in each category of Open Competition, Backward Classes (Group-A), Backward Classes (Group-B), Backward Classes (Group-C), Backward Classes (Group-D), Scheduled Castes, Scheduled Tribes and Physically Handicapped and Ex-servicemen quota.

(3) In the matter of direct recruitment to posts which are reserved exclusively for being filled for women, they shall be filled by women only.

(4) In the matter of promotion and appointment by transfer involving promotion to posts for which women and men are equally suited and where the cadre strength of posts is more than five there shall be reservation to women to an extent of 33 1/3% in favour of Scheduled Castes and Scheduled Tribes.

Provided that where no eligible women candidate available to fill up the roster point earmarked to them, the vacancy shall be filled up with male SC/ST candidates as the case may be.

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NOTE:- (1) The principle of reservation for women candidates to the extent of 30% in the matter of direct recruitment shall be from 02-01-1984 to 27-05-1996 (G.O.Ms.No.928, General Administration (Services D) Department, dated 06-10-1995).

(2) The principle of reservation for women candidates to the extent of 33 1/3 % in the matter of direct recruitment shall be with effect from the 28th May, 1996 (G.O.Ms.No.237, General Administration (Services D) Department, dated 28-5-1996).

(As amended in G.O.Ms.No.65, General Administration (Services D) Department, Dated 15-2-1997).

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department - Public Services – State and Subordinate Services – Rule of Reservation in promotions in favour of Scheduled Castes and Scheduled Tribes - under Article 16(4A) of the Constitution of India – Orders – Issued

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SOCIAL WELFARE (SW.ROR.1) DEPARTMENT

G.O.Ms.No:5 **Dated: 14th February, 2003**
Read the following:

1. The Constitution (Eighty Fifth Amendment) Act, 2001 to Article 16(4A) .
2. G.O.Ms. No.47, Social Welfare (CV.1) Department, dated 31-5-2000.

....

ORDER:

Article 16(4A) of the Constitution as amended by the Constitution (Eighty Fifth Amendment) Act, 2001 reads as follows:

> " 16(4A): Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with **consequential seniority, to** any class or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes which, in the opinion of the State, are not adequately represented in the service under the State".

2. The said Amendment to the Constitution has been made with an objective of making a provision for reservation in matter of promotion with consequential seniority to any class or classes of posts in the services under the State in favour of Scheduled Castes and Scheduled Tribes which in the opinion of the State, are not adequately represented in the service under the State.

3. In view of the said amendment to the Constitution of India and the demand for rule of reservation in promotion in favour of Scheduled Castes and Scheduled Tribes from various Service Organisations of Scheduled Castes and Scheduled Tribes, to all categories of posts in all departments has been examined by the Government.

4. The Government after careful consideration, have decided to implement rule of reservation in promotion to ensure adequate representation of the Scheduled Caste and Scheduled Tribe employees, i.e., 15% and 6% respectively in all categories of posts in all departments. The Government therefore direct that;

a) Reservation shall be implemented in favour of Scheduled Castes and Scheduled Tribes in promotion in all categories of posts in all State Government departments with immediate effect.

b) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes is applicable to all categories or cadres whose cadre strength is more than five.

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c) The existing 100 point roster already prescribed in Rule 22 of the Andhra Pradesh State and Subordinate Service Rules by the State Government shall be followed in cases of promotion in all the categories where reservation in promotion in favour of Scheduled Castes and Scheduled Tribes is followed.

d) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be prospective and shall be made applicable to the posts to be filled up. As on the date of issue of these orders, the Panel year for 2002-2003 has already commenced from 1st September, 2002 and therefore the panels already prepared and given effect shall not be disturbed. The Panels which are not yet prepared shall now be prepared based on rule of reservation in promotion and Panels prepared and not given effect to, shall be reviewed on the principle of reservation in promotion in favour of Scheduled Castes and Scheduled Tribes.

e) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be applicable to those candidates who are fully qualified and eligible to hold the post as per existing Rules and guidelines.

f) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall also apply to other institutions in which reservation in respect of Scheduled Castes and Scheduled Tribes is followed.

g) Detailed guidelines on filling up the roster points based on the rule of reservation in promotions will be issued separately.

5. Appropriate amendment to Rule 22 of the Andhra Pradesh State and Subordinate Service Rules, 1996 will be issued separately.

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

SATHI NAIR,
Chief Secretary to Government

To:
All Department of Secretariat, AP Hyderabad
All Heads of Departments
All District Collectors
The Secretary, A.P. Public Service Commission, AP Hyderabad
The Registrar, Andhra Pradesh High Court, AP Hyderabad
The Registrar, Andhra Pradesh Administrative Tribunal, AP Hyd
All Registrars of all Universities in the State
All Managing Directors of Public Sector Undertakings in A.P.
The Commr. of Printing and Stationery,for publication in AP Gazette
PS to Chief Secretary to Government, Genl. Admn. Department
PS to Secretary to Government(Poll), Genl.Admn. Dept
PS to Secretary to Government(Ser), Genl. Admn. Department
PS to Secretary to Government, Law Department
PS to Principal Secretary to Governent, Social Welfare Department
PS to Secretary to Government(TW), Social Welfare department
PS to Principal Secretary to C.M.
PS to Special Secretary to CM., AP Hyderabad
PS to Minister for Social Welfare, AP Hyderabad

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PS to Minister for Tribal Welfare, AP Hyderabad
All Sections in Social Welfare Department
All Sections in Genl.Admn. Department

//Forwarded::By Order//

SECTION OFFICER

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Public Services– Rule of Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes– under Article 16(4A) of the Constitution of India – guidelines –Issued.

SOCIAL WELFARE (ROR.1) DEPARTMENT

G.O.Ms.No.21, **Dated 18th March, 2003**
Read the following;

G.O.Ms.No. 5, S.W.(ROR.1) Department, dt. 14-02-2003

-ooOoo-

ORDER:

In the G.O. read above, orders have been issued for implementation of Rule of Reservation in promotions in favour of Scheduled Castes and Scheduled Tribes in all categories of posts in all departments. As per para 4(g) of the G.O. read above, Government hereby issue the following detailed guidelines:

a) Promotion in favour of Scheduled Castes and Scheduled Tribes shall be observed/implemented with effect from 14.2.2003 i.e. date of issue of G.O.Ms.No.5, SW(ROR1)Dept. dt.14-02-2003 prospective only in services where it is not now available.

b) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be implemented in promotion in all the categories of posts in all services whose total cadre strength of posts is more than five(5).

c) The Rule 22 and the provisions there under of A.P.State and Subordinate Service Rules shall apply in promotion in favour of Scheduled Castes and Scheduled Tribes.

d) Where the existing Special Rules of any services provide Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes, the existing order of rotation and the existing unit and cycle shall continue.

e) Where the existing Special Rules do not provide reservation in promotion in favour of Scheduled Castes and Scheduled Tribes, a new and fresh order of rotation in a new and fresh unit of hundred vacancies as laid down in Rule 22 of A.P.State and Subordinate Services shall be followed in respect of Scheduled Caste and Scheduled Tribe vacancies only.

f) Reservation in promotion in favour of Scheduled Caste and Scheduled Tribe shall be applicable to those candidates who are fully qualified eligible for promotion as per the Special Rules of the service and A.P.State and Subordinate Service Rules, 1996.

g) The zone of consideration as laid down in rule 6 of A.P.State and Subordinate Service Rules, 1996 in respect of Scheduled Castes and Scheduled Tribes shall not be applicable to fill up

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the roster points meant for Scheduled Caste and Schedule Tribe employees.

h) While preparing the panels of eligible candidates for promotion, the names of eligible Scheduled Caste and Scheduled Tribe employees from the feeder Category have to be shown against the roster points earmarked for them irrespective of their seniority position in the feeder category. However, if an Scheduled Caste and Scheduled Tribe employees gets a higher place in the eligible candidates list by virtue of his seniority in the feeder category he need not be adjusted in a lower position which is earmarked for an Scheduled Castes and Scheduled Tribe employees as per the roster system. Such roster point has to be filled up by moving up an Scheduled Caste and Scheduled Tribe employees who is below in the seniority list in the feeder category. Filling up the roster points shall continue till the required percentage of Scheduled Caste and Scheduled Tribe candidates is obtained. Once the required percentage is obtained by taking into account both the Scheduled Caste and Scheduled Tribe candidates who are found in the list of candidates fit for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of Scheduled Caste and Scheduled Tribe employees against roster points has to be stopped. Unutilized roster points after the required Scheduled Caste and Scheduled Tribe percentage is met shall lapse. If required number of Scheduled Caste and Scheduled Tribe employees are not available in the feeder category to obtain the required representation in the promotion category, the vacancies earmarked for Scheduled Caste and Scheduled Tribe employees according to the roster points will be carried forward. An illustration is given in Annexure.

i) The promotion panels already prepared for the panel year 2002-2003 and given effect to/operated/partly operated i.e. if promotions are affected, the said panels shall continue without any changes or review and they shall not be re-opened.

j) The panel for 2002-2003 which are prepared and are not operated as on 14.2.2003 have to be reviewed to provide special representation in promotion for Scheduled Caste and Scheduled Tribe employees.

k) Special Representation (Reservation) in promotion in favour of Scheduled Caste and Scheduled Tribe shall also apply to all Educational Institutions, Panchayat Raj Institutions, Municipalities, Corporations, Boards, Authorities, Grandhalaya Samsthas and Market Committees and other establishment which are funded or aided by the State Government.

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

SATHI NAIR,
Chief Secretary to Government

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To:
All Departments of Secretariat, AP Hyderabad
All Heads of Departments
All District Collectors
The Secretary, A.P.Public Service Commission, AP Hyderabad
The Registrar, Andhra Pradesh High Court, AP Hyderabad
The Registrar, Andhra Pradesh Administrative Tribunal, AP Hyderabad
All Registrars of all Universities in the State
All Managing Directors of Public Sector Undertakings in A.P.,
The Commissioner of Printing and Stationery for publication in AP Gazettee
PS to Chief Secretary to Government,Genl. Admn. Department
PS to Secretary to Government(Poll) ,Genl.Admn. Department
PS to Secretary to Government(Ser), Genl. Admn. Department
PS to Secretary to Government, Law Department
PS to Principal Secretary to Government, Social Welfare Department
PS to Secretary to Government(TW), Social Welfare Department
PS to Principal Secretary to C.M.
PS to Special Secretary to C.M., AP Hyderabad
PS to Minister for Social Welfare, AP Hyderabad
PS to Minister for Tribal Welfare, AP Hyderabad
All Sections in Social Welfare Department
All Section in Genl. Admn. Department
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE to the G.O.Ms..No.21, S.W.(ROR.I) Dept,dated 18.03.2003

Seniority list in the Feeder Category No. of post proposed to be filled up in the

Explanation:

CASE.I
Illustrates a situation where there are no Scheduled Caste employees in the first ten positions in the seniority list in the feeder category. As the posts to be filled up in the promotion category are ten there will be two roster points at Sl.No.2&7 to be filled up by Scheduled Caste employees. In this case Scheduled Caste employees are available at S.No.22 & 28. As shown in the list Sl.No.22will be shown against Sl.No.2 and Sl.No.28 will be shown at S.No.7 in the promotion panel.

CASE.II:
Illustrates a situation when there is only one SC employee in the first ten positions in the seniority list in the feeder category. In this case the SC employee is available at Sl.No.1. He will not be brought down to Sl.No.2 which is a roster point in the promotion panel. He will remain at Sl.No.1 Sl.No.2 in the promotion panel which is a SC point will be filled up by Q a SC employee, who is atSl.No.17 in the feeder category. Now that we have two required SC candidates in a panel often, Sl No.7 in the panel will not be filled up by another SC candidate. It will be filled up by other candidate as per his turn in the seniority list.

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CASE.III :

Illustrates a situation where there are two SC employees in the first ten positions in the seniority list in the feeder category. In this case the SC employees are available at Sl.No.4(D) and Sl.No.10(J). In the promotion panelSl.No.2 and 7 which are SC points will be filled up by D at Sl.No.2 and J at Sl.No.7. In all the examples it is assumed that the required Group SC candidates are available to fill up the points earmarked for them. In cases where they are not available, they have to be picked up from wherever they are available in the feeder category and shown against the points earmarked for the particular Group of SC. If the particular Group SC candidate is not available the vacancy has to be filled up by the next group and so on as laid down in G.O.Ms.No.47 Social Welfare (CV.I) Dept., dated:31.5.2000.

SECTIONOFFICER

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

A.P.State and Subordinate Service Rules, 1996 – Amendment to Rule 22 and 6 of the A.P. State and Subordinate Service Rules, 1996 – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G.O.Ms.No:123 Dated 19-04-2003
Read the following:-

1. G.O.Ms.No:436, G.A.(Ser.D) Department, dated 15-10-1996
2. G.O.Ms.No:5, Social Welfare (ROR-I) Department, dt:14-02-2003
3. G.O.Ms.No:21, Social Welfare (ROR-I) Department, dt:18-03-2003
4. From the APPSC., Lr.No:532/RR/2/2003, dated 17-04-2003.

-ooOoo-

O R D E R:

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 all other powers hereunto enabling the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh State and Subordinate Service Rules, 1996, issued in G.O.Ms.No:436, G.A. (Ser-D) Department, dated 15th October, 1996 and subsequently amended from time to time.

The amendments hereby made shall be deemed to have come into force with effect from 14-02-2003.

AMENDMENTS

In the said rules, ----

I (1) In Rule 6 (b), the following shall be inserted as first proviso, namely,-

"Provided that for promotion in respect of Scheduled Caste and Scheduled Tribe candidates only, the zone of consideration in the ratio 1:3, shall not be applicable in respect of posts whose total cadre strength is more than five".

(2) After inserting the above proviso, ----

(a) In the second proviso, for the words "provided that" the words "provided further that" shall be substituted.

(b) In the third proviso, for the words "provided further that" the words "provided also that" shall be substituted.

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II. In Rule 22,

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

(ii) "otherwise than by direct recruitment the principle of reservation in the matter of promotion and appointment by transfer involving promotion in so far it relates to Scheduled Castes and Scheduled Tribes only shall apply to such services, Class or Category whose total cadre strength of the post is more than five".

(2) for, sub-rule 2(a), the following shall be substituted, namely,---

2(a) The unit of appointment for the purpose of direct recruitment shall be hundred vacancies of which fifteen shall be reserved for Scheduled Castes, six shall be reserved for Scheduled Tribes, twenty five shall be reserved for Backward Classes and remaining fifty four appointments shall be made on the basis of open competition and subject to Rule 22-A of these rules.

2(a)(i) The unit of appointment for the purpose of reservation in the matter of promotion and appointment by transfer involving promotion shall be hundred vacancies of which fifteen shall be reserved for Scheduled Castes and six for Scheduled Tribe employees as per the roster points in sub-rule 2(e).

A. In the case of appointments/promotions to the posts referred to in clause 2 (a) (i) above, the panels of eligible candidates for promotion, the names of eligible Scheduled Caste and Scheduled Tribe employees from the feeder Category have to be shown against the roster points earmarked for them irrespective of their seniority position in the feeder category.

B. If a Scheduled Caste and Scheduled Tribe employee gets a higher place in the eligible candidates list by virtue of his seniority in the feeder category he need not be adjusted in a lower position which is earmarked for an Scheduled Caste and Scheduled Tribe employees as per roster system. Such roster point has to be filled up by moving up an Scheduled Caste and Scheduled Tribe employees who is below in the seniority list in the feeder category.

C. Filling up the roster points shall continue till the required percentage of Scheduled Caste and Scheduled Tribe candidates is obtained. Once the required percentage is obtained by taking into account both the Scheduled Caste and Scheduled Tribe candidates who are found in the list of candidates fit for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of Scheduled Caste and Scheduled Tribe employees against roster point has to be stopped.

D. Unutilized roster points after the required Scheduled Caste and Scheduled Tribes percentage is met, shall lapse.

E. If required number of Scheduled Caste and Scheduled Tribe employees are not available in the feeder category to obtain the required representation in the promotion category. The vacancies earmarked for Scheduled Caste and Scheduled Tribe employees according to the roster points will be carried forward.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Public Services – Representation of Scheduled Castes and Scheduled Tribes categories in the State and Sub-ordinate Services – Policy of providing Rule of Reservation in promotions in favour of Scheduled Castes and Scheduled Tribes – Orders – Issued.

SOCIAL WELFARE (SW.ROR1) DEPARTMENT

G.O.Ms.No.2 **Dated: 9th January,2004.**

Read the following:-

1 G.O.Ms.No.5, Social Welfare (ROR1) Department, Dated: 14.2.2003.
2 G.O.Ms.No.21, Social Welfare (ROR1) Department, Dated:18.3.2003.
3 G.O.Ms.No.123, General Administration (Ser.D) Department, Dated: 19.4.2003.

-ooOoo-

ORDER:

In the G.O. 1st read above, the State Government have ordered for implementation of rule of reservation in promotion to ensure adequate representation of Scheduled Castes and Scheduled Tribes, to the extent of 15% and 6% respectively in all categories of posts in all Departments, with effect from 14.2.2003. In the G.O. 2nd read above necessary guidelines have been issued and in the G.O. 3rd read above, the Andhra Pradesh State and Sub-ordinate Service Rules have been amended to give effect to the policy of Rule of reservation in promotions in respect of Scheduled Castes and Scheduled Tribes.

2 The Government received representations asking for clarifications on certain issues pertaining to the policy of reservation in promotions to the Scheduled Castes and Scheduled Tribes. The Government have considered the representations and accordingly issue the following comprehensive orders:

3. Reservation in promotions shall be implemented in favour of Scheduled Castes and Scheduled Tribes, in all categories of posts in all State Government Departments, if they are not adequately represented to the extent of 15% and 6% respectively. The crucial date for implementing the rule of reservation in promotions shall be 14.2.2003, i.e., date of issue of G.O. 1st read above.

4. **Computation of adequacy of representation**: For the purpose of computing adequacy of representation of Scheduled Castes (15%) and Scheduled Tribes (6%) in various categories, the following procedure shall be followed.

(a) The persons belonging to Scheduled Castes and Scheduled Tribes who have been promoted on the basis of seniority cum merit, i.e., without applying the rule of reservation should also be counted for judging the adequacy or otherwise of Scheduled Caste / Scheduled Tribe representation.

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(b) The adequacy or otherwise representation should be counted in respect of each category of posts but not for the Department as a whole.

(c) If in respect of any category, if adequate representation already exists as on 14.2.2003 or is attained at a later date, the rule of reservation in promotion in favour of Scheduled Castes /Scheduled Tribes shall not be applied further.

(d) For the purpose of computing the adequacy in respect of Scheduled Castes (i.e.,15%), ABCD categorization will not be observed and the adequacy will be with reference to total number of employees irrespective of their ABCD categorisation.

5. Crucial date for determining the adequacy: 1st September shall be reckoned as crucial date to determine the adequacy of representation in each category of posts for Scheduled Castes & Scheduled Tribes. While arriving at the number of vacancies to be filled based on rule of reservation in promotions in respect of Scheduled Castes and Scheduled Tribes categories, to achieve adequacy of representation, the fraction shall be ignored.

6. Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes, shall be implemented in promotions to all the categories of posts, in all services whose total Cadre Strength is more than five.

7. **Roster Points** : The reservation in promotions in respect of Scheduled Castes and Scheduled Tribes shall also include the gender based reservation. In respect of Scheduled Castes the reservation shall be sub-category based. The existing 100 point roster already prescribed in Rule 22 of Andhra Pradesh State and Sub-ordinate Service Rules for direct recruitment shall be followed for implementing the Rule of Reservation for promotion for Scheduled Castes and Scheduled Tribes. However in so far as providing reservation for Scheduled Castes based on sub-categorisation, the roster followed for direct recruitment shall be followed. The roster for promotion is at annexure.

Note : Once the adequacy is achieved to the required percentage of 15% in respect of Scheduled Castes and 6% in respect of Scheduled Tribes, in a category, the application of the rule of reservation in promotions shall be stopped and the promotions shall be effected based on merit cum seniority. The candidates so promoted shall be fitted into the same roster, without earmarking the reserved roster points. If on 1st September of any panel year, the representation of Scheduled Castes / Scheduled Tribes is inadequate, the reservation in promotions shall be resumed. The roster point shall start from next point of the candidate figuring in the previous panel prepared and given effect to. For example as on 1st September of a panel year, there are 20 posts in a particular category and there are 2 SC candidates in position. Therefore as on 1st September of a panel year, the adequacy of SC representation is short by one candidate. The vacancies for the panel year are estimated as 10. If the roster starts from 1, then the 2nd roster point has to be filled up with SC-A candidate or with any other SC candidate as per the procedure stipulated. After inclusion of the said candidate there shall be adequacy of representation and there is no need to follow the SC roster. The other candidates shall have to be promoted, including the SC candidates if they are figuring in the general seniority list, based on merit cum general seniority. They shall be shown at the continuous

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roster points. The 7th roster point of SC shall be filled up with the candidate based on merit cum seniority. The roster points from 1 to 10 shall have to be filled up in such manner. In the next panel year, if it is found that there is adequacy of SC representation, then the promotions shall be effected based on general seniority and merit. If there is inadequacy of representation, SC candidates shall be promoted based on roster. The roster point for that panel year shall start from 11 and the next SC roster point is available at 16 and the same shall be filled up with SC candidate.

8. **Eligibility of Candidates**: Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be applicable to those candidates who are fully qualified and eligible to hold the posts as per the existing Rules and guidelines. If no qualified and eligible candidate available the vacancy shall be carried forward.

9. **Zone of consideration**: The zone of consideration as laid down in Rule 6 of A.P.State and Sub-ordinate Service Rules, in respect of Scheduled Castes and Scheduled Tribes categories shall not be applicable to fill up the roster points meant for SC and ST categories.

10. The panels for the year 2002-2003, which were prepared prior to 14.2.2003 and operated totally or partially, shall continue without any changes and they shall not be reopened. The panels for the year 2002-2003, which were prepared and are not operated as on 14.2.2003 shall have to be reviewed to implement the rule of reservation in promotion to Scheduled Caste and Scheduled Tribe categories.

11. **Non-availability of eligible candidates**: If eligible candidates for promotion are not available for promotion as per the roster point specified, it shall be filled in by including the next candidate belonging to the next group of Scheduled Caste.

Note: If an eligible candidate for promotion is not available from Scheduled Caste-A, the roster point may be filled up by a candidate of Scheduled Caste-B, and so on and so forth. In case of women candidates also, the same process shall be followed viz., if an eligible Scheduled Caste-A (Woman) is not available, the roster point may be filled up by Scheduled Caste–B (Woman) candidate and so on and so forth.

12. Conversion of roster point of Women: In case there are no qualified women candidates available, the following procedure shall be followed.

(a) If no eligible women candidate is available to fill up the roster point earmarked for Schedule Caste (Woman), the vacancy shall be filled up with male candidate. However while filling the said vacancy, the roster point shall be filled up with the same group of Scheduled Caste male candidate as that of Scheduled Caste (Woman), to which it was originally earmarked. If no male candidate is available then the same shall be filled up with other Scheduled Castes candidates following in the same order.

Note: In the case of roster points fixed for Scheduled Caste (woman), if Scheduled Caste-A (Woman) is not available, the vacancy may be filled up by a Scheduled Caste-B(woman) and so on. If Scheduled Caste (A,B,C,D) woman candidate is not available, the vacancy may be filled up by Scheduled Caste (A,B,C,D) Male candidate in

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that order. If the roster point is earmarked for Scheduled Caste-B woman candidate and no Scheduled Caste woman candidate is available, the roster point shall be filled up with male candidate belonging to Scheduled Caste-B category. If no Scheduled Caste-B male candidate is available, the roster point shall be filled up with Scheduled Caste-C male candidate and so on and so forth.

(b) In respect of Schedule Tribes, if Scheduled Tribe (Woman) candidate is not available, for promotion to fill in the roster point earmarked for Scheduled Tribe (Woman), the vacancy shall be filled up by a Scheduled Tribe Male candidate.

13. Carry forward vacancies: Regarding carry forward of vacancies, if no qualified candidates are available, the following procedure shall be followed.

In case qualified Scheduled Caste/Scheduled Tribe candidates are not available for a particular panel year the vacancy shall be carried forward to the subsequent year. In the second year if Scheduled Caste/ Scheduled Tribe candidates are not available, the vacancies or points meant for Scheduled Caste/Scheduled Tribe candidates may be filled up by candidates from the feeder category based on merit and seniority. The number of such vacancies meant for Scheduled Caste and Scheduled Tribe should be carried forward and filled up first in the immediate subsequent year with Scheduled Caste/Scheduled Tribe candidates.

14. Special representation (reservation) in promotion in favour of Scheduled Caste and Scheduled Tribe shall also apply to all Educational Institutions, Panchayat Raj Institutions, Municipalities, Corporations, Boards, Authorities, Grandhalaya Samsthas and Market Committees and other establishments, where in the policy of reservation for Scheduled Castes and Scheduled Tribes in direct recruitment is being followed.

15. Appropriate amendment to Rule 22 and 22-A of Andhra Pradesh State and Sub-ordinate Service Rule shall be issued separately.

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

MOHAN KANDA
CHIEF SECRETARY TO GOVERNMENT.

To
All Departments of Secretariat, A.P., Hyderabad.
All Heads of Departments.
All District Collectors.
The Secretary, A.P.Public Service Commission, A.P., Hyderabad.
The Registrar, A.P.High Court, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, A.P., Hyderabad.
All Registrars of all Universities in the State.
All Managing Directors of Public Sector Undertakings in A.P.
The Commissioner of Printing and Stationery, A.P., Hyderabad (with a request to print and furnish 400 copies)

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P.S. to Chief Secretary to Government.
P.S. to Secretary to Government (Ser.), General Administration Dept..
P.S. to Secretary to Government, Law Department.
P.S. to Principal Secretary to Government, Social Welfare Department.
P.S. to Secretary to Government (TW), Social Welfare Dept.
P.S. to Principal Secretary to C.M.
P.S. to Special Secretary to C.M.,A.P., Hyderabad.
P.S. to Minister for Social Welfare, A.P., Hyderabad.
P.S. to Minister for Tribal Welfare, A.P., Hyderabad.
All Sections in Social Welfare Department.
All Sections in General Administration Department.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER.

ANNEXURE TO G.O.Ms. No. 2, SOCIAL WELFARE (ROR.1) DEPARTMENT, DT.09.01.2004.

Roster Point No.	Roster of SC (ABCD)/ST W= Women
1.	--
2.	SC (W) – A
3.	--
4.	--
5.	--
6.	--
7.	SC-B
8.	ST (W)
9.	--
10.	--
11.	--
12.	--
13.	--
14.	--
15.	--
16.	SC-C
17.	--
18.	--
19.	--
20.	--
21	--
22.	SC (W) – B
23.	--
24.	--
25.	ST
26.	--

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27.	SC-C
28.	--
29.	--
30.	--
31.	--
32.	--
33.	ST
34.	--
35.	--
36.	--
37.	--
38.	--
39.	--
40.	--
41.	SC-B
42.	--
43.	--
44.	--
45.	--
46.	--
47.	SC(W)-C
48.	--
49.	--
50.	--
51.	--
52.	SC-D
53.	--
54.	--
55.	--
56.	--
57.	--
58.	ST(W)
59.	--
60.	--
61.	--
62.	SC-B
63.	--
64.	--
65.	--
66.	SC(W)-C
67.	--
68.	--
69.	--
70.	--
71.	--
72.	SC-B
73.	--
74.	--
75.	ST
76.	--
77.	SC-C
78.	--
79.	--

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80.	--
81.	--
82.	--
83.	ST
84.	--
85.	--
86	--
87.	SC(W)-B
88.	--
89.	--
90.	--
91.	SC-C
92.	--
93.	--
94.	--
95.	--
96.	--
97.	SC-B
98.	--
99.	--
100.	--

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

S.W.Department – Rule of reservation in promotions – Comprehensive guidelines issued in G.O.Ms.No.2 SWD, dt.9-1-2004 – Amendment to guideline regarding arriving at the number of vacancies to be filled up – Orders – Issued.

SOCIAL WELFARE (SW.ROR1 DEPARTMENT

G.O.Ms.No.76 **Dated 19th October, 2004.**
Read the following:-

G.O.Ms.No.2, SW(ROR1) Department, dt.9-1-2004.

-ooOoo-

O R D E R:

In the G.O. read above comprehensive guidelines were issued for implementing the Rule of Reservation in Promotions. Para No.5 reads as follows:

"Crucial date for determining the adequacy: 1st September shall be reckoned as crucial date to determine the adequacy of representation in each category of posts for Scheduled Castes and Scheduled Tribes. While arriving at the number of vacancies to be filled based on rule of reservation in promotions in respect of Scheduled Castes and Scheduled Tribes categories, to achieve adequacy of representation, the fraction shall be ignored".

2. Thus, it has been ordered to ignore the fraction while arriving at the number of vacancies to be filled based on rule of reservation in promotions.

3. Due to this condition - **"ignoring of fraction"** in arriving at the adequacy for Scheduled Castes and Scheduled Tribes, injustice is being caused to SCs/STs while arriving at the adequacy. For example, if the cadre strength of a post is 6 in a particular Department, 15% adequacy comes to 0.90. If fraction is to be ignored, as per the above guideline, the required number of Scheduled Castes would be Zero, and, therefore, there would not be any inadequacy.

4. Several representations have also been received to delete the condition of "ignoring the fraction" in the aforesaid G.O. to arrive at the adequacy.

5. The Government after careful examination of the matter hereby decided to amend the Para-5 of G.O.Ms.No.2, SW (ROR1) Department, dated 9-1-2004. Accordingly the following amendment is issued to the G.O.read above.

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6. The amendment hereby made shall come into force with effect from the current panel year 2004-2005.

AMENDMENT

In paragraph-5 of the G.O.Ms.No.2, S.W. (ROR1) Dept., dated 9-1-2004 for the expression "the fraction shall be ignored", the following expression shall be substituted namely;

"the fraction of 0.5 or more shall be rounded off to the next higher digit".

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

MOHAN KANDA
CHIEF SECRETARY TO GOVERNMENT.

To
All Departments of Secretariat, A.P., Hyderabad.(with a request to communicate the GO to the Heads Depts. under their control including the public sector undertakings).
All District Collectors.
The Secretary, A.P.Public Service Commission, A.P., Hyderabad.
The Registrar, A.P.High Court, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, A.P., Hyderabad.
All Registrars of all Universities in the State.
The Commissioner of Printing and Stationery, A.P., Hyderabad (with a request to print and furnish 400 copies)
P.S. to Chief Secretary to Government.
P.S. to Secretary to Government (Ser.), General Administration Dept..
P.S. to Secretary to Government, Law Department.
P.S. to Principal Secretary to Government, Social Welfare Department.
P.S. to Secretary to Government (TW), Social Welfare Dept.
P.S. to Principal Secretary to C.M.
P.S. to Special Secretary to C.M.,A.P., Hyderabad.
P.S. to Minister for Social Welfare, A.P., Hyderabad.
P.S. to Minister for Tribal Welfare, A.P., Hyderabad.
All Sections in Social Welfare Department.
All Sections in General Administration Department.
Copy to Law (J) Department.
SF/SC.

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SOCIAL WELFARE DEPARTMENT

(C V 1)

CANCELLATION OF ANDHRA PRADESH SCHEDULED CASTES (RATIONALIZATION OF RESERVATIONS) RULES, 2000 ISSUED IN G.O.MS.NO.47, S.W.(CV1) DEPARTMENT, DATED 31-05-2000.

[G.O.Ms.No. 91, Social Welfare (CV1), 23rd December, 2004.]

No. 8.

The Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act 2000 (Act 20 of 2000) has been enacted to provide for Rationalisation of Reservations to Scheduled Castes in the State of Andhra Pradesh. In pursuance of the aforesaid Act, the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Rules, 2000, have been issued in G.O.Ms.No.47, S.W. (CV1) Department, dated 31-05-2000.

2. The Hon'ble Supreme Court of India in their Judgment dated 5-11-2004, in Civil Appeal Nos.6758/2000, 6934/2000, 7344/2000 and 3442/2001 declared the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000, as unconstitutional.

3. In the above circumstances, the Government hereby cancel the Rules issued in the G.O.Ms.No.47, S.W. (CV1) Department, dated 31-05-2000.

4. Necessary Amendments shall be issued separately to the Orders already issued with regard to reservations in promotions in favour of Scheduled Castes pursuant to the aforesaid Rules.

Dr. MOHAN KANDA,
Chief Secretary to Government.

Printed and Published in the Andhra Pradesh Gazette, Part-I, Issue No. 53, dated 30-12-2004, at Page Nos. 868.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Public Services - Policy of providing Rule of Reservation in Promotions in favour of SCs/STs - Modification - Orders – Issued.

SOCIAL WELFARE (SW.ROR1) DEPARTMENT

G.O.Ms.No.16 **Dated: 17th February, 2005.**

Read the following:-

1. G.O.Ms.No.5, SW(ROR1) Dept., dated: 14-2-2003.
2. G.O.Ms.No.21, SW(ROR1)Dept., dated: 18-3-2003.
3. G.O.Ms.No.123, GA(Ser.D) Dept., dated: 19-4-2003
4. G.O.Ms.No.2, SW(ROR1)Dept., dated: 9-1-2004.
5. G.O.Ms.No.76, SW(ROR1) Dept., dated:19-10-2004.
6. Hon'ble Supreme Court Judgment dated:5-11-2004 in Civil Appeal Nos.6758/2000, 6934/2000, 7344/2000 and 3442/2001, filed by Dr.E.V.Chinnaiah & others Vs. State of A.P.
7. G.O.Ms.No.91, SW (CV1)Dept., dated:23-12-2004.

-ooOoo-

ORDER:

In the G.O.first read above, the State Government have ordered for implementation of Rule of Reservation in promotion to ensure adequate representation of Scheduled Castes and Scheduled Tribes, to the extent of 15% and 6% respectively in all categories of posts in all Departments, with effect from 14.2.2003. In the G.O. second read above, necessary guidelines have been issued, and in the G.O. third read above, the Andhra Pradesh State and Sub-ordinate Service Rules have been amended to give effective to the policy of Rule of Reservation in promotions in respect of Scheduled Castes and Scheduled Tribes. In the G.O. fourth read above, detailed guidelines were issued for implementing the Rule of Reservation in promotions, inter alia prescribing a roster of 100 points earmarking roster points as per categorization of Scheduled Castes.

2. In view of the Hon'ble Supreme Court's Judgment dated. 5-11-2004, orders have been issued in G.O. seventh read above, cancelling the rules issued in G.O.Ms.No. 47, Social Welfare (CV1) Dept., dated: 31-5-2000, in which reservation in public appointments or posts and admissions to Educational Institutions to Scheduled Castes was provided based on A,B,C,D groups.

3. Consequent to the issue of orders in G.O.Ms.No.91, Social Welfare (CV1) Dept., dated.23-12-2004, the orders issued in G.O.Ms.Nos.5, Social Welfare (ROR1)Dept. dated: 14-2-2003, G.O.Ms.No.21, Social Welfare (ROR1)Dept., dated: 18-3-2003 and G.O.Ms.No.2, Social Welfare (ROR1)Dept., dated: 9-1-2004, read above are hereby modified to the extent of Reservation in promotions based on A,B,C,D groups Scheduled Castes. In other words, there shall be no categorization among Scheduled Castes.

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4. The other conditions/ guidelines for implementation of Rule of Reservation in Promotions for Scheduled Castes /Scheduled Tribes shall remain unchanged and be followed accordingly, while implementing the Rule of Reservation in promotions for Scheduled Castes and Scheduled Tribes.

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

MOHAN KANDA
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat, A.P., Hyderabad
All Heads of Departments.
All District Collectors.
The Secretary, A.P.Public Service Commission, A.P., Hyderabad.
The Registrar, A.P.High Court, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, A.P., Hyderabad.
All Registrars of all Universities in the State.
The Commissioner of Printing and Stationery, A.P., Hyderabad (with a request to print and furnish 400 copies)
P.S. to Chief Secretary to Government.
P.S. to Secretary to Government (Ser.), General Administration Dept..
P.S. to Secretary to Government, Law Department.
P.S. to Principal Secretary to Government, Social Welfare Department.
P.S. to Secretary to Government (TW), Social Welfare Dept.
P.S. to Principal Secretary to C.M.
P.S. to Special Secretary to C.M.,A.P., Hyderabad.
P.S. to Minister for Social Welfare, A.P., Hyderabad.
P.S. to Minister for Tribal Welfare, A.P., Hyderabad.
All Sections in Social Welfare Department.
Copy to Law(J) Dept.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Public Services - State and Subordinate Services - Rule of Reservation in Promotions in favour of SCs/STs - under Article 16(4A) of the Constitution of India – Amendment - Orders – Issued.

SOCIAL WELFARE (SW.ROR1) DEPARTMENT

G.O.Ms.No.17 Dated: 17th February,2005.

Read the following:-

1. G.O.Ms.No.5, SW(ROR1) Dept., dated: 14-2-2003.
2. G.O.Ms.No.91, SW(CV1)Dept., dt.23-12-2004.
3. G.O.Ms.No.16, SW(ROR1)Dept., dt.17-2-2005.

-ooOoo-

O R D E R :

The following Amendment is issued to the G.O.Ms.No.5, SW(ROR1) Dept., dated.14-2-2003.

AMENDMENT

In the said order the words "2, G.O.Ms.No.47, Social Welfare (CV1) Dept., dated:31-5-2000" referred to under read the following, shall be deleted.

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

MOHAN KANDA
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat, A.P., Hyderabad
All Heads of Departments./All District Collectors.
The Secretary, A.P.Public Service Commission, A.P., Hyderabad.
The Registrar, A.P.High Court, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, A.P., Hyderabad.
All Registrars of all Universities in the State.
The Commissioner of Printing and Stationery, A.P., Hyderabad
(with a request to print and furnish 400 copies)
P.S. to Chief Secretary to Government.
P.S. to Secretary to Government (Ser.), General Administration Dept..
P.S. to Secretary to Government, Law Department.
P.S. to Principal Secretary to Government, Social Welfare Department.
P.S. to Secretary to Government (TW), Social Welfare Dept.
P.S. to Principal Secretary to C.M.
P.S. to Special Secretary to C.M.,A.P., Hyderabad.
P.S. to Minister for Social Welfare, A.P., Hyderabad.
P.S. to Minister for Tribal Welfare, A.P., Hyderabad.
All Sections in Social Welfare Department./Copy to Law(J) Dept.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Public Services - Representation of Scheduled Castes and Scheduled Tribes categories in the State and Sub-ordinate Services - Policy of providing Rule of Reservation in Promotions in favour of SCs/STs – Amendment - Orders – Issued.

SOCIAL WELFARE (SW.ROR1) DEPARTMENT

G.O.Ms.No.18 **Dated: 17th February,2005.**
Read the following:-

1. G.O.Ms.No.2, S.W.(ROR1) Dept., dt.9-1-2004.
2. G.O.Ms.No.91, SW (CV1)Dept., dt.23-12-2004.
3. G.O.Ms.No.16, SW(ROR1)Dept., dt.17-2-2005.

-ooOoo-

O R D E R :

The following Amendment is issued to the G.O.Ms.No.2, SW(ROR1) Department, dt.9-1-2004.

AMENDMENT

The Para-4 (d) of the said order, the expression " For the purpose of computing the adequacy in respect of Scheduled Castes (i.e.15%) ABCD categorization will not be observed and the adequacy will be with reference to total number of employees irrespective of their ABCD categorization" shall be deleted.

For Para. 7 of the said order, the following shall be substituted

"**Roster Points** : The reservation in promotions in respect of Scheduled Castes and Scheduled Tribes shall also include the gender based reservation. The existing 100 point roster already prescribed in Rule 22 of Andhra Pradesh State and Sub-ordinate Service Rules for direct recruitment shall be followed for implementing the Rule of Reservation for promotion for Scheduled Castes and Scheduled Tribes

Note: "Once the adequacy is achieved to the required percentage of 15% in respect of Scheduled Castes and 6% in respect of Scheduled Tribes, in a category, the application of the rule of reservation in promotions shall be stopped and the promotions shall be effected based on merit cum seniority. The candidates so promoted shall be fitted into the same roster, without earmarking the reserved roster points. If on 1st September of any panel year, the representation of Scheduled Castes/ Scheduled Tribes is inadequate, the reservation in promotions shall be resumed. The roster point shall start from next point of the candidate figuring in the previous panel prepared and given effect to. For example as on 1st September of a panel year, there are 20 posts in a particular category and there are 2 SC candidates in position. Therefore as on 1st September of a panel year, the adequacy of SC representation is short by one candidate. The other candidates shall have to be promoted, including the SC candidates if they are figuring in the general seniority list, based on merit cum general seniority. They shall be shown at the continuous roster points. The 7th roster point of SC shall be filled up with

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the candidate based on merit cum seniority. The roster points from 1 to 10 shall have to be filled up in such manner. In the next panel year, if it is found that there is adequacy of SC representation, then the promotions shall be effected based on general seniority and merit. If there is inadequacy of representation, SC candidates shall be promoted based on roster. The roster point for that panel year shall start from 11 and the next SC roster point is available at 16 and the same shall be filled up with SC candidate".

The Annexure appended to the said order shall be deleted.

The Para. 11 including note of the said order shall be deleted.

For Para.12 of the said order, the following shall be substituted " In case there are no qualified women candidates available, for promotion to fill in the roster points earmarked for SC(Women) / ST (Women) the vacancies shall be filled by SC(Male) / ST (Male) candidates"

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

MOHAN KANDA
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat, A.P., Hyderabad).
All Heads of Departments
All District Collectors.
The Secretary, A.P.Public Service Commission, A.P., Hyderabad.
The Registrar, A.P.High Court, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, A.P., Hyderabad.
All Registrars of all Universities in the State.
The Commissioner of Printing and Stationery, A.P., Hyderabad (with a request to print and furnish 400 copies)
P.S. to Chief Secretary to Government.
P.S. to Secretary to Government (Ser.), General Administration Dept..
P.S. to Secretary to Government, Law Department.
P.S. to Principal Secretary to Government, Social Welfare Department.
P.S. to Secretary to Government (TW), Social Welfare Dept.
P.S. to Principal Secretary to C.M.
P.S. to Special Secretary to C.M.,A.P., Hyderabad.
P.S. to Minister for Social Welfare, A.P., Hyderabad.
P.S. to Minister for Tribal Welfare, A.P., Hyderabad.
All Sections in Social Welfare Department.

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GOVERNMENT OF ANDHRA PRADESH
SOCIAL WELFARE (CV.1) DEPARTMENT

Memorandum No:8904/CV.1/2000 Dated 01-02-2006

Sub:- SWD – Clarification sought on the Judgment of Hon'ble Supreme Court of India, dated 5-11-2004 in Civil Appeal No:6758/2000 E.V.Chinnaiah Vs.State of Andhra Pradesh – Clarification issued – Regarding.

Ref:- 1. The Hon'ble Supreme Court's Judgment dt:05-11-2004
2. I.A.No:5 in Civil Appeal No:6758/2000, Judgment of the Hon'ble Supreme Court of India, dated 25-09-2006.

-ooOoo-

The attention of all the Departments of Secretariat and Heads of Departments is invited to the reference 1st cited and they are informed that the Hon'ble Supreme Court passed Judgment in Civil Appeal No:6758 of 2000 and batch dated 5-11-2004, declaring the A.P.Scheduled Castes (Rationalisation of Reservations) Act 20 of 2000 as ultra virus to the Constitution.

They are also informed that in view of the above orders, an application has been filed in the Hon'ble Supreme Court of India to permit the State Government to implement the orders of Hon'ble Supreme Court with prospective effect alone, for the reasons stated therein. The Hon'ble Supreme Court in its judgment, dated 25-9-2006 in I.A.No:5 in Civil Appeal No:6758 of 2000 has passed judgment is as follows:

> "Counsel appearing on behalf of the non-applicants, who were appellants in these appeals have no objection to a clarification being given that all selections made and admissions granted in educational institutions prior to the judgment of this court shall not be affected. Similarly, all appointments made prior to the judgment of this Court on the basis of reservation permitted by the Legislation which has been struck down by this Court, shall also not be affected. Promotions, if any, already granted before the judgment of this Court shall also remain unaffected."

Further clarified that "no admission granted, appointment made or promotion granted subsequent to the judgment of this Court be valid, if they are in breach of the law laid down by this court in its aforesaid judgment.

All the Departments of Secretariat and Heads of Departments are therefore requested to take necessary further action in the matter, as per the Hon'ble Supreme Court orders and also acknowledge the receipt of the Memo.

AJOYENDRA PYAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
All Departments in Secretariat.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare Department – Rule of Reservation in Promotions – Comprehensive Guidelines issued - Amendment to Guidelines – Orders Issued.

SOCIAL WELFARE (ROR-I) DEPARTMENT

G.O.Ms.No. 4 Dated: 24-01-2007
Read the following:-

1. G.O.Ms.No. 123, G.A.(Ser.D) Dept., Dt. 19-04-2003
2. G.O.Ms.No. 2, S.W.(ROR.1) Dept., Dt. 09-01-2004
3. G.O.Ms.No. 76, S.W.(ROR.1) Dept., Dt. 19-10-2004

-ooOoo-

ORDER:

1. In the G.O. 2nd read above, comprehensive guidelines were issued for implementing the rule of reservation in promotions.

2. In the G.O. 3rd read above, an amendment was issued to the paragraph 5 of G.O.Ms.No 2, Social Welfare (ROR.1) Department dated 9-1-2004 that the fraction of 0.5 or more shall be rounded off to the next higher digit.

3. The rule of reservation is to be implemented where there is inadequacy of scheduled caste/scheduled triple candidates provided that the cadre strength is more than five. It is observed that is case of scheduled tribes, if the cadre strength is 6, the required adequacy would be 0.36 i.e. nil (6% of 6 posts). Hence when the required adequacy in nil, there is no question of inadequate representation and rule of reservation in promotions need not be implemented. Similarly, for the posts where the cadre strength is 7 or 8 also, rule of reservation in promotion in respect of scheduled tribes can not be implemented, even though the cadre strength is more than 5

4. Several representations have also been received for amendment to Para 5 in G.O.Ms.No.2,SW(ROR.1), Department, dated 9-1-2004, to the effect that is respect of scheduled tribes the required adequacy may be taken as one for the posts whose cadre strength is 6,7 or 8.

5. The Government, after careful examination of the matter, hereby decide to amend the G.O.Ms.No.2, SW(ROR.1) Department, dated 9-1-2004, so as to make applicable the rule of Reservation in promotions, in respect of scheduled tribes, for the posts where the cadre strength is 6,7 or 8. Accordingly, the following amendment is issued to G.O.Ms.No.2, Social Welfare (ROR.1) Department, dated 9-1-2004.

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6. The amendment hereby made shall come into force with effect from the current panel year 2006-07, and the roster point shall be filled with the scheduled tribe candidate where the turn comes, for implementation of rule of reservation in favour of scheduled tribes.

AMENDMENT

At the end of the paragraph 5 of the said G.O. the following shall be added, namely:-

"In respect of Scheduled tribes, the required adequacy may be taken as one for the posts whose cadre strength is 6, 7 or 8".

Appropriate amendment to rule 22 of Andhra Pradesh State & subordinate Service Rules shall be issued separately.

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

J.HARINARAYAN
CHIEF SECRETARY OF GOVERNMENT

To:
All Departments of Secretariat, AP Hyderabad
All Heads of Departments
All District Collectors
The Secretary, A.P.Public Service Commission, AP Hyderabad
The Registrar, Andhra Pradesh High Court, AP Hyderabad
The Registrar, Andhra Pradesh Administrative Tribunal, AP Hyderabad
All Registrars of all Universities in the State
All Managing Directors of Public Sector Undertakings in A.P.,
The Commissioner of Printing and Stationery for publication in AP Gazettee
PS to Chief Secretary to Government, Genl. Admn. Department
PS to Secretary to Government(Poll) ,Genl.Admn. Department
PS to Secretary to Government(Ser), Genl. Admn. Department
PS to Secretary to Government, Law Department
PS to Principal Secretary to Government, Social Welfare Department
PS to Secretary to Government(TW), Social Welfare Department
PS to Principal Secretary to C.M.
PS to Special Secretary to C.M., AP Hyderabad
PS to Minister for Social Welfare, AP Hyderabad
PS to Minister for Tribal Welfare, AP Hyderabad
All Sections in Social Welfare Department
All Section in Genl. Admn. Department
SF/SC

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare Department - Rule of Reservation in promotions – Comprehensive guidelines issued – Amendment to guidelines – Orders – Issued.

SOCIAL WELFARE (ROR1) DEPARTMENT

G.O.Ms.No.154 Dated.30–7-2008.

Read the following:-

1.G.O.Ms.No.123, G.A.(Ser.D) Department, dated.19-4-2003.
2.G.O.Ms.No.2, SW(ROR1)Department, dated. 9-1-2004.
3.G.O.Ms.No.76, SW(ROR1)Department, dated.19-10-2004,
4.G.O.Ms.No.4, SW(ROR1)Department, dated.24-1-2007.
5.Representation of Sri G.Jojappa, General Secretary, A.P.State Govt. BC, SC & ST Employees Association and others, dated: 18.04.2008 and of Secretariat SC/ST employees dated.28-3-2006.

-ooOoo-

O R D E R :-

In the G.O. 2nd read above, comprehensive guidelines were issued for implementing the Rule of Reservation in Promotions.

2. In the G.O.3rd read above, an amendment was issued to the Paragraph 5 of G.O.Ms.No.2, Social Welfare (ROR1) Department, dated 9-1-2004 that the fraction of 0.5 or more shall be rounded off to the next higher digit".

3. In the G.O.4th read above, an amendment was issued at the end of the Paragraph 5 of the G.O. 2nd read above, i.e., "In respect of Scheduled Tribes, the required adequacy may be taken as one for the posts whose cadre strength is 6,7 or 8".

4. In the reference 5th read above, the General Secretary, of A.P.State Government SC, ST and BC Employees Association and others have represented to the Government that, as per Rules the panel year starts on 1st September of the year and ends on 31st August of the subsequent year and that while preparing the panels, the adequacy of representation of the SCs / STs is being calculated and worked out as per the position existing on 1st September of the year only as indicated in Para 5 of the G.O.Ms.No.2, SW(ROR1) Dept., dated.9-1-2004, and the vacancies which will arise due to retirements or on further promotions etc., of SC/ST candidates within the panel year i.e., upto the 31st August of the subsequent year, are not being filled up till the preparation of the new panel. This is causing much hard ship to the SC/ST candidates and is also detrimental to the policy of the Government in introducing the Rule of Reservations for SCs and STs in promotions. Hence they have requested the Government to issue suitable amendment to Para 5 of G.O.Ms.No.2, SW (ROR1) Department, dated 9-1-2004.

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5. The Government, after careful examination of the matter, hereby decided to amend suitably to Paragraph 5 of G.O.Ms.No.2, SW (ROR1) Department, dated 9-1-2004, so as to enable to take into consideration the vacancies which may arise in the panel year besides the existing vacancies of SC/ST candidates as on 1st September.

6. Accordingly, the following amendment is issued to G.O.Ms.No.2, SW (ROR1)Department, dated 9-1-2004.

AMENDMENT

To Paragraph-5 of G.O.Ms.No.2, Social Welfare (ROR1) Department dated.9-1-2004, the following 'Note' shall be added namely:-

NOTE:-"While preparing panels for giving effect to the rule of reservation in promotions, the existing vacancies of SC/ST candidates and those which may arise in the panel year shall also be taken into consideration for including those candidates in the panel for achieving their adequate representation. The rule 6(b), d(i) & (ii) (1)(2) and (e) of the A.P. State & Subordinate Service Rules, 1996 shall be followed scrupulously".

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

P. RAMAKANTH REDDY
CHIEF SECRETARY TO GOVERNMENT

To
All Departments of Secretariat, A.P., Hyderabad
All Heads of Departments.
All District Collectors.
The Secretary, A.P.Public Service Commission, A.P., Hyderabad.
The Registrar, A.P.High Court, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, A.P., Hyderabad.
All Registrars of all Universities in the State.
The Commissioner of Printing and Stationery, A.P., Hyderabad
(with a request to print and furnish 400 copies)
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P.S. to Secretary to Government, Law Department.
P.S. to Principal Secretary to Government, Social Welfare Department.
P.S. to Secretary to Government (TW), Social Welfare Dept.
P.S. to Principal Secretary to C.M.
P.S. to Special Secretary to C.M.,A.P., Hyderabad.
P.S. to Minister for Social Welfare, A.P., Hyderabad.
P.S. to Minister for Tribal Welfare, A.P., Hyderabad.
All Sections in Social Welfare Department.
Copy to Law (J) Dept.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Rule of Reservation in promotions in favour of Scheduled Caste/Scheduled Tribe employees – Amendment to G.O.Ms.No.5, SW (ROR1) Department, dated.14-2-2003 – Issued.

SOCIAL WELFARE (ROR1) DEPARTMENT

G.O.Ms.No.26 Dated.20-02-2009.
Read the following:-

1. G.O.Ms.No.5, SW(ROR1) Dept., dated.14-2-2003.
2. G.O.Ms.No.2, SW(ROR!)Dept., dated.9-1-2004.
3. From the CSW, AP, Hyderabad, Lr.No.R1/12131/2008, dated.20-11-2008.

-ooOoo-

O R D E R:

In the G.O. first read above, orders were issued to implement rule of reservation in promotions to ensure adequate representation of Scheduled Castes and Scheduled Tribes in services to the extent of 15% and 6% respectively. Accordingly, comprehensive guidelines were issued for implementing the rule of reservation vide G.O. second read above.

2. It was brought to the notice of the Government that certain Engineering Departments in the State are resorting to make in charge arrangements for holding higher promotional posts instead of effecting promotions/ad hoc promotions as there are certain court cases pending regarding finalization of seniority. Hence, requests are made to implement rule of reservation in favour of Scheduled Castes/Scheduled Tribes while making incharge arrangements for holding higher promotional posts and also to insert the words "with consequential seniority" in consonance with Article 16 4 (A) of Constitution of India (85th Amendment, Act, 2001) in the operative part of the G.O.Ms.No.5, Social Welfare (ROR.1) Department, dated. 14-2-2003.

3. In view of the above, and the circumstances reported by the Commissioner of Social Welfare, AP, Hyderabad in the letter third read above, Government, after careful examination of the matter, hereby decide to amend the G.O.Ms.No.5, Social Welfare (ROR.1) Department, dated 14-2-2003, to ensure implementation of rule of reservation in favour of Scheduled Castes /Scheduled Tribes in services effectively.

4. Accordingly, the following amendment is issued to the orders issued in G.O.Ms.No.5, S (SW.ROR.1) Dept., dated.14-2-2003.

A M E N D M E N T

In the said G.O.,

(1) for paragraph 4(a), the following shall be substituted, namely;

"(a) Reservation shall be implemented with consequential seniority in favour of Scheduled Castes and Scheduled Tribes in promotion in all

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categories of posts in all State Government Departments with immediate effect".

(2) after paragraph 4(g), the following shall be added, namely:-

"(h) For the purpose of achieving adequacy of Scheduled Castes /Scheduled Tribes in services, the Rule of Reservation in making incharge arrangements in exigencies of administration for holding higher promotional posts shall be followed, whenever such arrangements are made after obtaining relaxation of Rule 10 (h) of A.P. State and Subordinate Service Rules, 1996

Note: The incharge arrangements for holding higher promotional posts/ adhoc promotions already made by observing the rule of reservation in favour of Scheduled Castes / Scheduled Tribes shall be continued to achieve the objective of implementation of rule of reservation in favour of Scheduled Castes / Scheduled Tribes in services".

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

P. RAMAKANTH REDDY
CHIEF SECRETARY TO GOVERNMENT.

To
All Departments of Secretariat, A.P., Hyderabad
All Heads of Departments.
All District Collectors.
Copy to the Registrar, A.P.High Court, Hyderabad.
Copy to the Registrar, Andhra Pradesh Administrative Tribunal, A.P., Hyd.
The Commissioner of Printing and Stationery, A.P., Hyderabad (with a request to print and furnish 400 copies)
P.S. to Chief Secretary to Government.
P.S. to Secretary to Government (Ser.), General Administration Dept..
P.S. to Secretary to Government, Law Department.
P.S. to Principal Secretary to Government, Social Welfare Department.
P.S. to Secretary to Government (TW), Social Welfare Dept.
P.S. to Principal Secretary to C.M.
P.S. to Special Secretary to C.M.,A.P., Hyderabad.
P.S. to Minister for Social Welfare, A.P., Hyderabad.
P.S. to Minister for Tribal Welfare, A.P., Hyderabad.
The General Administration (Ser.D) Department.
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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh State & Subordinate Service Rules – Amendment to Rule-22-A – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G.O.Ms.No. 449 Dated:15-9-2009
Read the following:-

1) G.O.Ms.No.436, General Administration (Services-D) Department, Dated: 15.10.1996.
2) G.O.Ms.No.5, Social Welfare (ROR.1) Department, Dated:14.2.2003.
3) G.O.Ms.No.123, General Administration (Ser-D) Department, Dated:19.4.2003.
4) G.O.Ms.No.2, Social Welfare (ROR.1) Deptt., Dated: 9.1.2004.
5) From the Secretary, Andhra Pradesh Public Service Commission, Lr.No.924/RR/09, Dated:5-9-2009

***

ORDER:-

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

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of Constitution of India, the Governor of Andhra Pradesh, hereby makes the following amendment to the Andhra Pradesh State and Subordinate Service Rules, 1996, issued in G.O.Ms.No.436, General Administration (Services-D) Department, dated the 15th October, 1996 as subsequently amended from time to time.

2. The amendment shall be deemed to have come into force on the 14th February. 2003.

AMENDMENT

In rule 22-A of the said rules, after sub-rule (3) the following shall be added, namely:-

"(4) In the matter of promotion and appointment by transfer involving promotion to posts for which women and men are equally suited and where the cadre strength of posts is more than five there shall be reservation to women to an extent of 33 1/3% in favour of Scheduled Castes and Scheduled Tribes.

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Provided that where no eligible women candidate is available to fill up the roster point earmarked to them, the vacancy shall be filled up with male SC/ST candidates as the case may be".

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

M. VEERABHADRAIAH
Secretary to Government (Services & HRM)

To
The Commissioner, Printing Stationery & Stores Purchase, Hyderabad
for publication of the notification in the A.P. Extraordinary Gazette,
with a request to supply 50 copies.
All Departments of Secretariat,
All Heads of Departments,
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad,
All District Collectors,
All Service Sections in the General Administration Department,
The Law(E)Department,
The PS to Chief Minister,
The PS to Chief Secretary,
Sc/Sf.

//Forwarded::By Order//

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GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Dept. for Women, Children, Disabled and Senior Citizens – Reservation of Posts in favour of Persons with Disabilities and Interchange among the 3 categories of Disabled Persons in accordance with PWD Act, 1995 & Order of APAT in OA No.9612 of 2009 dated 11-08-2010 – Revised - Orders – Issued.

DEPT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (DW)

G.O.Ms.No.23 Dated: 26-05-2011

Read the following:-

1) G.O.Ms.No.115,WDCW & ((WH.Desk) Deptt.Dt.30-7-1991.
2) GO. Ms .No. 18, WD, CW & L Dept, dt:01-03-1994.
3) G.O.Ms.No.72 WD&CW (WH.Desk) Deptt.Dated 5-8-1997
4) G.O.Ms.No.112,WD&CW (WH) Deptt.dt.6-12-1997.
5) G.O.Ms.No.385, G.A.(Ser.D)Deptt.dt.18-11-2000.
6) G.O.Ms.No.52, WDCW & DW (DW) Deptt,dt.25-10-2002
7) G.O.Ms.No.41, WDCW&DW (DW) Deptt.dt.27-11-2003
8) G.O.Ms.No.252, G.A.(Ser.) Deptt.dt.28-8-2004.
9) Orders of A.P.A.T., Hyd dated 11-8-2010 in O.A.No.9612/09
10) From the Commissioner, Disabled Welfare, Hyderabad, Letter.No.C1/3490/2010, dt.20-11-2010.

-ooOoo-

O R D E R:-

Orders were issued in the reference 1st read above, fixing 3% reservation in favour of Handicapped persons in the ratio of 1:1:1 for the Blind, Deaf/ Dumb and Orthopedically Handicapped respectively. In the reference 3rd read above, orders were issued fixing roster points to the different categories of handicapped including women.

2. Based on the orders issued in the G.O.7th read above, General Administration (Ser.D) Department had issued orders fixing the roster points and amended the State and Subordinate Service Rules accordingly in the reference 8th read above.

3. According to rule 22 (2) (e) of the Andhra Pradesh State and Subordinate Service rules, 1996 as amended in G.O.Ms.No.252, G.A.(Ser.D) Department dated 28-8-2004, the 6th,31st and 56th points in each cycle of 100 vacancies shall be allotted to the Visually Handicapped, Hearing Handicapped and Orthopedically Handicapped persons respectively as stated above and where qualified and suitable candidates are not available from among them, the turn allotted for them in the unit referred to above shall be carried forward for three succeeding recruitment years. In the third succeeding recruitment year, if disabled candidates from any category are not available for appointment in the turn allotted, the vacancy shall be filled by next group of disabled in rotation by effecting interchange and the reservation shall cease thereafter.

4. Section 36 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995 (Central Act No.1 of 1996) provides that where in any recruitment year any vacancy under Section 33, cannot be filled up due to non availability of a suitable person with

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disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also person with disability is not available, it may first be filled by interchanging among three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

5. The Andhra Pradesh Administrative Tribunal, Hyderabad in its order in O.A.No.9612/2009, dated 11-08-2010 while allowing the said O.A. in part quashing the rule issued under G.O.ms.No.252, G.A.(Ser.D) Deptt.dt.28-08-2004 to the extent of prescribing the period of three years.

6. Government after careful examination of the matter and in consonance with the provisions of Section 36 of the PWD Act, 1995 (Central Act No.1 of 1996) and the aforesaid orders of the Andhra Pradesh Administrative Tribunal and in supersession of the orders issued in the references 1st to 7th read above, issue the following comprehensive orders:-

i) 3% of vacancies in case of Direct Recruitment for persons or class of persons with disability of which one per cent, each shall be reserved for persons suffering from:-

a) blindness or low vision;
b) hearing impairment;
c) locomotor disability or cerebral palsy,

Provided that the Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notifications, exempt any establishment from the provisions of this reservation, as per the procedure prescribed at para (7) of this Order.

ii) Definitions of disabilities: Definitions of categories of disabilities for the purpose of reservations in posts shall be as stipulated in PWD Act.

iii) The reservation among the 3 categories of Persons with Disabilities i.e. Blindness or Low vision, Hearing Impairment and Locomotor Disability or Cerebral Palsy in three cycles and reservation for women among them shall be as follows:-

1 TO 100		
06 (Blindness or Low Vision) (Women)	31 (Hearing Impaired) (open)	56 (Locomotor Disability or Cerebral Palsy) (Open)

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101-200		
106 (Blindness or Low Vision) (Open)	31 (Hearing Impaired) (women)	156 (Locomotor Disability or Cerebral Palsy) (Open)
201-300		
206 (Blindness or Low Vision) (Open)	231 (Hearing Impaired) (open)	256 (Locomotor Disability or Cerebral Palsy) (Women)

iv) Where in any recruitment year, any vacancy cannot be filled up due to non availability of a suitable person with disability or, for any other sufficient reason as specified above, such vacancy shall be carried forward to the succeeding recruitment year for being filled from the same category. If in that year also qualified candidates of the same category are not available, the same shall be notified for being filled up by interchanging from among the three categories. Only when there is no person with disability of any of the 3 categories available for the post, the employer shall fill up the vacancy by appointment of a person, other than a person with disability.

Provided that if qualified women candidates are not available for the posts reserved for women, qualified male candidates of the same category of disabled may be appointed.

Illustration 1 for Para 6 (iv):-

a) In the case of 6th roster point fixed for Blindness or Low Vision(Woman), if woman candidate with Blindness or Low Vision is not available in the initial recruitment year, the vacancy may be carried forward to the succeeding recruitment year for being filled up by woman with Blindness or Low Vision;

b) If woman candidate with Blindness or Low Vision in that succeeding recruitment year also is not available, the same shall be notified inviting applications from male candidate also with Blindness or Low Vision. If male candidate with Blindness or Low Vision is also not available, the post may first be notified for Hearing impaired candidate (being next category in the roster) and if no such candidate comes forward it may be notified for locomotor disability or cerebral palsy (being the next category in the roster);

c) Only when there is no person with disability of any of the 3 categories available for the post, the employer shall fill up the vacancy by appointment of a person other than a person with disability.

d) For the other roster points reserved for women for remaining two categories of disabilities i.e. roster points 131, 256 the Same procedure explained at (a) to (c) above shall be followed.

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Illustration 2 :-

a) Similarly in the case of 31st roster point fixed for Hearing Impaired, if candidate with Hearing Impairment is not available in the initial recruitment year, the vacancy may be carried forward to the succeeding recruitment year for being filled up by a candidate who is Hearing Impaired.

b) If candidate with Hearing Impairment in that succeeding recruitment year also is not available, the same shall be notified for being filled up by interchanging from among the remaining 2 (two) categories first by candidate with Locomotor Disability or Cerebral Palsy and then by Blindness or Low Vision (being next roster points)

c) Only when there is no person with disability of any of the 3 categories available for post shall the employer fill up the vacancy by appointment of a person, other than a person with disability.

d) For the other roster points reserved for three categories of persons with disabilities other than women i.e. roster points 56, 106,156,206 and 231 the same procedure explained above at (a) to (c) shall be followed.

7. When any department considers that it is not possible to provide reservation for any category of Persons with Disabilities or that the extent of reservation needs to be reduced or that the extent of disability needs to be specified, keeping in view the nature of duties to be performed by the employees in that particular department, the department may seek partial or full exemption from such reservation. Such exemption shall however be decided by the following Inter Departmental Committee:-

1	Secretary to Government, Department for Women, Children, Disabled and Senior Citizens	:	Chairman/ Chairperson
2	Commissioner, Department for the Welfare for Disabled and Senior Citizens	:	Convener
3	Secretary to Government, General Administration (Services) Department	:	Member
4	Director, Medical and Health Department	:	Member
5	Secretary to Govt., or his nominee of the department concerned who sought exemption	:	Member

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8. These orders shall come into force with retrospective effect from 28-08-2004 i.e. issue of G.O.Ms.No.252, G.A.(Ser.D) Department, dated 28-08-2004. However, this amendment shall not have the effect of nullifying a benefit which has been granted or availed of under the Old Rules.

9. The General Administration (Ser.D) Department shall issue necessary amendments to the A.P. State and Subordinate Service Rules, 1996 accordingly.

10. All the Departments of Secretariat, Heads of Departments and all officers concerned are requested to implement the above orders.

11. This order is available on the Internet and can be accessed at the address http://aponline.gov.in/apgos.

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

M.CHAYA RATAN,
SPL.CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner,
Dept. for the Welfare of Disabled & Senior Citizens, Hyderabad.
All Departments of Secretariat
All Heads of Departments
All District Collectors
Director, Health, Hyd
All Officers concerned through their respective HODs
Commissioner, Information & Public Relations, Hyd with a request
to give wide publicity.
Copy to:
P.S. to Chief Secretary
P.S. to Spl.Secretary to C.M.
P.S. to Minister (IKP, Pensions,SHGs & WDCW&DW)
P.S. to Spl.C.S., Dept. for WCD & SC
P.S. to Secretary, G.A. (Ser)Department
P.S.to Secretary, Legal Affairs
S.F/S.Cs

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Department for Women, Children, Disabled & Senior Citizens – Public Services – Providing reservation in promotions to the Differently Abled employees - Orders – Issued.

DEPTT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS(DW)

G.O.Ms.No. 42 **Dated:19-10-2011.**
Read the following:-

1. G.O.Ms.No.115 WD CW & L(WH-Desk) Dept, dt.30.7.1991.
2. G.O.Ms.No.145, WDCW&L (WH.Desk) Dept.dt.28-8-1992.
3. G.O.Ms.No.5 Social Welfare (SW:ROR.I) Dept. dt.14-02-2003
4. G.O.Ms.No.21 Social Welfare (SW:ROR.I) Dept.dt. 18-03-2003
5. From the Commissioner, Disabled Welfare Dept, Hyd Lr. No.S.II/867/2004, dated 05.08.2004 and 05.01.2006
6. G.O.Ms.No.23 Deptt. for Women, Children, Disabled & Sr. Citizens, dated 26-05-2011.

-ooOoo-

O R D E R:-

Orders have been issued in the G.O. 1st read above, duly providing trifurcation of the 3% reservation for each of the categories of disabled as mentioned there in.

2. Government, while taking into consideration the representations received for providing reservation in promotion in favour of disabled employees and the orders issued by Government of India vide O.M.No.36035/B.09-Estt.(SC.I), dated 20.11.1985, and as a measure of encouragement, hereby order implementation of 3% reservation in promotions to the disabled employees as follows:-

(i) Reservation in promotion in favour of disabled employees is applicable to all services of State Government where the cadre strength is more than five;

(ii) The existing 100-point roster already prescribed under Rule 22 of the Andhra Pradesh State and Subordinate Service Rules by the State Government shall be followed in case of promotions also i.e. 6th ,31st & 56th;

(iii) Reservation in promotion in favour of disabled employees shall be applicable to those candidates who are fully qualified and eligible to hold the post as per existing Rules and Guidelines;

(iv) Reservation shall be implemented in favour of disabled employees in promotions to all the categories of posts in all State Government services except those exempted or may be exempted or as may be modified in pursuance of orders issued in the reference 6th read above.

(v) (a) If any department considers that it is not possible to provide reservation in promotions for any category of Persons

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with Disabilities, keeping in view the nature of duties to be performed by the employees in that particular department, the department may seek partial or full exemption from such reservation in promotions, however such exemption or modification shall be decided by an Inter Departmental Committee as specified in the G.O. 6th read above;

(b) Departments who wish to seek exemptions may do so within (90) days from the date of issue of these orders during which period the Rule of Reservation shall not apply to such departments for the posts identified by them for exemption. The orders issued by the Committee thereafter shall be final and further action taken accordingly.

(vi) While preparing the panels of eligible candidates for promotion, the names of eligible disabled employees from the feeder category have to be shown against the roster points earmarked for them irrespective of their seniority position in the feeder category. However, if a disabled employee gets higher place in the eligible candidates list by virtue of their seniority in the feeder category he/she need not be adjusted in a lower position, which is earmarked for a disabled employee as per the roster system. Such roster point has to be filled up by moving up a disabled employee who is below in the seniority list in the feeder category. Filling up the roster points shall continue until the required percentage of disabled candidates is obtained. Once the required percentage is obtained by taking into account the candidate who are found in the list of the candidates fit for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of disabled employees against the roster points has to be stopped. Unutilized roster points after the required disabled employee's percentage is met shall lapse.

(vii) If required number of disabled employees is not available in the feeder category, the vacancies earmarked for disabled employees according to the roster will be carried forward as per orders issued from time to time as in case of Rule of reservation in promotion for SC/ST persons.

3. All Departments of Secretariat and Heads of Departments concerned are requested to issue necessary amendments to the A.P. State & Subordinate Service Rules 1996 and Spl. Rules of the respective Department wherever necessary for strict implementation of Rule of Reservation in promotions to the employees with disabilities in the State Government.

4. This order is available on the Internet and can be accessed at the address http://aponline.gov.in/apgos.

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

M.CHAYA RATAN,
Spl.Chief Secretary to Government

To
All the Departments of Secretariat, Andhra Pradesh, Hyderabad.

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All Head of the Departments, Andhra Pradesh, Hyderabad.
All the District Collectors
The Secretary, A.P.P.S.C., Hyderabad
The Registrar, Andhra Pradesh High Court, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, AP, Hyderabad.
All Registrars of all Universities in the State.
All the Managing Directors of Public Sector Undertaking in A.P.
The Commissioner, Printing, Stationary & Stores Purchase, Chanchalguda, Hyderabad.
The State Commissioner for Persons with Disabilities & Senior Citizens Welfare,
Hyderabad.
The President, Differently Abled Employees Welfare Association, A.P., Hyderabad.
Copy to: P.S. to Spl.Secretary to C.M.
P.S. to M (IKP, Pensions & SHGs & WCD&SC)
P.S. to Chief Secretary to Govt.
P.S. to Spl. Chief Secretary, Deptt. for WCD&SC
S.F./S.Cs

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Roster Points at a glance

ROR IN PROMOTIONS

SCs	STs
02(W); 07; 16;	**08 (W);** 25; 33;
22(W); 27; 41;	**58 (W);** 75; 83;
47(W); 52; 62;	**Differently Abled**
66(W); 72; 77;	**06; 31; 56;**
87(W); 91; 97;	**(V) (H) (P)**
	O * W O
	W* O O
	O O W
	(*) Amended vide G.O.Ms.No:3, Department for Women, Children, Disabled & Senior Citizens (Prog.II), dated 12-02-2015

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GOVERNMENT OF ANDHRA PRADESH
SOCIAL WELARE (ROR) DEPARTMENT

Circular Memo.No:14721/ROR.1/2012 Dated:11-03-2013

Sub: SW – ROR – Carried forward vacancies - Carried forward vacancies filled up by the candidates from the feeder category by merit and Seniority – Filling up with SC/ST eligible candidates – Clarification – Issued – Regarding.

Ref:
1. G.O.Ms.No:2, SW (ROR) Dept., dt:01-09-2004.
2. Govt.Memo.No:16224/Ser.I.2/2011, I&CAD Dept., dated 6-9-2011.
3. From I&CAD Dept., SC & ST Engineers' Welfare Association, Hyderabad representation dt:6-11-2012.

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Orders have been issued under para-13 of the G.O. 1st cited, stating that "In case qualified SC/ST candidates are not available for a particular panel year the vacancy shall be carried forward to the subsequent year. In the second year if SC/ST candidates are not available, the vacancies or points meant for SC/ST candidates may be filled up by candidates from the feeder category based on merit and seniority. The number of such vacancies meant for SC and ST should be carried forward and filled up first in the immediate subsequent year with SC/ST candidates".

2. In the reference 2nd cited, the I&CAD (Ser.I) Department with the concurrence of Social Welfare Department have clarified that if in the event of inadequacy, no eligible SC/ST candidate is available at the respective Roster Point, the SC/ST roster point has to be carried forward to the subsequent year and the number of such carried forward vacancies, have to be filled first in the immediate subsequent year with the SCs/STs. If, in the subsequent year also no eligible SC/ST candidates are available the carried forward vacancy has to be filled up with candidates from the feeder category based on merit and seniority. The carried forward roster point once filled, as per the merit and seniority will no more be available to anyone.

3. In the reference 3rd cited, the General Secretary, SC & ST Engineers Welfare Association, I&CAD Department, Hyderabad has represented that the clarification issued by the I&CAD Department with the concurrence of SW Department is causing a grave injustice to the SC & ST employees and therefore, requested to issue necessary revised clarification and do the needful justice to the SC & ST employees.

4. After careful examination of the entire issue in detail, it is further clarified that as per-13 of the G.O.Ms.No:2, SW (ROR) Department, dt:09-01-2004 as referred to at para (1) above, the carried forward vacancies in the 1st year and the vacancies meant for SCs & STs in the 2nd year which were filled up with the candidates from the feeder category by merit and seniority, shall be filled up first with SC/ST eligible candidates, if available in the 3rd year, to meet the inadequacy of representation and shown them in the available roster point, irrespective of their roster points in the previous years as the enabling provision of Art.16(4A) can be enforced till the inadequacy exists.

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5. All the Departments noted in the address entries are requested to follow the above clarification scrupulously to meet the inadequacy of representation of SC & ST candidates.

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
All the Departments of Secretariat (with a request to address all the HODs under their administrative control)
All District Collectors in the State.
Copy to:
The Commissioner of Social Welfare, A.P., Hyderabad.
The Commissioner of Tribal Welfare, A.P., Hyderabad.
The Secretary, A.P.S.W.R.F.I.S., Hyderabad.
The VC & MD., APSCCFC Ltd., Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
The Secretary to C.C.L.A., A.P., Hyderabad.
The Finance (SMPC) Department.
The GA (Ser.A) Department.
SF/SCs

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Department for Women, Children, Disabled & Senior Citizens – Change of 6th Roster Point reserved for Blindness or Low Vision (Women) to Blindness or Low vision (Open) and 106th Roster Point reserved for Blindness or Low Vision (Open) to Blindness or Low Vision (Women) – Amendment – Orders – Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (PROG.II)

G.O.MS.No. 3 Dated:12-02-2015

Read the following:-

1. G.O.Ms.No.23, Dept. for Women, Children, Disabled & Sr. Citizens (DW), dt.26.05.2011.
2. Representation from the President, Visually Challenged Employees Association, Vijayawada, Krishna District. Dt.23.07.2012.
3. From the Director, Welfare of Disabled & Senior Citizens, Hyderabad, Lr.No.C2/3567/2012, dt.17.10.2012.

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O R D E R:

In the circumstances reported by the Director, Welfare of Disabled & Senior Citizens, Hyderabad in the letter 3rd read above, the Government hereby make the following amendments to the G.O.Ms.No.23, Department for Women, Children, Disabled & Senior Citizens (DW), Dated 26-05-2011.

A M E N D M E N T S

In the said G.O. in para 6, -

(1) under item (iii), in the Table thereunder,

(a) In the cycle 1 to 100, under roster point 6, for the word, 'Women' the word 'open' shall be substituted.

(b) In the cycle 101-200, under roster point 106, for the word 'open', the word 'woman' shall be substituted,

(2) (a) the "Illustration 1 for Para 6 (iv)", shall be read as "Illustration 2'.

(b) In the Illustration 2 so amended, in clause (a), for the expression 'in the case of 6th roster point', the expression 'similarly in the case of 106th roster point' shall be substituted.

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(3) (a) the ' Illustration 2', shall be read as, 'Illustration 1 for Para 6 (iv)'

(b) In the Illustration 1 so amended,
(i) in clause (a), the word, 'similarly' shall be omitted.
(ii) for clause (d), the following clause shall be substituted namely:-

"(d) for the other roster points reserved for three categories of persons with disabilities other than women viz., Roster points 6, 56, 156, 206 and 231 the same procedure explained above at (a) to (c) shall be followed".

2. The General Administration (Ser.D) Department shall issue necessary amendments to the A.P. State & Subordinate Service Rules, 1996 accordingly.

3. All the Departments of Secretariat, Heads of Departments and all Officers concerned are requested to implement the above orders.

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

NILAM SAWHNEY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director, Welfare of Disabled & Sr. Citizens,
Vikalangula Samkshema Bhavan, Nalgonda `X` Roads, Hyderabad.
All Departments of Secretariat All Heads of Departments.
All Dist. Collectors (through Director, WD&SC, AP, Hyderabad.)
The Director of Health, Andhra Pradesh, Hyderabad.
All Officers concerned through their respective HoDs.
The Commissioner, Information & Public Relations, Hyderabad - with a request to give wide publicity.
Copy to:
The P.S. to Chief Secretary.
P.S. to Prl. Secy. to CM
P.S. to Minister (WD&SC)
P.S. to Prl. Secy. to Govt. Dept. for WCD&SC
P.S. to Secretary to Govt. G.A.(Ser) Dept.
P.S. to Secretary, Legal Affairs.
The President, Visually Challenged Employees, Vijayawada, Krishna District.
SF/SC

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

Memo.No.50/Ser.C/87-1, **Dated: 12-2-1987.**

Sub:- Public Services – Personal files – Prompt Communication of adverse remarks – Further Instructions – Issued.

Ref:-
1. G.O.Ms.No.1385, G.A. (Ser.C) Dept., dated. 31-10-1961.
2. Memo.No.3232/Ser.C/64-2 Genl.Admn.Dept., dt:23-11-64.
3. Memo.No.512/Ser.C/69-1, Genl.Admn.Dept., dt:12-3-1969.
4. G.O.Ms.No.1269, Genl. Admn.(Ser.C) Dept., dt:27-12-1971.
5. Memo.No.1647/Ser.C/72-1, Genl.Admn.Dept., dt:29-9-1972.
6. Memo.No.2662/Ser.C/76-1, Genl.Admn.Dept.,dt:28-12-1976
7. Memo.No.2509/Ser.C/77-1,Genl.Admn.Dept., dt:24-12-1977
8. Memo.No.2049/Ser.C/77-1,Genl.Admn.Dept., dt:29-12-1977

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Detailed instructions have been issued in the G.O. 1st cited regarding preparation of Annual Confidential Reports and maintenance of Personal Files. Instruction 7 thereof (Extract in Annexure-A) prescribes a definite time schedule for preparation of the Annual Confidential Reports. While instruction 8 (ii) read with the Memo 7th cited envisages furnishing/obtaining annual certificates, instruction 9 requires that a register be maintained to watch the timely receipt of Confidential Reports and their final disposal (Instruction extracted in Annexure-5). Instruction 4 (Extracted in Annexure- C) lays down, the procedure to be followed in respect of unfavorable/ adverse remarks in the Annual Confidential Report. That apart, it has been made clear in the memoranda 2nd, 3rd, 5th, 6th and 8th cited that adverse remarks not communicated to the affected employee within the prescribed time limit cannot be taken into account while considering him for promotion etc.,

2. It has come to notice that in spite of availability of clear cut instructions on the subject, as stated above, neither the time schedule prescribed for the preparation `of Annual Confidential Reports is strictly adhered to not are adverse remarks communicated to the concerned within the prescribed time limit in many cases. This results in upsetting the programme of selections by the D.P.Cs. Further, as the adverse remarks, not communicated cannot be taken into consideration, the employees with adverse remarks are not only escaping the consequence thereof but at times have to be considered for promotions for promotions etc., depriving those with clean record of their legitimate chances.

3. The matter has since been reviewed by the Chief Secretary and it is decided that adherence to the instructions on preparation of Annual Confidential Reports and communication of adverse remarks should be ensured. It is also decide that any lapse either in the matter of adherence to the time schedule for preparation of Annual Confidential Reports of communication of adverse remarks should be viewed seriously and that while the officers responsible may let off with a warning for the first default of the kind, suitable disciplinary action should promptly be taken against them for recurrence of such lapses on their part. All inspecting officers should review

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this item of work thoroughly in the course of their inspection and record their specific remarks.

4. All the Departments of Secretariat and Heads of Departments are requested to keep in view the above instructions and bring them to the notice of all the concerned officers for strict compliance.

5. The receipt of this Memo. may be acknowledged.

SATHINAIR,
SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDRHA PRADESH
ABSTRACT

PUBLIC SERVICES – Departmental Promotion Committees – Consideration of Proposals – Amendments to Guidelines – Issued.

GENERAL ADMINISTRATION (DPC-I) DEPARTMENT

G.O.Ms.No.550 **Dated: 19-11-1987.**
Read the following:-

1. G.O.Ms.No.187, Genl. Admn.(Ser-B)Department, dated:25.4.1985.
2. G.O.Ms.No.456, Genl. Admn.(DPC-I)Department, dated:15.9.1987.

-ooOoo-

O R D E R:

In the context of preparation of panels for promotion by the Departmental Promotion Committees, the following decision have since been taken:-

1. the Zone of Consideration be liberalized to six times the number of vacancies instead of the present criteria laid down in the G.O. first read above; and

2. to increase the scrutiny of Confidential Reports for promotion from 5 years as laid down in the G.O. first read above, to 10 years provided they relate to the feeder category. Where, however, an officer has not rendered 10 years of service in the feeder category, evaluation of the Confidential Reports of the last 5 years would be adequate to assess the suitability of such officer for promotion.

Accordingly, the following amendments are issued to paras 5 and 8 of the G.O. first read above.

1. For the existing para 5, the following paragraph shall be substituted:-

"in accordance with the recommendations of the Committee and subsequent decision taken in the matter, the zone of consideration for selection of Officers by the Committees shall be 6(six) times the number of vacancies'.

2. For the existing para 6, the following paragraph shall be substituted:-

Number of years for which confidential Reports should be considered

"It has been decided that evaluation of the Confidential Reports of the last 10 years be made to assess the suitability of the person for promotion, provided they relates to the feeder category, where, however, an Officer has not rendered 10 years of service in the feeder category, evaluation of

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Confidential Reports of the last 5 years would be adequate to assess the suitability of such officer for promotion".

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

SHRAVAN KUMAR
CHIEF SECRETARY TO GOVERNMENT

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GOVERNMENT OF ANDRHA PRADESH
ABSTRACT

PUBLIC SERVICES – Criteria for promotion in Services - Revised orders – issued.

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G.O.Ms.No.4 Dated: 3rd January, 1990.
Read the following:-

1. G.O.Ms.No.187, General Administration (Services-B) Department, Dated 24-4-1985.
2. G.O.Ms.No.530, General Administration (Services-D) Department, Dated 2-11-1987.
3. G.O.Ms.No.686, General Administration (DPC-I) Department, Dated 17-12-1988.
4. G.O.Ms.No.144, General Administration (Services-C) Department, Dated 13-3-1989.

O R D E R:

In pursuance of the orders issued in the G.O. first read above an amendment to General Rule 4(a)(1)(i) has been issued in the G.O. second read above, according to which all first appointments to a State Service and all Promotions/appointment by transfer in that service shall be made on the grounds of merit and ability, seniority being considered only where merit and ability are approximately equal by the appointing authority from the list of approved candidates. Such list shall be prepared in the order of preference by the appointing authority or any other authority empowered in this behalf in the following gradation:

1) outstanding;
2) very good
3) good; and
4) satisfactory

Various service Associations have represented against the produce of gradation and alleged that it brings in an element of discrimination and encourages favoritism and nepotism. The matter was discussed at the meeting of Secretaries to Government held on 8-12-1989 where in it was recommended to revert to the position obtaining prior to issue of the G.O. first read above.

2. The Government after consideration of all the aspects have decided to accept the above recommendation and hereby order that:

1) All promotions/appointment by transfer to the non-gazetted posts shall be on the basis of seniority-cum-fitness;

2) All first appointments to a State service and all promotions/ appointment by transfer in that service shall be on the basis of the principle and procedure followed prior to the issue of the G.O. first read above;

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3) The zone of consideration, the principle of grading and preparation of half yearly panels shall be dispensed with. However, the Centralized Departmental Promotion Committees at the two highest level constituted in the G.O. first read above shall continue.

3. The orders issued earlier in the references first to fifth read above which are not consistent with these orders should be deemed to have been modified to the extent necessary.

4. Necessary amendments to the Andhra Pradesh State and Subordinate Services Rules and orders for inclusion of the column for fitness in the Record sheet for non-gazetted officers will be issued separately. The Departments of Secretariat are requested to issue amendments, wherever necessary, to the special/Adhoc Rules with which they are concerned.

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

G.R.NAIR
CHIEF SECRETARY TO GOVERNMENT

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GOVERNMENT OF ANDRHA PRADESH
ABSTRACT

PUBLIC SERVICES – Departmental Promotion Committees – Amendment to Guidelines – issued.

GENERAL ADMINISTRATION (DPC-DESK-I) DEPARTMENT

G.O.Ms.No.291 Dated: 3-4-1990.
Read the following:-

1. G.O.Ms.No.187, General Administration (Services-B) Department, Dated 25-4-1985.
2. G.O.Ms.No.550, General Administration (DPC-I) Department, Dated 19-11-1987.
3. G.O.Ms.No.4, General Administration (Services-D) Department, Dated 3-1-1990.

O R D E R:

Orders were issued in the G.Os. first and second read above for evaluation of the confidential reports of the last 10 years to assess the suitability of a person for promotion, provided they relate to the feeder category. When, however, an officer has not rendered 10 years of service in the feeder category, evaluation of confidential reports of the last 5 years would be adequate to assess the suitability of such officer for promotion.

In the G.O.3rd read above, orders have been issued dispensing with the Zone of consideration, the principle of grading and preparation of half yearly panels.

In view of the orders issue in the G.O. 3rd read above dispensing with the principle of grading the matter for evaluation of C.Rs. for equal number of years in respect of the officers who are under consideration for promotion was under active consideration Government have decided to adopt the guidelines on Confidential Reports issued by the Government of India in the Ministry of Public Grievances and Pension in Memo.No.22011/5/86-Esst. (D) dated 10-6-1989 with suitable modifications.

Accordingly, the following amendment is issued to para 8 of the G.O. first read above, as amended in G.O. second read above.

AMENDMENT

For the existing para 8, the following paragraph shall be substituted:-

Number of years for which confidential Reports should be considered:-

(a) The Departmental Promotion Committee should consider Confidential Reports for equal number of years in respect of all Officers considered for promotion;

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(b) The Departmental Promotion Committee should assess the suitability of the Officers for promotion on the basis of their service record and with particular reference to the Confidential Reports for five preceding years. However, in cases where the required qualifying service is more than 5 years, the Departmental Promotion Committee should see the record with particular reference to the Confidential Reports for the years equal to the required qualifying service. (If more than one Confidential Report has been written for a particular year, all the Confidential Reports for the relevant year shall be considered together as the Confidential Report for one year.)

(c) Where one or more Confidential Reports have not been written for any reason during the relevant period, the Departmental Promotion Committee should consider the Confidential Reports of the years preceding the period in question and if in any case even these are not available, the Departmental Promotion Committee should take the confidential Reports of the Lower grade into account to complete the number of Confidential Reports required to be considered as per (b) above. If this is also not possible, all the available Confidential Reports should be taken into account. In the case of an Officer who is a direct recruit to a post in the feeder category and who is having less than 5 years service, Confidential Reports of not less than three years should be taken into account.

(d) Where an officer is officiating in the next higher grade and has earned Confidential Reports in that grade, his Confidential Reports in that grade may be considered by the Departmental Promotion Committee in order to assess his work, conduct and performance, but no extra weight age may be given merely on ground that he has been officiating in the higher grade.

(e) The Departmental Promotion Committee should not be guided merely by the overall grading, if any, that may be recorded in the Confidential Reports but should make its own assess on the basis of the entries in the Confidential Reports.

(f) If the Reviewing authority or the Accepting authority as the case may be has ever-ruled the Reporting Officer or the Reviewing authority as the case may be, the remarks of the latter authority should be taken as the final remarks for the purpose of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting Officer, Reviewing authority and Accepting authority are complementary to each other and one does not have the effect of over ruling the other, then the remarks should be read together and the final assessment made by the Departmental Promotion Committee.

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

G.R.NAIR
CHIEF SECRETARY TO GOVERNMENT

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

U.O.Note No.91290/Ser-C/2006 Dated 7-12-2006

Sub: Public Services - Personal Files - Writing and submission of Personal Files in time - Further Instructions - Issued.

Ref:
1. G.O.Ms.No.1385, G.A. (Ser.C) Dept., dt.31.10.1961.
2. U.O.Note No.583/AR&T.III/89-34, GAD dt:30.1.1990.
3. Memo No.156/Ser.C/90-1, G.A. (Ser.C) Dept., dt: 21.2.1990.
4. G.O.Ms.No.144, G.A. (Ser.C) Dept., dt: 25.4.1998.
5. G.O.Ms.No.145, G.A. (Ser.C) Dept., dt: 25.4.1998.

-ooOoo-

In the G.O. first cited, certain consolidated instructions were issued for maintenance and scrutiny of confidential reports. Subsequently, these instructions were amended from time to time in the reference 2nd to 5th cited among others.

2. Over the period, it has been noticed that the Departments of Secretariat are not following the instructions on maintenance of Confidential Reports strictly. The confidential reports of the Section Officers, Private Secretaries, Asst. Section Officers etc., are not being received by the General Administration (Single Unit) Department in specified time inspite of repeated reminders and personal persuasion and this delay is causing delay in preparation of panels for promotion to the next higher post. In some cases the individuals are bringing their Confidential Reports personally at 11th Hour before finalization of panels for promotion. Non Implementation of specific instructions of the General Administration (Services) Department in the matter by the OP Sections in the Department is not only an unhealthy and undesirable practice but it also hampers the administrative work. This unhealthy practice defeats the very purpose of the maintenance of Confidential Reports.

3. To overcome these above problems, it is decided to issue the following instructions while reiterating the earlier instructions and making some modifications to enable the General Administration Department to keep the record of Confidential Reports updated from time to time:-

i) the Section Officer/Asst. Section Officer of the OP Section in the Department shall send the Blank Confidential Reports in duplicate duly filling the name and designation of the officer specifying the year of C.R. to the first reporting officer under confidential/sealed cover by 15th April of the year. In case of non-submission by the concerned staff member within the above specified time, the first reporting officer shall record his observations and initiate the submission of CR suo-moto.

ii) the first reporting officer will forward the report with his/her remarks by the 30th April to the next higher authority. The next higher authority shall counter sign the C.Rs received by

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him/her and return to the OP Section of the concerned Department within a week's time of its receipt.

iii) a copy of such C.Rs counter signed by the Officers should reach the concerned Deputy Secretary of General Administration (Single Unit-IV) Department under Confidential/Sealed covers by 31st May of every year. Another duplicate copy of the C.R. shall be kept in the records of the OP Section of the concerned Department.

iv) it is the responsibility of the S.Os/ASOs of the OP Section in the Department to furnish the C.Rs to General Administration (SU) Department within the prescribed time i.e., by 31st May of every year.

v) the Asst. Secretary to Government of concerned OP Section shall ensure that all the C.Rs of the Department are furnished to the General Administration (SU) Department within the prescribed date.

4. All Departments of Secretariat under the control of Single Unit are requested to follow the above instructions scrupulously.

J. HARINARAYAN,
CHIEF SECRETARY TO GOVERNMENT

To
All Departments in Secretariat (Except Finance and Law Department)
Copy to: The P.S. to Chief Secretary,
All the PS to Spl. C.S./Prl.Secys./Secretaries to Govt. of all
Departments of Secretariat.
The G.A. (SU.I, II, III, IV, V) Department.
SF/SC.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

U.O.Note No.17290/DPC.I/2011-1, **Dated: 9-6-2011**

Sub: G.A. (DPC) Deptt., - Departmental Promotion Committee / Screening Committee for preparation of panels for promotion to the third, fourth, fifth level and above gazetted posts – Annual Confidential Reports – Certain instructions – Regarding.

Ref: G.O.Ms.No.187, G.A. (Ser.B) Department, Dt.25-4-1985.

***

The attention of all the Departments of Secretariat is invited to the subject cited and it is to inform that while furnishing proposals to the G.A. (DPC) Department for preparation of panels for promotion to the 3rd, 4th and 5th level and above gazetted posts in the State, most of the Departments are not furnishing the ACRs in the prescribed proforma alongwith original ACRs. Hence, it is necessitated to issue following instructions regarding the ACRs:-

1. ACRs in original for 5 years prior to the panel year should be furnished to the G.A. (DPC) Department alongwith proposals.

2. The Department shall furnish the grading of the individuals in prescribed proforma as illustrated in the annexure. The proforma should be attested by the officer not below the rank of Deputy Secretary to Govt.

3. The Department shall furnish ACRs of previous years prior to 5 years in case of non availability of ACRs in any year within the 5 years spell prior to the panel year and that should be taken into consideration where the ACRs are not available. The Administrative Department have to indicate the reasons with regard to non availability of ACRs and also to furnish a Special Assessment Report duly specifying the performance of the officer concerned for the particular period.

4. The Department shall invariably indicate whether any adverse remarks are recorded against any officer, if adverse remarks are recorded, they should indicate whether the same were communicated to officer concerned and whether such adverse remarks are expunged or not, if expunged furnish a copy of orders.

2. All the Departments of Secretariat are requested to adhere to the instructions issued in the matter, wherever necessary, and furnish the information in the prescribed proforma as shown in the annexure to DPC/Screening Committee along with proposals for preparation of panels.

S.V. PRASAD,
CHIEF SECRETARY TO GOVERNMENT

To
All Special Chief Secretaries / Principal Secretaries /
Secretaries to Govt., Departments of Secretariat.

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Copy to:
All Heads of Departments.
The PS to Chief Secretary to Government.
The PS to Secretary to Government (Ser), GAD.
The GA (SC.F) Department.
The GA (Ser.D) Department.
SF/SCs

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(P.T.O. FOR ANNEXURE)

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ANNEXURE TO THE U.O.NOTE NO.17290/DPC.I/2011-1,DATED: 9-6-2011

ILLUSTRATION

Brief extracts of ACRs of in Department for promotion in the category of , for the panel year **2010-11**

Sl. No.	Name of Officer S/Sri/Smt.	2005-06	2006-07	2007-08	2008-09	2009-10
1	X	GOOD	SAT	OS	VG	SAT
2	Y	ADVERSE REMARKS RECORDED (communi-cated)	ADVERSE REMARKS RECORDED (EXPUNGED VIDE G.O....)	OS (PARTLY FOR 3 MONTHS) VG (PARTLY FOR 3 MONTHS) Furnish S.A.R	VG (PARTLY FOR 6 MONTHS) Furnish S.A.R	Not available Furnish S.A.R
3	Z	SAT (PARTLY FOR 3 MONTHS) GOOD (2002-03)	NOT AVAILABLE VG (2004-05)	VG (PARTLY FOR 5 MONTHS) GOOD (PARTLY FOR 7 MONTHS)	OS	OS

OS = Outstanding; VG = Very Good; SAT = Satisfactory;

S.A.R= Special Assessment Report

Attested by officer not below the rank of Deputy Secretary to Govt.,

S.V. PRASAD,
CHIEF SECRETARY TO GOVERNMENT

// ATTESTED //

SECTION OFFICER

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

Circular Memo.No.10789/Ser.C/A2/2012-1 Dated 9-4-2012.

Sub: Public Services – Personal Files – Annual Confidential Report of Gazetted Officers/Non-Gazetted Officers – Modified format – Orders – Issued –Instructions reiterated - Regarding.

Ref:
1. G.O.Ms.No.144, General Administration (Ser.C) Dept., dated 25-4-1998.
2. G.O.Ms.No.145, General Administration (Ser.C) Dept., dated 25-4-1998.
3. G.O.Ms.No.87, General Administration (Ser.C) Dept., dated 24-3-2003.
4. G.O.Ms.No.580, General Administration (Ser.C) Dept., dt.12-10-2011.
5. Memo.No.428/Ser.C/A2/2011-2, General Administration (Ser.C) Dept., Dated 12-10-2011.

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In the G.Os 1st and 2nd read above, orders were issued modifying the format of Annual Confidential Reports of Gazetted Officers/Non Gazetted Officers. In the G.O. 3rd cited, orders were issued duly adding a column to the existing modified Annual Confidential Reports to intimate "Date of submission of Annual Property Returns Statement pertaining to the year _____" in Part-II of Form-A as Item-10(a) in Gazetted Officers format and as Item-15(a) in Non-Gazetted Officers format; and in the Govt.Memo.5th cited, all the Departments of Secretariat, Heads of Departments and District Collectors were requested to follow the format of Annual Confidential Reports as modified in G.O. 3rd cited and bring it to the notice of all the concerned for strict implementation.

2. In the G.O. 4th cited, orders were issued adding the words "Date of submission of Annual Property Returns and Signature of the individual" in Part-I of Form-A as Sl.No.4 to the existing modified Annual Confidential Reports for both Gazetted and Non-Gazetted Officers; and directed all the Departments of Secretariat, Heads of Departments and District Collectors to bring this format to the notice of all concerned to follow scrupulously.

3. In spite of the above specific instructions, it has come to the notice of the Government that some of the Departments are still using old formats of Annual Confidential Reports for both the Gazetted and Non-Gazetted Officers.

4. Therefore, all the Departments of Secretariat, Heads of Departments and District Collectors are once again requested to strictly follow the format of Annual Confidential Reports modified in G.Os 1st to 4th cited and bring it to the notice of all the concerned for strict implementation of the above instructions. (Format of Part-I of Form-A and Part-II of Form-A in respect of Gazetted and Non-Gazetted Officers are enclosed for ready reference).

B. VENKATESWARA RAO,
SECRETARY TO GOVERNMENT. (SERVICES & HRM)

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To
All Departments of Secretariat. (w.e)
All Heads of Departments. (w.e)
All District Collectors. (w.e)
The Director General, Anti- Corruption Bureau, Hyderabad.(w.e)
The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.(w.e)
All Service Sections in Genl. Admn. Dept.(w.e)
The General Administration Dept. (Spl.C) Dept. (w.e)
Copy to:
P.S. to Special Chief Secretary to Govt., C.M's Office. (w.e)
P.S. to Secy. (Ser).(w.e)
A.S.O.I of Gen. Admn. (Ser.C) Dept.
SF/Sc.

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SECTION OFFICER

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ANNEXURE

F O R M - A

P A R T – I

(TO BE FILLED BY THE OFFICER REPORTED UPON)

1. A brief summary of duties and responsibilities (not more than 50 words)

2. Please specify important items of work in order of priority where in quantitative / physical / financial targets / objectives / goals were set for you or set by yourself for the reporting year and achievement made.

Item of work	Physical or financial target/Objective/goal	Achievements
1.		
2.		
3.		
4.		
5.		

3(a) In case of a short fall of expected quality/quantity of performance please state the reasons

(b) Please indicate your contribution in case of significantly higher achievement of the target / goal / objective.

4. Date of submission of Annual Property Returns.

SIGNATURE.

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F O R M - A		
Part- II		
Annual Confidential Report of Gazetted Officers for the year _____		
1.	Name of the Officer	DATE OF BIRTH
2.	Appointment held during the year (with date) and pay and scale of pay.	
3.	General qualifications and aptitude for post held including any special or technical and professional attainments.	
4.	(a) Acceptance or otherwise of the Self Appraisal report of the Gazetted Officer indicated in Part I and if not agreed to, the reasons therefore.	
	(b) Manner in which the Officer discharged his duties during the year i.e., if satisfactory or otherwise (specific instances of unsatisfactory work if adversely commended on to be cited with number and date of orders passed.	
5.	Does the Officer exhibit:	
	(a) Patience (b) Tact (c) Courtesy (d) Impartiality in his relations with The public and subordinate or Superior staff with whom he comes in contact:	
6.	Is the Officer:- (i) of good Character (ii) of sound constitution	
7.	Is the Officer:- (i) Physically energetic (ii) Mentally alert	
8.	How the Officer: (i) Initiative and drive (ii) Powers of Control (iii) Powers of application	
9.	Has the officer any special characteristics and/ or any outstanding merits or abilities which would justify his advancement and special selection for higher appointments in the service?	
10.	Is he confirmed in this post if not, what is his substantive post?	
11.	(a) Date of submission of Annual Property Returns Statement pertaining to the year _____	
12.	Punishments, censures or special commendations in the period under report.	

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13.	(a) Date of communication of adverse remarks since last report	
	(b) Orders on the representation if any arising from (a) above	
14.	General remarks (Comment generally on the way the officer has carried out his duties, estimate of his personality etc.)	
15.	Grading (i) Outstanding (ii) Very good (iii) Good (iv) Satisfactory (v) Poor (Clearly indicate the reasons for grading of the Officers)	
16.	Reporting Officer Date.	Signature Name and Designation (In block letter)
17.	Remarks of the Countersigning Officer Date:	Signature Name and Designation (In block letters)
18.	Opinion of the Head of the Department (when not reporting Officer) on conduct and efficiency of Officer reported on. Date:	Signature Name and Designation (In block letters) Head of the Department.

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FORM - A		
Part - II		
ANNUAL CONFIDENTIAL REPORT ON NON-GAZETTED OFFICERS POSTS WHICH ARE FEEDER CATEGORIES TO INITIAL GAZETTED POSTS IN STATE SERVICES FOR THE YEAR _____		
Name:		Branch
Post held:		
Date of (a) Birth: (b) Entry into Government Service		

Present Grade and Pay		
1.	Knowledge of: (a) Branch or Section: (b) Department (c)	
2.	Acceptance or otherwise of the self appraisal report of the Non-Gazetted Officer indicated in Part-I and if not agreed to the reasons therefore.	
3.	Personality, conduct and Character:	
4.	Power of taking responsibility:	
5.	Initiative	
6.	(a) Judgement (b) Accuracy	
7.	Tact and temper:	
8.	Power of supervising Staff:	
9.	Zeal and Industry:	
10.	Health	
11.	Attendance	
12.	Capacity to note and draft:	
13.	Punishment, censures or Special commendations during the period under report:	

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14.	Date of communication of adverse remarks, if any, to the officer since last report:	
15.	Indebtedness (indebted, the Extent of personal responsibility of incurring the debts):	
15 (a)	Date of submission of Annual Property Returns Statement pertaining to the year_____	
16.	Is he confirmed in this post? If not, what is his substantive post:	
17.	General Remarks (including a statement on discipline, integrity, reliability and any other special qualifications not included above):	
18.	Grading: (i) Outstanding (ii) Very good (iii) Good (iv) Satisfactory (v) Poor (clearly indicate the reasons for grading of the Officers)	
19.	Reporting Officer: Date:	Signature Name and Designation (In Block letters)
20.	Remarks of the Countersigning Officer: Date	Signature Name and Designation
21.	Opinion of the Head of the Department on the conduct and efficiency of the Officer reported on. Date	Signature Name ((in block letters) Head of the Department

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

U.O.Note No:5943-A/DPC.I/2014-1 **Dated 21-03-2014**

Sub: GA (DPC) Department – Furnishing the Date of submission of APRs in the Form-I of Part-I of ACRs – Instructions - Issued.

Ref:
1) G.O.Ms.No:144, GA (Ser.C) Department, dt:25-4-1998.
2) G.O.Ms.No:145, GA (Ser.C) Department, dt:25-4-1998.
3) G.O.Ms.No:87, GA (Ser.C) Department, dated 24-03-2003.
4) U.O.Note No:17290/DPC.I/2011-1, GA (DPC.I) Department, dt:9-6-2011.
5) G.O.Ms.No:580, GA (Ser.C) Department, dt:12-10-2011.
6) U.O.Note No:29692-A/DPC.I/2013-1, GA (DPC.I) Department, dated 18-10-2013.

-ooOoo-

The attention of all the Departments of Secretariat is invited to the subject cited and they are informed that in the G.O. 5th cited, orders were issued adding the column "Date of submission of Annual Property Returns and Signature of the individual" in Part-I of Form-A as Sl.No:4 to the Annual confidential Reports for both Gazetted and Non-Gazetted Officers and directing all the Departments of Secretariat, Heads of Departments and District Collectors to bring this format to the notice of all concerned to follow scrupulously.

2. Further instructions were issued at para-5 (e) of U.O.Note 6th cited, that all the Departments should furnish the ACRs of the officers for the year 2011-12 onwards in the modified format as issued in G.O.5th cited. Though there are clear instructions, most of the Departments, while sending the proposals to this Department are still using old formats of Annual Confidential Reports.

3. All the Departments of Secretariat are, therefore, requested to adhere to the instructions issued in the matter and furnish the information with regard to ACRs in the prescribed proforma as shown in the annexure while sending proposals to this Department. In absence of Annual Confidential Reports being submitted in the prescribed proforma, which is the most crucial document for determining **FITNESS** for promotion, those Annual Confidential Reports which are not in the prescribed proforma will be ignored and will not be considered by the Departmental Promotion Committee.

S.K. SINHA,
SPECIAL CHIEF SECRETARY TO GOVT. &
PRL. SECRETARY TO GOVT. (SER)(FAC)

To
All the Departments of the Secretariat.

Copy to:
The Private Secretary to the Chief Secretary to Govt.,
The Private Secretary to the Spl.Chief Secretary to Govt. &
Prl.Secretary to Govt. (Ser.) (FAC)

//Forwarded::By order//

SECTION OFFICER

PTO for annexure

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ANNEXURE TO THE U.O.NOTE NO:5943-A/DPC.I/2014-1, DATED 21-03-2014

ILLUSTRATION

Brief extracts of ACRs of _____ in _____ Department for promotion in the category of _____ for the panel year **2013-14**

Sl. No.	**Name of Officer S/Sri/Smt.**	2008-09	2009-10	2010-11	2011-12	2012-13
1	X	GOOD	SAT	OS	VG	SAT
	Date of submission of APRs in Form-A of Part-I				(……..)	(……..)
2	Y	ADVERSE REMARKS RECORDED (communi-cated)	ADVERSE REMARKS RECORDED (EXPUNGED VIDE G.O….)	OS (PARTLY FOR 3 MONTHS) VG (PARTLY FOR 3 MONTHS) Furnish S.A.R	VG (PARTLY FOR 6 MONTHS) Furnish S.A.R	Not available Furnish S.A.R
	Date of submission of APRs in Form-A of Part-I				(……..)	(……..)
3	Z	SAT (PARTLY FOR 3 MONTHS) GOOD (2006-07)	NOT AVAILABLE VG (2007-08)	VG (PARTLY FOR 5 MONTHS) GOOD (PARTLY FOR 7 MONTHS)	OS	OS
	Date of submission of APRs in Form-A of Part-I				(……..)	(……..)

OS = Outstanding; VG = Very Good; SAT = Satisfactory;

S.A.R= Special Assessment Report
(……..) Date has to be mentioned

Attested by officer not below the rank of Deputy Secretary to Govt.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Foreign Service – Terms of Deputation of Government Servants deputed on foreign service – Re-issue of consolidated standard terms and conditions of deputation.

FINANCE AND PLANNING (FW.FR.II) DEPARTMENT

G.O.(P) No:10 Dated 22-01-1993
Read the following:-

G.O.Ms.No;204, Fin. & Planning (FW.FR.II) Department, dt: 21-5-1976.

-ooOoo-

O R D E R:

The terms of deputation to be granted to Government servants deputed to Foreign Service are to be regulated in accordance with the provisions of Fundamental Rules 110 to 126 and Rules 472 to 489 of the Hyderabad Civil Services Rules. In the G.O.Ms.No.204, Finance and Planning (FW: FR-II) Department, dt. 21-5-1976 consolidated standard terms of deputation and the rate of deputation allowance were laid down for general applicability.

2. Later, several instructions, clarifications and amendments on the subject were issued. It has, therefore, been felt necessary to put all those instructions/clarifications etc., at one place and to re-issue the consolidated standard terms and conditions. Accordingly, government in supersession of the orders issued in the G.O.Ms.No.204, Finance and Planning (FW: FR-II) Department, dt. 21-5-1976 re-issue the following consolidated terms and conditions of deputation, for general applicability in future cases.

(i) **Period of Deputation:** The total period of deputation should not exceed five years, the period being reckoned from the date of relief from service to the date on which he takes charge of a post under the Government on reversion from foreign service. The period of deputation shall be subject to a maximum of five years of which the initial period of deputation upto 3 years shall be sanctioned by the Head of the Department if he is the competent authority to order transfers and postings of his subordinates. Otherwise, the Government in the Administrative Department not below the rank of Deputy Secretary to Government shall issue orders sanctioning the deputation of Foreign Service. Extension beyond the initial period of 3 years that is for a further period upto 2 years shall be decided by the concerned Secretary to Government where such extension is considered necessary in public interest. In case where Government is the authority competent to order transfers and postings, the cases of deputation to Foreign Service should be sanctioned only by Government and not by the Head of the Department. However, in cases of deputation of the State Police employees to the Ministry of Railways and to the Central Bureau of Investigation (Special Police Establishment), the period of deputation shall be 7 years as already ordered in

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G.O.Ms.No.298, Finance and Planning (FR-II) Department, dt. 02-11-1974. Under no circumstances extensions beyond the above specified periods will be considered by Government.

(ii) **Pay and Allowances:** The Foreign employer shall, during the period of deputation/Foreign Service, allow the Government Servant, pay and other allowances, as mentioned below;

BASIC PAY

The pay and the scale of pay as admissible from time to time to the Government Servant in the Government Department just preceding his joining to duty under the foreign employer deputation post.

ALLOWANCES

(1) Dearness Allowance and other Compensatory Allowances i.e., (House Rent Allowance, City Compensatory Allowance) admissible at the place of duty on deputation in Foreign Service at the rates applicable in the State Government.

(2) In case of Doctors, Non-private practice Allowance (N.P.P.A) will be admissible if he was receiving immediately before deputation subject to the condition that Foreign employer also wants to enforce the condition that no private practice would be permitted. If private practice is permissible no Non-private practice allowance shall be admissible.

COMPENSATORY ALLOWANCE

(3) (Not Printed)

[Compensatory allowance in lieu of Residential Attender is no longer vide G.O.Ms.No:167, Fin. & Plg. (FW.TA) Dept., dated 20-5-1993]

(iii) **Encashment of Leave:** During the period of Foreign Service, the deputationist may be allowed to encash the leave in accordance with the State Government Rules. The Foreign employer shall initially bear the expenditure of such encashment of leave and get the expenditure reimbursed from the parent department. For this purpose the procedure laid down in G.O.Ms.No.35, Finance, dt. 31st January 1976 shall be followed.

(iv) **Leave Travel Concession:** During the period of Foreign Service, the deputationist may be allowed the leave Travel Concession as per the orders of the State Government issued from time to time and the liability in respect of such expenditure shall be borne by the foreign employer in full. However, the leave allowance for the purpose of Leave Travel Concession shall be borne by the parent department.

(v) **Educational Concession:** During the period of Foreign Service, all Non-Gazetted Officers may be allowed Educational Concession for their children in terms of the orders of the State

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Government and the liability in this regard shall be borne by the Foreign employer.

(vi) **Travelling Allowance**: The Foreign employer shall allow Travelling Allowance, as on transfer, under the A.P. Travelling Allowance Rules in respect of journeys performed by the Government Servant for joining the post in Foreign Service and on reversion therefrom. In respect of the journeys performed during the period of Foreign Service, the foreign employer shall allow Travelling Allowance and Daily Allowance as on tour under the A.P. Travelling Allowance Rules, or under the rules of the undertaking/organisation, at the option of the employee.

(vii) **Joining Time and Pay:** The Foreign employer shall allow the Government Servant such joining time as admissible under Fundamental Rules/Hyderabad Civil Service Rules, as the case may be, for joining the post on Foreign Service and on reversion therefrom and shall allow pay during such periods, at the rates admissible under Fundamental Rules/Hyderabad Civil Service Rules.

(viii) **Leave:** During the period of Foreign Service, the Government Servant shall be entitled to such Leave Rules as per the rules by which he is governed in Government Service.

(ix) **Leave Salary and Pension Contribution:** The foreign employer shall pay to Government, Leave Salary and Pension Contribution at the following rates:

(1) Rate of Leave salary Contribution	11% of the pay drawn in Foreign Service, if governed by Leave Rules in Fundamental Rules or Hyderabad Leave Rules, 1357 Fasli (1947) Or 11% of pay drawn in Foreign Service if governed by A.P. Leave Rules, 1933 or Hyderabad Revised Leave Rules, 1952
(2) Rate of Pension contribution	% of the maximum monthly pay of the grade held by the Government Servant in Government Service. Note: - The appropriate rate applicable according to the Table of the rates in Fundamental Rule 116 which are based on length of Service should be specified.

The above rates are only provisional subject to revision by the Accountant General/Pay and Accounts Officer, Hyderabad, as the case may be. The Foreign employer should remit to the Accountant General, Andhra Pradesh, Hyderabad, the amounts of the above contributions every month by way of demand drafts, the necessary charges for which should be borne by the foreign employer.

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(x) **Disability Leave**: The Foreign employer should bear the charges for the leave salary in respect of disability leave, if any, granted to the Government Servant on account of any disability incurred in or through the Foreign Service even if such disability manifests itself after the termination of Foreign Service.

(xi) **Extraordinary Pension or Gratuity:** The Foreign employer shall be liable to pay any such Gratuity or Pension that may be admissible under the Civil Services (Extraordinary Pension/ Rules applicable to the Government Servant, if any injury is sustained or death occurs while on foreign Service which (i.e., injury or death) is attributable directly due to or in consequence of the performance of his duties in foreign service.

(xii) **Compensatory Allowance during leave**: The Foreign employer shall pay Compensatory Allowances, if any, for the periods of leave taken by the Government Servant in or at the end of Foreign Service.

(xiii) **Medical Concession:** The Foreign employer shall provide the Government Servant the Medical Concessions and facilities on a scale not inferior to what would have been admissible to him in Government service.

(xiv) **Three Months Deposit:** The Foreign employer shall deposit in the nearest Government Treasury an amount equal to three months pay and allowances admissible to the Government Servant which will be accounted for as a "Revenue Deposit" and refunded to the Foreign employer at the termination of the Foreign Service of the Government Servant, after satisfying that all claims due to the Government and the Government servant by the Foreign employer have been settled.

(xv) **Arrear Claims:** The Foreign employer shall pay arrear claims, if any, that may be pointed out by the Government or the Accountant General on account of the Government Servant owing to revision of Pay and Allowances while on Foreign Service.

(xvi) **Deviation from the Standard terms:** The terms and conditions laid down above should be strictly followed and no cases for deviation from the standard terms may be taken up.

(xvii) **Deputation to Private Organisation:** Except, in the case of Private Companies in which Government have 20% or more of equity shares or Industries which have a special importance to the State and Co-operative Societies to which deputations under normal terms and conditions can be allowed, no deputation of Government Servants should be permitted to any Private Organisation whether or not such deputation is in public interest.

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Further, Government Servants seeking employment in any Private Organisations should resign from Government service before they are permitted to accept employment in the private organisations. To this effect, orders were already issued in Government Memo.No.025363/ 722/FR-II/72-1, Dt. 27-10-73.

(xviii) **General:**

(a) Deputationists are not permitted to accept any perquisites, allowances or payments in any form in addition to or in modification of the terms indicated in the original order of deputation without specific prior approval of Government. The borrowing authority should obtain the concurrence of the Government before any such perquisites, allowances or payments are sanctioned. If these are accepted without such prior concurrence of the Government, they would be deemed to be unauthorised payments and the officers concerned will be liable to refund the same, as already ordered in G.O.Ms.No.112, Finance and Planning (FW.FR-II) Department, dt. 16-04-1974.

(b) Foreign service including service on deputation does not count for probation in the parent department and therefore the probationer sent on deputation suffers from the fact that, even though he puts in considerable period of service under foreign service organisation, his interest in the parent department cannot be safeguarded by declaration of his probation unless rules are relaxed. In view of this difficulty, instructions were issued in Government circular Memo.No.47447-G/1951/FR-II/76-1, dt. 12-10-76, to the effect that only approved probationers need be sent on deputation/foreign service.

(c) The maximum period of deputation of a Government servant is upto 5 years. But although there are specific orders to this effect, it is very often noticed that in practice the Departments/ Organisations to which a Government servant is deputed initially for a period of one year, such deputation is being extended upto three years under the existing powers to the Heads of the Department, and they are also being continued even beyond three years without any specific order from Government, who are competent to consider such cases. Although Heads of Departments are not empowered for such an action, the Government servants are allowed to continue on deputation/Foreign service for a period beyond 5 years also without prior approval or specific orders of Government. This is quite irregular.

With a view to ensure promptitude in cases of deputations/foreign service of such cases, the competent authorities are requested to ensure that no Government servant shall be relieved without specific sanction issued by Heads Departments/Government, as the case may be. In regard to the cases of sanction of extension of deputation/ foreign service, the borrowing department/foreign employer should necessarily initiate proposals at least two months prior

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to the date of expiry of the deputation period, failing which the lending department shall issue orders well in advance for repatriation of the deputationist to the parent department before expiry of the sanctioned/extended term of deputation. Under no circumstances, the deputation period should be extended beyond the initial extended period of deputation of 3 years and upto 5 years respectively.

Yet in some cases, borrowing departments are continuing the deputationist beyond the initial period/extended period of sanction on one pretext or other which ultimately do not satisfy the rules. The Heads of Departments or the concerned departments of Secretariat are also not initiating any action for their repatriation immediately after their term of deputation is completed.

The Heads of Departments/Departments of Secretariat should review the cases of deputations/foreign service periodically before completion of initial period of one year and extended period of three years or five years as the case may be, and should take prompt action for their repatriation on completion of initial/extended period of deputation. In this connection, their attention is also invited to the circular Memo. No.30233-C/1005/FR-II/80-1, dt. 09-09-1980 of Finance and Planning (FW.FR-II) Department.

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

J. SATYANARAYANA,
SPECIAL SECRETARY TO GOVERNMENT

To
The Accountant General, Andhra Pradesh, Hyderabad.
All Departments of Secretariat (20 copies each)
All Heads of Departments including District Judges.
All District Treasury officers
All Collectors
All Superintendents of Police
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

FOREIGN SERVICE – Terms of Deputation of Government Servants deputed on Foreign Service – Deputation of Probationers - Clarificatory guidelines – Issued.

FINANCE AND PLANNING (FW FR.II) DEPARTMENT

G.O.Ms.No:343 Dated:30-09-1994
Read the following:-

1. G.O. (P) No.10, Finance and Planning (FW.FR.II) Department, dated 22-01-1993.
2. G.O.Ms.No:46, General Administration (SW) Department, dated 28-1-1994.
3. Recommendations of the High Power Committee.

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O R D E R:

Rule 9 of General Rules of Andhra Pradesh State and Subordinate Service Rules lays down that the absence of a member of service from duty in such service, whether on leave or on foreign service or on deputation or for any other reason and whether his lien in a post borne on the cadre of such service is suspended or not, shall not if he is otherwise fit, render him ineligible in his turn for appointment to any substantive or officiating vacancy in another service for which he may be an approved candidate, as the case may be, in the same manner as if he had not been absent, and also he shall be entitled to all the privileges in respect of appointment, seniority, probation and appointment as full member which he would have enjoyed but for his absence subject to his completing satisfactorily the period of probation on his return.

2. In sub-para xviii (b) of para 2 of G.O. (P) No.10, Finance and Planning FW: FR-II) Department, dated 22-11-1993 it is ordered that foreign service including service on deputation does not count for probation in the parent department and, therefore, the probationer sent on deputation suffers from the fact that, even though he puts in considerable period of service under foreign service organisation, his interest in the parent department cannot be safeguarded by declaration of his probation unless rules are relaxed. It is also ordered that in view of this difficulty, instructions were issued in Government circular Memo No.47447-G/1951/FR.II/76-1, dt.12.10.76, to the effect that only approved probationers need be sent on deputation/foreign service.

3. The Joint Action Committee of Employees, Teachers and workers' of Andhra Pradesh have represented among others that according to the existing instructions, only approved probationers can be deputed on Foreign Service and this is causing hardship in departments, like Co-operative Department, where nearly two-thirds of the posts are institutional posts and as departmental officers have to depend mostly on institutional posts for promotions etc. The Joint Action Committee has also represented that on account of these instructions, restricting deputation only to approved probationers, several employees are denied their promotions resulting in stagnation to the adverse interest of employees. It was,

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therefore, represented that deputation may not be restricted to approved probationers only.

4. The High Power Committee constituted in G.O.Ms.No.46, General Administration (SW) Department, dated 28-01-1994 to go into the demands of the Joint Action Committee of Employees, Teachers and Workers of Andhra Pradesh after considering the various aspects of the issue and in order to sub-serve the public interest due to administrative exigencies and also in the context of the problems faced by certain Departments/Organisations made the following recommendations:-

i) A person on promotion can be retained in foreign service, if the promotion post is vacant.

ii) No post shall be upgraded for accommodating a person who is being promoted while on foreign service.

iii) Such benefit may be confined to Cooperative Institutions, Agricultural Market Committees, DRDAs/SC/BC/ST/Women Coop. Finance Societies and institutions like APVVP which have yet to build their own cadres after obtaining options etc.

iv) Under no circumstance, a direct recruit, who is not an approved probationer shall be deputed to foreign service.

v) Officiation in posts sanctioned under FR 127 and Government posts in other Departments on tenure basis shall count for purposes of probation and promotions. Consequently, the rules will have to be amended wherever such officiation is denied for reckoning minimum service, and

vi) General Administration (Ser.) Department may consider amending the rules, wherever necessary.

5. The Government accept the recommendations and issue the following guidelines, pending amendment to rules by the General Administration (Ser.) Department wherever necessary:

i) A person on promotion can be retained in foreign service on deputation in respect of institutions indicated at (iii) below, if the promotion post is vacant.

ii) No post shall be upgraded by the Borrowing Authority for accommodating a person who is being promoted while on foreign service, and such person shall be repatriated for joining in the promoted post in his parent department.

iii) Such benefit may be confined to Coop-Institutions, Agricultural Market Committees, DRDAs/SC/BC/ST/Women Cooperative Finance Societies; and institutions like APVVP which have yet to build their own cadres.

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iv) Under no circumstance, a direct recruit who is not an approved probationer shall be deputed to foreign service.

v) Officiation and posts sanctioned under FR 127 and Government posts in other Departments on tenure basis shall count for purposes of probation and promotion. Consequently, the rules will have to be amended wherever such officiation is denied in relevant rules, for reckoning minimum service.

6. Consequently, instructions in sub-para (xviii) (b) of para 2 of G.O. (P). No.10, Finance & Planning (FW:FR-II) Department, dt. 22-11-1993 have to be applied keeping in view the above guidelines.

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

A.R. JAYA PRAKASH,
SPECIAL SECRETARY TO GOVERNMENT

To
The Accountant General, Andhra Pradesh, Hyderabad.
All Departments of Secretariat (20 copies each)
All Heads of Departments including District Judges.
All District Treasury officers
All Collectors
All Superintendents of Police
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Amendment to rule 18 of the Andhra Pradesh Fundamental Rules – Notification – Orders – Issued.

FINANCE (FR.I) DEPARTMENT

G.O.Ms.No.128 Dated:01-06-2007

O R D E R:

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

N O T I F I C A T I O N

In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India and of all the powers here-unto enabling the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Fundamental Rules and Subsidiary Rules:-

A M E N D M E N T

In the said rules, after rule 18, the following shall be added, namely:-

"Rule 18-A:- A Government servant shall be deemed to have resigned from the service if he –

a) is absent without authorization for a period exceeding 'one year,' or

b) remains absent from duty for a continuous period exceeding five years with or without leave; or

c) continues on foreign service beyond the period approved by the State Government;

Provided that a reasonable opportunity to explain the reason for such absence or continuation on Foreign Service shall be given to the Govt. Servant before the provisions of this sub-rule are invoked:

2. These orders are available on Internet and can be accessed at the address http://www.aponline.gov.in.

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

POONAM MALAKONDAIAH
SECRETARY TO GOVERNMENT (FP)

To
The Accountant General, Andhra Pradesh, Hyderabad.

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The Pay & Accounts Officer, Hyderabad.
The Secretary to Governor, Andhra Pradesh, Hyderabad.
All Secretaries to Government.
The Private Secretary to the Chief Minister and Private Secretaries to all Ministers.

All Departments of Secretariat.
All the Heads of Departments (including Collectors and District Judges).
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
All the District Treasury Officers.
The Secretary, Andhra Pradesh GENCO/TRANSCO.
The General Manager, A.P. State Road Transport Corporation, Hyderabad.
The Director, Government Printing Press, A.P. Hyderabad for publication in the Andhra Pradesh Gazette.
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GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services – Amendment to Andhra Pradesh Leave Rules, 1933 – Notification – Orders – Issued.

FINANCE (FR.I) DEPARTMENT

G.O.Ms.No.129 Dated 01-06.2007.

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O R D E R:

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

N O T I F I C A T I O N

In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India and of all the powers here-unto enabling the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Leave Rules, 1933.

A M E N D M E N T

In the said rules after rule 5-A, the following shall be added, namely:-

"Rule 5-B:- A Government servant shall be deemed to have resigned from the service if he –

(a) is absent without authorization for a period of exceeding 'one year,' or

(b) remains absent from duty for a continuous period of exceeding five years, with or without leave; or

(c) continues on foreign service beyond the period approved by the State Government:

Provided that a reasonable opportunity to explain the reason for such absence or continuation on foreign Service shall be given to the Govt. Servant before the provisions of this sub-rule are invoked:

2 These orders are available on Internet and can be accessed at the address http://www.aponline.gov.in.

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

POONAM MALAKONDAIAH
SECRETARY TO GOVERNMENT (FP)

To
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay & Accounts Officer, Hyderabad.
The Secretary to Governor, Andhra Pradesh, Hyderabad.
All Secretaries to Government.
The Private Secretary to the Chief Minister and Private Secretaries to all Ministers.
All Departments of Secretariat.
All the Heads of Departments (including Collectors and District Judges).
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

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All the District Treasury Officers.
The Secretary, Andhra Pradesh GENCO/TRANSCO.
The General Manager, A.P. State Road Transport Corporation, Hyderabad.
The Director, Government Printing Press, A.P. Hyderabad for publication in the Andhra Pradesh Gazette.
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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Foreign Service – Terms of deputation of Government Servants deputed on Foreign Service – Consolidated terms and conditions of deputation – Prescribing of cooling period – Orders – Issued.

FINANCE (FR.II) DEPARTMENT

G.O.Ms.No:2 Dated 02-01-2010
Read the following:-

1. G.O. (P) No.10, Finance & Planning (FW.FR.II) Department, dated 22.1.1993.
2. Govt. Memo. No.9871-A/236/FR.II/07, Finance (FR.II) Department, dated 16.5.2007.
3. G.O.Ms.No.128, Finance (FR.I) Department, dt.01.06.2007.
4. G.O.Ms.No.129, Finance (FR.I) Department, dt.01.06.2007.

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O R D E R:

In the reference first read above, consolidated terms and conditions of deputation were issued wherein it is ordered that, the total period of deputation should not exceed five years, with the period being reckoned from the date of relief from service to the date on which charge is taken of a post under the Government on reversion from Foreign Service. The period of deputation shall be subject to a maximum of five years of which the initial period of deputation upto 3 years shall be sanctioned by the Head of the Department if he is the competent authority to order transfers and postings of his subordinates. Otherwise, the Government in the Administrative Department not below the rank of Deputy Secretary to Government shall issue orders sanctioning the deputation of Foreign Service. Extension beyond the initial period of 3 years i.e., for a further period upto 2 years shall be decided by the concerned Secretary to Government where such extension is considered necessary in public interest. In case where Government is the authority competent to order transfers and postings, the cases of deputation to Foreign Service should be sanctioned only by Government and not by the Head of the Department. However, in cases of deputation of the State Police employees to the Ministry of Railways and to the Central Bureau of Investigation (Special Police Establishment), the period of deputation shall be 7 years. Under no circumstances extensions beyond the above specified periods will be considered by Government.

2. In the reference second read above, orders were issued for review of cases of deputationists periodically before completion of permitted period of deputation and to take prompt action for their repatriation on completion of initial/extended period of deputation.

3. In the reference third and fourth read above, orders were issued that if a Government Servant continues on Foreign Service beyond the period approved by the State Government, he shall be deemed to have resigned from the service.

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4. Despite the above orders prohibiting continuation of Government Servant on foreign service beyond five years, instances have come to the notice of the Government that the Government Servants who are deputed on foreign service are allowed beyond the prescribed limit of five years and in some cases, the employees are repatriated to their parent department, and again they are sent on deputation after a very short spell of time either to the same borrowing department or other departments.

5. Fundamental Rules are silent for deputing Government Servants on foreign service again after completion of permitted period of five years and on repatriation to the parent departments. Therefore, it is felt expedient and necessary to issue orders stipulating cooling period between one deputation to another deputation of the Government employees. Accordingly, Government after careful examination of the issue, order as follows:

(i) In case of the employees who have availed the maximum period of deputation of 5 years either in one organization or in different organizations, they have to necessarily work at least one year in the parent department before they are considered for further deputation to any organization.

(ii) In cases of employees who are repatriated to parent department due to their promotion in the parent department they should not be considered for further deputation till they satisfactorily complete probation in the promoted post.

(iii) In case of employees who are repatriated to parent department for the reasons of disciplinary action, they should not be considered for deputation till the disciplinary case is closed and the currency of punishment is completed.

(iv) In the case of employees who are repatriated to parent department for other reasons than promotion and disciplinary action, such employees should not be considered for deputation till they work in parent department at least 6 months excluding any type of leave availed by them during that period.

(v) The deputation of employees from one Local Cadre post to another Local Cadre post is not permissible. It should be strictly in accordance with Presidential Order and G.O.Ms.No.610, GA (SPF.A) Department, dated 31.12.1985 read with GA (MC) Department's Memo.No.9543/MC/2007-12, dated 2.7.2007.

6. This order shall come into force with immediate effect.

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

SHAMSHER SINGH RAWAT
SECRETARY TO GOVERNMENT (FP)

To
The Accountant General, Andhra Pradesh, Hyderabad.
All Departments of Secretariat (20 copies each)
All Heads of Departments including District Judges
All District Treasury Officers

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All Collectors
All Superintendents of Police
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad
The Secretary, Tungabhadra Project, via Hospet, Ballary
The Registrar, Andhra Pradesh High Court, Hyderabad
The Director of Printing & Stationery, Andhra Pradesh, Hyderabad
The Registrar, Osmania / Andhra / Sri Venkateswara / Agriculture University/ Krishnadevaraya / Kakatiya / Sri Padmavathi Mahila University/Dr. B.R. Ambedkar Open University, Andhra Pradesh, Hyderabad
The Special Commissioner, GHMC, Hyderabad
The Housing Board, Andhra Pradesh, Hyderabad
The Deputy Director General, National Cadet Corps, Andhra Pradesh, Hyderabad
The Chairman, Tribunal for Disciplinary Proceedings, Hyderabad
The Vigilance Commissioner, Andhra Pradesh, Hyderabad
The Chief Accounts Officer, Balamela Dam, Chitrakonda, Orissa
The Financial Advisor and Chief Accounts Officer, Nagajunasagar Project, secretariat Buildings, Andhra Pradesh, Hyderabad
The Chief Engineer Pochampad Project, 655, All Villa Somajiguda, Hyderabad – 500 004
The Legislature Secretariat, Andhra Pradesh, Hyderabad
The Director, Anti-Corruption Bureau, Hyderabad
The Commissioner, Institute of Administration, Hyderabad
All deputy Inspector-Generals of Police of All Ranges.

//FORWARDED::BY ORDER//

SECTION OFFICER

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GOVERNMENT OF ANDHRA PRADESH
FINANCE (FR.II) DEPARTMENT

U.O.Note No:17023/821/FR.II/2011 Dated 31-03-2012

Sub: Foreign Service – Terms of Deputation of Government Servants Deputed on Foreign Service – Further instructions issued – Regarding.

Ref: 1) G.O.(P) No:10, Finance & Planning (FW.FR.II) Department, dated 22-01-1993.
2) G.O.Ms.No:2, Finance (FR.II) Department, dt:02-01-2010.

-ooOoo-

Despite of explicit rules and clear orders in the references cited, the departments are repeatedly referring the cases to Finance Department for extension of the deputation of the individuals beyond 5 years without following the rules/instructions therein.

2. In some cases even though Finance Department has not agreed for extension of deputation beyond 5 years, the department are obtaining orders in circulation without mentioning the facts whether the conditions/ instructions ordered in the reference cited are met. It has also come to the notice of Finance Department that some individuals were on deputation in different organization and different spells for more than half of the period their entire service, which is resulting in loss to the lending department with the shortage of experience officers and they are not in a position to safeguard the needs of the Department. Further, very purpose of recruiting the officer to the department concerned is nullified.

3. In the reference 2nd cited, it was clearly ordered that;

(i) In case of the employees who have availed the maximum period of deputation of 5 years either in one organization or in different organizations, they have to necessarily work at least one year in the parent department before they are considered for further deputation to any organization.

(ii) In cases of employees who are repatriated to parent department due to their promotion in the parent department they should not be considered for further deputation till they satisfactorily complete probation in the promoted post.

(iii) In case of employees who are repatriated to parent department for the reasons of disciplinary action, they should not be considered for deputation till the disciplinary case is closed and the currency of punishment is completed.

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(iv) In the case of employees who are repatriated to parent department for other reasons than promotion and disciplinary action, such employees should not be considered for deputation till they work in parent department at least 6 months excluding any type of leave availed by them during that period.

(v) The deputation of employees from one Local Cadre post to another Local Cadre post is not permissible. It should be strictly in accordance with Presidential Order and G.O.Ms.No.610, GA (SPF.A) Department, dated 31-12-1985 read with GA (MC) Department's Memo.No.9543/MC/2007-12, dated 02-07-2007.

4. In spite of the above clear instructions, the administrative departments are not examining the above points and referring the files to Finance Department.

5. In such circumstances, the following further instructions are issued while reiterating the earlier orders issued in G.O. (P) No:10, Finance & Planning (FW.FR.II) Department, dated 22-01-1993 and G.O.Ms.No:2, Finance (FR.II) Department, dated 02-01-2010:-

i) when there is no shortage of personnel in the lending Department only, the deputation would be permissible

ii) while considering promotions to the staff working on deputation and also while effecting posting orders on their promotion to such staff, all the administrative department shall follow the sub-rule 24 of Rule-2 and Rule 8 of Andhra Pradesh State and Subordinate Service Rules, 1996.

6. All the Departments of Secretariat are requested to follow the above guidelines while referring the files to take a decision and minimize the correspondence with Finance Department.

D. SAMBASIVA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

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GOVERNMENT OF ANDHRA PRADESH
FINANCE (FR.II) DEPARTMENT

Cir.Memo.No:22777/113/FR.II/12 Dated 11-09-2012

Sub: Fundamental Rules – Distinction between 'Deputation' and 'Foreign Service' – Clarification – Instructions – Issued.

-ooOoo-

According to the A.P. Fundamental Rules, the term deputation is not defined, only "Foreign Service" is defined. As per FRs "Foreign Service" means service in which a Government servant receives his pay with sanction of Government from any source other than the Consolidated Fund of the Union or of the State or of the Union Territory. Further under Foreign Service Rules in A.P.Fundamental Rules, the word mostly used is 'transfer to foreign service' and 'a Government Servant in foreign service'. Therefore, the term 'deputation' need not necessarily mean 'Foreign Service'.

2. In some departments, Government employees are being drafted to other Government Departments on "deputation' basis on administrative grounds or on personal problems of the individuals. In some departments he departments are not taking any action for filling up of the vacant posts and they are being filled up by borrowing the individuals from other Government departments on deputation basis. When the departments are being sanctioned additional staff by the Government, orders are being used stating that the method of appointment is as "on deputation" from other departments. In all these cases the term deputation is being interpreted in terms of deputation under FR 110 to 126, which is causing confusion in respect of tenure of deputation, and payment of leave salary and Pension Contribution.

3. According to the Government of India instructions the following is the interpretation:

"**Distinction between 'Deputation' and 'Foreign Service'**

The term 'Deputation' of a Government Servant means his appointment on a temporary bass in another department of the same Government or another Government. The deputation may be from on department of Central/State Government to another department of Central/State Government or from one State Government to another department of State Government or central government and vice-versa. This is purely a case of temporary transfer from Government to Government basis; whereas it is termed as 'Foreign service' when a Central/State Government servant goes to Non-Government organization (Autonomous Bodies/ Public Sector or Private Companies etc.)".

4. However, when employees of Union/other State Governments are working in Andhra Pradesh, Government of Andhra Pradesh is paying the Leave Salary and the Pension Contribution. Similarly when employees of Andhra Pradesh to go to Union/Other States to work, Andhra Pradesh has to collect the Leave Salary and the Pension Contribution, as ultimately on their retirement pension is being paid by Government of Andhra Pradesh only. Hence, if the above policy of Government of India is adopted, Government of

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Andhra Pradesh has to forego the above amounts. Thus, Government of Andhra Pradesh has to incur the expenditure on pensions while the employees work for other Governments/units for such period, which is an additional expenditure to State Government.

5. Hence, in respect of State Government i.e., Government of Andhra Pradesh the following is defined as "Foreign Service/Deputation."

a) When the employees of Government of Andhra Pradesh are lent to Autonomous Bodies/Corporations/Central Government/Other State Governments such arrangement is treated as 'Foreign Service' as stipulated under FR 110 to 126 and the Executive Instructions issued there under.

b) When the Government servants of one department are deputed to work in another department of Government of Andhra Pradesh, that service is to be treated as 'Deputation'.

Some departments have a clause in their service rules to bring/send the employees from other Departments, on tenure basis. This cannot be treated as Foreign Service, but only as deputation. When no limit for such tenure basis is mentioned they are adopting G.O.Ms.No:10, Finance & Planning (FW.FR.II) Department, dated 22-1-1993 i.e., rules pertaining to Foreign Service. This is grossly inappropriate. Generally tenure is limited for two or three years. Hence, the departments may not follow the above rules of G.O.Ms.No:10, Finance & Planning (FW.FR.II) Department, dated 22-1-1993 while deputing employees from one Government department to another Government department.

6. In respect of para 5(a) above the borrowing institutions have to pay the Leave salary and the Pension Contribution as per the provisions of FR 116. In respect of para 5(b) above no such contributions need to be paid.

7. All the Departments of Secretariat and Heads of Departments are requested to follow the above clarification scrupulously and also issue instructions to their subordinate officers accordingly.

Dr. D.SAMBASIVA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To
The Accountant General, Andhra Pradesh, Hyderabad.
All Departments of Secretariat (20 copies each)

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11. THE LIMIT FOR JOINING EITHER OF FIRST SELECTION OR ON PROMOTION OR ON APPOINTMENT BY TRANSFER:-

(a) Direct recruitment:- A candidate selected for appointment by direct recruitment either through the Andhra Pradesh Public Service Commission or through any other agency, shall be required by the appointing authority to join in the post for which he has been selected within a period of 30 days taking the date of despatch (by registered post with acknowledgement due) of the appointment order as crucial date for reckoning the time limit. If he does not join the post within the stipulated period of 30 days, the offer of appointment shall be treated as automatically cancelled and the name of the candidate shall be deemed to have been omitted from the list of approved candidates.

(Amended in G.O. Ms. No. 340, G.A. (Ser-D) Dept., dt: 23.7.1999)

(b) Time to join a post on appointment / temporary appointment under rule 10 including appointments by transfer or by promotion otherwise than by direct recruitment:- A person on appointment / temporary appointment on adhoc basis under rule 10 including appointment by transfer or by promotion otherwise than by direct recruitment, shall be allowed a joining time of fifteen (15) days to join the post from the date of receipt of the order of appointment sent to the candidates by Registered Post with Acknowledgement due or by any other means. An employee who does not join the post within the stipulated time or evades to join the post by proceeding on leave, shall lose his promotion right / offer for the current panel year and the name of the candidate shall be placed before the next Departmental Promotion Committee for consideration in the next year panel subject to availability of vacancy. In case of non-selection posts, the name of the candidate who does not join within the stipulated time in the promotion posts shall be considered for promotion again after a period of one year from the date of offer of appointment subject to availability of vacancy".

[Amended in G.O.Ms.No.145, G.A.(Ser. D) Dept., dt: 15-06-2004]

In the said rules, in rule 11, after sub-rule (b), the following proviso shall be inserted, namely: -

"Provided that the employee, who does not join the post within the stipulated time or evades to join the post by proceeding on leave, second time also, shall lose his promotion right / offer permanently."

[G.O.Ms.No:227, General Administration (Ser.D) Department, dt:30-5-2014]

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Andhra Pradesh State and Subordinate Service Rules, 1996 – Imposition of penal clause for non-joining the post on appointment otherwise than by direct recruitment - Amendment to Rule 11(b) of the said rules – Issued.

GENERAL ADMINISTRATION (SER.D) DEPARTMENT

G.O.Ms.No.145. Dated:15.06.2004.
Read the following:-

1. G.O.Ms.No.147 G.A.(Ser.D) Dept., dated 16.5.2003.
2. Govt. Lr.No.56073/Ser.D/2003-6, dated : 7.2.2004.
3. From the Secretary, APPSC,Lr.No.465/RR/2/2004, dated 2.6.2004.

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ORDER:

In Andhra Pradesh State and Subordinate Service Rules, 1996 joining time is prescribed both for appointment by direct recruitment and for appointment by promotion / transfer. In case of appointment by promotion/ transfer the existing time limit is 15 days from the date of receipt of the appointment order. Failure to join duty in the post for which the employee is appointed by promotion/transfer results in forfeiture of the present and future rights of promotion/appointment by transfer. As a result of the above condition, a government employee who does not join in the promotion post within the stipulated time loses his promotion rights to the next higher category permanently. It is noticed that for several reasons employees could not join in the promotion posts in the allowed time. To mitigate the hardship to the Government employees, the Government decided to consider, such of those Government employees who could not join duty in the promotion posts, in the next panel year. Accordingly Government have decided to issue the following amendment to rule 11(b) of Andhra Pradesh State and Subordinate Service Rules, 1996.

2. The following notification will be published in the Extraordinary issue of the Andhra Pradesh Gazette:

N O T I F I C A T I O N

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh State and Subordinate Service Rules, 1996 issued in G.O.Ms.No.436 G.A.(Ser.D) Dept., dated 15th October, 1996 published in Part-I Extra-ordinary issue of the Andhra Pradesh Gazette dated the 27th January,1997 and as subsequently amended from time to time.

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AMENDMENT

In the said rules, in rule 11 for sub-rule (b), the following shall be substituted namely:-

"(b) Time to join a post on appointment/temporary appointment under rule 10 including appointments by transfer or by promotion otherwise than by direct recruitment: A person on appointment/temporary appointment on adhoc basis under rule 10 including appointment by transfer or by promotion otherwise than by direct recruitment, shall be allowed a joining time of fifteen (15) days to join the post from the date of receipt of the order of appointment sent to the candidates by Registered Post with Acknowledgment due or by any other means. An employee who does not join the post within the stipulated time or evades to join the post by proceeding on leave, shall lose his promotion right / offer for the current panel year and the name of the candidate shall be placed before the next Departmental Promotion Committee for consideration in the next year panel subject to availability of vacancy. In case of non-selection posts, the name of the candidate who does not join within the stipulated time in the promotion posts shall be considered for promotion again after a period of one year from the date of offer of appointment subject to availability of vacancy".

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

B.ARAVINDA REDDY
SECRETARY TO GOVERNMENT (SER.)

To
All Departments of Secretariat
All Heads of Departments
All District Collectors and District Judges.
The Commissioner of Printing, Stationery and Stores Purchase, (Printing Wing) A.P.Hyderabad (with a request to publish the G.O. in the next issue of the Gazette and supply 500 copies of G.O.)
Copy to :
The Secretary, A.P.P.S.C.Hyd (10) copies (with covering letter)
All Service Associations
All Service Sections in G.A.D.
The Registrar, High Court of A.P. Hyderabad.
The Registrar, A.P.Admn.Tribunal,Hyderabad
The Law (E) Department.
SF/SCs.

A copy of this order is available on the Internet and can be accessed at the address "http://www.apts.gov.in/apgos"

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GOVERNMENT OF ANDHRA PRADESH
FINANCE (FR.I) DEPARTMENT

Circular Memo.No:28580-A/846/FR.I/2005 Dated:15-04-2006

Sub:- PS – Grant of leave for five years to Government Servants to take up employment abroad – Orders issued – Further instructions regarding protection of seniority, giving of promotions and postings etc – Issued.

Ref:- G.O.Ms.No:214, Finance & Planning (FW.FR.I) Dept., dt:03-09-1996.

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In the G.O. cited orders were issued for grant of leave for five years to Government Servants to take up employment abroad subject to satisfying the conditions laid down.

2. As per para 5(ii) of the above said G.O., the period of absence during employment abroad will be treated as extraordinary leave without allowances but such period of absence will not be construed as a break in service. It will not be counted for service benefits such as increment, pay, leave etc. However, if contribution towards pension is paid by the foreign employer or employee such periods will count of pension.

3. Government have noticed that some of the departments are not including the names of the employees, who are on EOL for undertaking employment abroad, in the panel of promotions. Some departments are including the names in the panel but not issuing posting orders stating that posting orders will be issued separately on return of the employee, since he was permitted to go to abroad for employment in terms of the above said G.O. In the meanwhile the Departments are giving promotions to the juniors, sometimes posting orders are not issued to the seniors, subsequently on their return from abroad for the reason that the period of validity of the panel year has expired prior to their reporting to duty. Thus the seniors then become juniors and start claiming seniority and promotion as per para 5(ii) of the above said G.O. on this aspect, the Departments are asking clarifications regarding protection of seniority, giving of promotions and postings etc., in terms of the above said G.O.

4. It is hereby clarified that there is no bar to consider the employee, on any kind of leave, for promotion to the next higher category. An employee on leave should furnish the leave address for communication. The employee granted leave for private employment abroad in terms of the G.O.cited above, shall be considered in normal course for promotion to the next higher category. The order of promotion shall be communicated to the address given by the employee. Such employee should join as per the time limit as per rule-11(b) of A.P.State & Subordinate Service Rules, 1996. If he/she does not join duty in the promoted post, his/her rights will be forfeited as per rules. If the employee, who has been granted leave for private employment abroad, submits any representation for extension of time to join duty in the promoted post (or) requests to consider him for next panel year in terms of G.O.Ms.No:145, General Administration (Ser.D) Department, dated 15-06-2004, it is for the appointing authority to consider and take a decision.

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5. According to rule-16(b) of A.P.State & Sub-ordinate Service Rules, 1996, the person appointed by transfer/by promotion as per rules shall commence probation from the date of joining, the seniority of such person shall be determined as per rule-33(a) of A.P.State & Subordinate Service Rules, 1996. In case, an employee who has been promoted joins duty at a much later date, as permitted by the Appointing Authority, naturally, he shall commence probation from the date of joining.

6. In the light of the above rule position, the commencement of probation and fixing seniority is as per the date of joining of the person appointed by transfer/by promotion. The leave granted to an employee in terms of the G.O. cited above, is with reference to the request of employee for private employment abroad. Therefore, it is for him/her to join duty in the promoted post as per rules. In such a situation there will be no problem in fixing the inter-se-seniority in a post among the persons promoted as per rules.

RANJEEV R ACHARYA,
SECRETARY TO GOVERNMENT.

To
The Accountant General (Audit-I), A.P., Hyderabad.
The Accountant General (Audit-II), A.P., Hyderabad.
The Pay and Accounts Officer, Hyderabad.
All Secretaries to Government.
The Secretary to Governor, Raj Bhavan, Hyderabad.
The Private Secretary to Chief Minister and PS to all Ministers.
All the Departments of Secretariat.
All Heads of Departments including District Collectors and District Judges, SPs and DIG of Police of all Ranges.
The Registrar, A.P.High Court, Hyderabad.
The Secretary, A.P.P.S.C., Hyderabad.
All the DTOs/DDOs
All District Panchayat Officers
The Commissioner, Dr.MCRIOA., Hyderabad.
The Director, Government Printing Press, A.P., Hyderabad for publication in A.P. Gazette.
Copy to GA (Ser.B) Department.
Copy to SF/SCs

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

Circular Memo.No:10445/Ser.D/2011 Dated:01-06-2011

Sub:- Public Service – Andhra Pradesh State & Subordinate Service Rules, 1996 – Clarification in implementation of rue-11(b) of Andhra Pradesh State & Subordinate Service Rules, 1996 – Regarding.

Ref:- G.O.Ms.No:145, G.A. (Ser.D) Dept., dt:15-06-2004.

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In the reference cited, orders were issued amending rule-11(b) of the Andhra Pradesh State & Subordinate Service Rules, 1996 prescribing time limit to join a post on appointment/temporary appointment under Rule 10 including appointments by transfer or by promotion otherwise than by direct recruitment. As per the said rule, an employee on promotion or appointment by transfer to next higher category shall join within 15 days from the date of receipt of the order of promotion/appointment by transfer. An employee who does not join the post within the stipulated time or evades to join the post by proceeding on leave, shall lose his promotion right / offer for the current panel year and the name of the candidate shall be placed before the next Departmental Promotion Committee for consideration in the next year panel subject to availability of vacancy, if he is otherwise eligible and in case of non-selection post, the name of the candidate who does not join within the stipulated time in the promotion post shall be considered for promotion again after a lapse of one year from the date of offer of appointment subject to availability of vacancy.

2. However, it was brought to the notice of the Government that in number of cases the employees, who evades to join in the promoted posts second time also are requesting to consider their names again in the subsequent panel years.

3. Government hereby clarify that as per rule-11(b) of the A.P.State & Subordinate Service Rules, 1996 as amended vide G.O.Ms.No:145, General Administration (Services-D) Department, dated 15-06-2004, a person appointed by promotion/transfer shall join in the promoted post within the time limit of 15 days from the date of receipt of the order of promotion/ appointment by transfer. If an employee who does not join the post within the stipulated time or evades to join the post by proceeding on leave, shall lose his promotion right/officer for the current panel year and the name of the candidate shall be placed before the next Departmental Promotion Committee for consideration in the next year panel subject to availability of vacancy, if he is otherwise eligible (i.e., one time only), **but not subsequent panel years.** In the case of non-selection posts, the name of the candidate who does not join within the stipulated time in the promotion post shall be considered for promotion again after a period of one year only (i.e., only one time) from the date of offer of appointment subject to availability of vacancy and eligibility. The appointing authorities are requested to strictly adhere to the above rule position.

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4. All the Departments of Secretariat/Heads of Departments/District Collectors are requested to issue instructions to all the appointing authorities under their administrative control to follow the above instructions scrupulously.

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

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
All District Judges.
Copy to the Prl.Secretary, A.P.Public Service Commission, Hyderabad.
Copy to: Law (E) Department.
SF/SC

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Andhra Pradesh State and Subordinate Service Rules, 1996 – Amendment to sub-rule (b) of rule 11 – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G.O.Ms.No. 227 Dated: 30.05.2014.
Read the following:

1.G.O.Ms.No.436, G.A. (Ser-D) Department, dated: 15.10.1996.
2.G.O.Ms.No.145, G.A. (Ser-D) Department, dated: 15.06.2004.

*****

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 amendment to the Andhra Pradesh State and Subordinate Service Rules, 1996, issued in G.O.Ms.No.436, General Administration (Services-D) Department, dated the 15th October, 1996 and published in part-I Extraordinary Issue of the Andhra Pradesh Gazette No.34, dated the 27th January, 1997, as subsequently amended from time to time: -

In the said rules, in rule 11, after sub-rule (b), the following proviso shall be inserted, namely: -

"Provided that the employee, who does not join the post within the stipulated time or evades to join the post by proceeding on leave, second time also, shall lose his promotion right / offer permanently."

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

S.K. SINHA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (Services & HRM)(FAC)

To
All the Departments of Secretariat.
All the Heads of Departments.
All the District Collectors.
The Commissioner, Printing, Stationery
& Stores Purchase, Hyderabad.
(for publication of the Notification in the A.P. Gazette and supplying 50 copies of the same)
The Secretary, APPSC, Hyderabad.
All Service Sections in GAD.

Copy to:

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The Law (E) Department.
The PS to Special Chief
Secretary to Governor.
The PS to Chief Secretary to Government, GAD.
The PS to Special Chief Secretary to
Government (Services & HRM), GAD.
SF / SCs

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GOVERNMENT OF ANDRHA PRADESH
ABSTRACT

PUBLIC SERVICES – Departmental Promotion Committees for Gazetted Posts outside the purview of the Andhra Pradesh Public Service Commission – Constitution - Ordered.

GENERAL ADMINISTRATION (ARC&S) DEPARTMENT

G.O.Ms.No.397 **Dated the 26th July, 1973.**
Read the following:-

1. G.O.Ms.No.283, Genl. Admn. (ARC&S) Dept., dated 30-5-1973.

O R D E R:

The Administrative Reforms Committee 1964-65 made certain recommendations for constitution of Committees consisting, inter-alia, of independent members who are unconnected with the Department involved, for selection of officers for promotion to gazetted posts which are not within the purview of the Andhra Pradesh Public Services Commission. The standing Administrative Reforms Committee considered these recommendations at its meeting held on 23-3-1968 and commended the procedure suggested by the Administrative Reforms Committee for promotion to gazetted posts which are outside the purview of the Commission.

2. Based on the above recommendations, the Government have decided to constitute Departmental Promotion Committees with view to securing the maximum degree of objectivity in the appraisal of merit and ability of Government employees for selection to various gazetted and non-gazetted posts, promotion to which is outside the purview of the Andhra Pradesh Public Service Commission.

3. Accordingly, orders were issued in G.O.Ms.No.283, General Administration (A.R.C.&S.) Department, dated:3-5-1973 regarding constitution of Departmental Promotion Committees for promotion to the various categories of non-gazetted posts in the Andhra Pradesh Secretariat Service, the Andhra Pradesh Ministerial Service and the various Subordinate Services, promotion to which is outside the purview of the Commission.

4. The Government have since decided that Departmental Promotion Committees as indicated in the Annexure be constituted for promotion to the various categories of gazetted posts under each Department of the Secretariat.

In the case of the Committees consisting of four members, when members in equal number (i.e., two each side) take opposite views a meeting will be held with the Chief Secretary to Government for a final decision.

5. In cases of other categories of posts in the State Services which are not covered by the annexure to this order and promotion to which is outside the purview of the Commission, Department of Secretariat are requested to

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take immediate action to constitute Departmental Promotion Committees on the lines indicated in the annexure.

6. In respect of posts in the State Services for which rules have yet to be framed, Departments of Secretariat are requested to take urgent steps to constitute the Departmental Promotion Committees as soon as the rules are framed.

7. The Departmental Promotion Committees should be constituted well before the month of AUGUST each year so that selections could be finalised in September as required by General Rule 4 of the Andhra Pradesh State and Subordinate Service Rules. The tenure of the Secretaries to Government nominated by the Chief Secretary to serve on the Departmental Promotion Committees will be for a period of one year and there should be a change in the members from year to year.

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

N.BHAGAVANDAS,
CHIEF SECRETARY TO GOVERNMENT

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (ARC&B) DEPARTMENT

Memorandum No:476/73-1 Dated 11-09-1973

Sub:- Public Services – Departmental Promotion Committee – Constitution of - Regarding

Ref:- 1. G.O.Ms.No:283, G.A. (ARC&S) Dept., dt:30-05-1973.
2. G.O.Ms.No:397, G.A. (ARC&S) Dept., dt:26-07-1973

-ooOoo-

With reference to the orders issued in the G.Os cited a point has been raised whether temporary promotions (as opposed to regular) will have to be referred to the Departmental Promotion Committees. It is hereby clarified that even such cases involving temporary promotions should be referred to the Departmental Promotion Committees.

N.BHAGAVANDAS,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC-I) DEPARTMENT

Memo.No:58/DPC/86-1 Dated 3rd February, 1986

Sub:- Departmental Promotion Committees – Certain instructions – Issued.

Ref:- Govt.Memo.No:157/76-1, GA (ARC&S) Department, dated 24-02-1976.

-ooOoo-

In the Government Memo cited, instructions were issued to the effect that Departmental Promotion Committees should be convened after ascertaining the convenience of Members and that in the event of all the Members not being present in the first instance, the Committee may, to avoid undue delay make recommendations at its adjourned meeting in case more than half of the number of members are present at the said meeting. Even this arrangement also is resulting in considerable delay and in order to avoid even least possible delay, it has been decided that:-

(i) the Departmental Promotion Committee meetings should be convened after ascertaining the convenience of Members;

(ii) the Chairman shall preside at all meeting of the Committee; and

(iii) the absence of any member, other than the Chairman, shall not invalidate the proceedings of the Committee, if more than half of the members of the Committee had attended its meetings.

2. All the Departments of Secretariat and Heads of Departments are requested to strictly adhere to the time schedule fixed for convening the meetings of the Departmental Promotion Committee and avoid complaints of delay in making promotions, in future.

SHRAVAN KUMAR,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC. I) DEPARTMENT

U.O.Note No.9/DPC.I/87-1, Dated: 31-3-1987.

Sub:- PUBLIC SERVICES – Recommendations of the Departmental Promotion Committees – Further action to be taken by the Administrative Departments – Avoidance of reference to G.A.(DPC) Department or Secretary(Services) – Regarding.

Ref:- 1. G.O.Ms.No.187 G.A.(Ser-B) Department, dated:25.4.1985.
2. G.O.Rt.No.2012, G.A.(Ser-B) Department, dated: 25.4.1985.

-ooOoo-

In the G.O. first cited, a first level Departmental Promotion Committee and three second level Departmental Promotion Committees have been constituted. The Departmental Promotion Committees have started functioning and met several times and made recommendations in respect of empanelment of officers to various categories of posts in difference departments. The proceedings of the Departmental Promotion Committees are being communicated to the concerned administrative Departments for taking necessary further action to get the approval of the Government.

Experience during the past one year of the functioning of the centralized Departmental Promotion Committees has shown that there were many instances where essentially the recommendations of the Committees and also the legal validity of the guidelines issued by the Government were questioned by the Ministers concerned who have even differed with the grading recommended by the Committees and the files were repeatedly referred either to G.A.(DPC-I)Department or the Secretary (Services) GAD for giving their remarks.

It may be noted that the Departmental Promotion Committee is only a recommendatory non-statutory body which functioning within the guidelines issued by the Government. The consideration by the Committee is mainly based on the notes furnished by the concerned Departments which are aware of all the facts of the case. The recommendations of the Departmental Promotion Committee are a collective decision of the Committee, at the meetings of which invariably the Secretary of the concerned Administrative Department and Heads of the Department are present. Further the minutes of the Departmental Promotion Committee are drafted in such a way that they are self-explanatory and the rule and authority are quoted invariably in every case when a promotion is proposed to be deferred or a person is superseded. Therefore, it is for the concerned Department which is also bound by the guidelines issued by the Government and which is familiar with the rules and procedures to satisfactorily clarify/reply or point out the rule position in case a doubt is raised.

The Department concerned may differ with the recommendations of the Departmental Promotion Committee, as per the instructions, all such cases should be circulated to Chief Minister through the Chief Secretary to Government duly recording the reasons for the same.

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The General Administration Department comes into picture only if interpretation of any rule is required. In all other cases the General Administration Department cannot offer any advice except again and again pointing out or confirming the rule position. Reference in such cases thus becomes a futile exercise consuming lot of time.

All the Departments may keep the above position in view and avoid making references to General Administration Department or to the Secretary to Government (Services), G.A.D.

SHRAVAN KUMAR
CHIEF SECRETARY TO GOVERNMENT

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Vacancies arising due to placing of the Member of Service under suspension required to fill up the posts by promotion/appointment by transfer – Orders – Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No:189 Dated 20-04-99

-ooOoo-

O R D E R:

It has been brought to the notice of the Government that whenever any Government employee is placed under suspension in any disciplinary case, the consequential vacancy is being filled up either by promotion or appointment by transfer by an eligible person. It is further noticed that inordinate delay is being caused to dispose of such disciplinary cases. Thereby the person promoted or appointed by transfer is being continued in such vacancy for a long time.

2. Government had an occasion to review the above position. After careful examination of the issue the Government have decided that the additional charge arrangements may be made in the vacancies arising due to disciplinary case and shall not be filled up by promotion or appointment by transfer. Accordingly, the Government hereby order that the vacancies arising due to placing of a member of service under suspension in any disciplinary case, shall not be filled up by promotion or appointment by transfer but only additional charge arrangement shall be made under rule 49 of the Fundamental Rules.

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

N.V.H. SASTRY
SECRETARY TO GOVERNMENT

To
All Departments of Secretariat.
All District Collectors.
All Heads of Departments.
Copy to:
All Service Section in General Administration Department.
The Secretary to A.P.Public Service Commission, Hyderabad.
The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
General Administration (Cabinet) Department.
General Administration (SC.D) Department.
Law (E) Department.
Finance & Planning (FW.FR.II) Department.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Appointing Authorities in respect of posts in First and Second Level Gazetted categories in State Services Adhoc Rule – Issued.

GENERAL ADMINISTRATION (SER.D) DEPARTMENT

G.O.Ms.No:230 Dated 22-05-1999
Read the following:-

1. Govt.Memo.No:54400/Ser.D/98-3, General Administration Department, dated 12-02-1999.
2. From the Secretary, APPSC., Hyderabad, Letter No:797/RR/2/99, dated 05-05-1999.

-ooOoo-

O R D E R:

In order to implement various schemes for the welfare of the public, different special services have been created to suit the requirements. The Government consider it necessary to have decentralization of the powers to the extent possible to the field level for speedy and quick decisions on various issues so as to minimize the delay and reduce red tape in the administration. It is the earnest endeavour of Government to have a transparent and efficient administration in decision making and implementation.

2. Accordingly, it has been decided by the Government to confer status of appointing authorities in respect of first level and second level Gazetted posts in the State Service to the regional authorities as well as Heads of Departments respectively. Thereby the appointing authority for all initial Gazetted categories in State Service shall be the regional authorities where the regional offices exist. For the second level Gazetted posts in the State Service, the Heads of the Department shall be the appointing authority. For the third level and above Gazetted posts, the Government shall be the appointing authority.

3. Where no regional offices exist, the Head of the Department shall be the appointing authority for both the first level and second level Gazetted categories in State Service.

4. Accordingly, the following adhoc rule is issued.

5. 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 adhoc rule in respect of the appointment of the Members in the State Service of the Government of Andhra Pradesh.

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ADHOC RULE

Notwithstanding anything contained in the Andhra Pradesh State and Subordinate Service Rules 1996, Special Rules of any service and in any rules for the time being in force, the appointing authority in respect of all the initial Gazetted categories in the State Service, henceforth shall be the Regional authority where Regional Offices exist, while the Head of the Department shall be the appointing authority for all the second level Gazetted categories in the State Services and also for initial Gazetted categories for which no Regional Offices exist.

Provided that in respect of the posts in the third level Gazetted and above in the State Service, the appointing authority shall be the Government.

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

V. ANANDA RAU
CHIEF SECRETARY TO GOVERNMENT

To
All Departments in Secretariat. (10 copies each)
All Heads of Departments.
All District Collectors/District Judges.
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
All Service Sections in General Administration Department and DPC.I & DPC.II
The Law Department.
SF/SC

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

Circular Memo.No:31549/Ser.D/99-1 Dated 28-05-1999

Sub: Public Services – Appointing authorities in respect of first and second level Gazetted categories in State Services – Adhoc rule issued – Further instructions - Issued.

Ref: G.O.Ms.No:230, General Administration (Ser.D) Department, dated 22-05-1999.

-ooOoo-

In the G.O. referred to above, notification was issued making the regional authority, wherever it exists, as appointing authority for th first level Gazetted posts in the State Service and the Head of the Department is made as appointing authority for the second level Gazetted categories and also first level Gazetted categories where there are no regional offices.

2. According to rule 6 of the Andhra Pradesh State and Subordinate Service Rules, 1996 all the appointing authorities are required to prepare panels taking the first September of the year as the qualifying date to determine the eligibility of a candidate for such appointment. In pursuance of the above rule, many appointing authorities might have already got the panels approved and action being taken to fill up the vacancies on that basis. Since the adhoc rule came into force with immediate effect which had over riding effect on all rules, it has been decided by the Government that the annual panels for the current year i.e., 1998-99 already approved be allowed to continue as per rule 6 of the A.P.State and Subordinate Service Rules, 1996, and if no panel is approved for 1998-99, the appointing authorities shall follow adhoc rule issued in the G.O. cited even for the current panel year 1998-99 for preparing panel in terms of rule 6 of the A.P.State and Subordinate Service Rules, 1996.

3. Instructions are being issued separately regarding the composition of the Departmental Promotion Committee at regional level and other level separately.

N.V.H. SASTRY
SECRETARY TO GOVERNMENT

To
All Departments in Secretariat. (10 copies each)
All Heads of Departments.
All District Collectors/District Judges.
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
All Service Sections in General Administration Department and DPC.I & DPC.II
The Law Department.
SF/SC

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

Circular Memo.No:31832/Ser.D/99-1 Dated 31-05-1999

Sub: Public Services – Appointing authorities in respect of first and second level Gazetted posts in the State Services – Delegation of powers - Adhoc rule - Issued – Further instructions - Issued.

Ref: G.O.Ms.No:230, General Administration (Ser.D) Department, dated 22-05-1999.

-ooOoo-

In the G.O. cited, an adhoc rule was issued delegating the powers in respect of appointing authorities for the First Level and Second Level categories of posts in State Service. In the departments wherein regional offices exist, the appointing authority for the first level Gazetted posts is such Regional authority and for the Second Level Gazetted posts the Head of the Department shall be the appointing authority. Where no Regional Offices exist, the Head of the Department shall be the appointing authority for the First level and Second level Gazetted posts. For the posts in Third Level and above category in the State Service the appointing authority shall be the Government.

The Departments of Secretariat and Heads of Departments are requested to take immediate necessary action to make suitable amendments to the special rules pursuant to the adhoc rule issued in the G.O. cited. The Special rules which are yet to be issued based on the recommendations of the One-Man Commission, appropriate action should also be taken with reference to the above adhoc rule.

The receipt of the Memo. Should be acknowledged.

N.V.H. SASTRY
SECRETARY TO GOVERNMENT

To
All Departments in Secretariat.
All Heads of Departments.
All District Collectors/District Judges.
Copy to:
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
The Secretary, A.P.Public Service Commission, Hyderabad.
All Service Sections in General Administration Department and DPC.I & DPC.II
The Law Department.
SF/SC

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

Circular Memo.No:29114/Ser.D/99-3 Dated 25-06-1999

Sub: Public Services – Preparation of list of approved ccandidates for promotion/appointment by transfer – Review of the panel Certain clarification - Issued.

-ooOoo-

Rule 6 of the A.P.State and Subordinate Service Rules, 1996 deals with the procedure for preparation of list of approved candidates, otherwise called as panel, for promotion or appointment by transfer to higher categories. The Second proviso to the said rule provides for review of the list of approved candidates, after a period of six months reckoned from the date of approval of the panel to consider for inclusion of the employees who subsequently passed the prescribed tests or acquired special qualification and found suitable for inclusion in the panel of the year. The Departments are seeking clarification whether an employee who appeared for the test during the panel year and passed the test can be considered for inclusion in the panel.

It is clarified that employees who appeared for the tests before the 1st September of the year which is the qualifying date for the panel year and whose results were published subsequent to the qualifying date shall be considered as eligible by the Departmental Promotion Committee or Screening Committee for inclusion in the panel and if the meeting of the Departmental promotion Committee or Screening Committee had already taken place such cases must be placed before the review Departmental Promotion Committee or Screening Committee for review as provided in the A.P.State and Subordinate Service Rules, 1996.

N.V.H. SASTRY
SECRETARY TO GOVERNMENT

To
All Departments in Secretariat.
All Heads of Departments.
All Collectors and District Judges.
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
The Secretary to A.P.Public Service Commission, Hyderabad.
Copy to:
All Service Sections in General Administration Department
General Administration (SU) Department.
All Recognized Associations.
SF/SC

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

U.O.Note No:44964/Ser.D/99-1 Dated 27-09-1999

Sub: Public Services – Conferring the status appointing authority on the regional officers in respect of first level Gazetted posts – Further instructions issued – Regarding

Ref: G.O.Ms.No:230, General Administration (Ser.D) Department, dated 22-05-1999.

-ooOoo-

In the G.O.cited, orders were issued, inter-alia conferring the status of appointing authority on the Regional Officer, wherever such Regional Offices exists in respect of all the first level gazette categories in the State Service. It is noticed that in certain departments jurisdiction of entire State is divided into multi-zones, for effective functioning of administration owing to the special circumstances prevailing in those departments, with more than one regional authority in the said multi-zone as per the A.P.Public Employment Organization of local cadres and Regulation of Direct Recruitment Orders 1975.

2. Keeping in view the above, all the departments of Secretariat are requested to issue orders/instructions in this regard by clearly identifying the appointing authority/regional officer in a multi-zone and also zone in consultation with General Administration (SPF.A) Department under intimation to General Administration (Ser.D) Department.

N.V.H. SASTRY
SECRETARY TO GOVERNMENT

To
All the Service Sections in the Departments of Secretariat. (10 copies each)
Copy to:
General Administration (SPF.A) Department.
SF/SC-2.

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GOVERNMENT OF ANDHRA PRADESH
LAW (L) DEPARTMENT

Memorandum No:8942/203/L1/99-1 Dated 12-10-1999

Sub:- Court Cases – Improperly Joining Chief Secretary to Government as respondent in Writ Petitions and Original applications filed before the High Court, A.P.A.T. and C.A.T. and other courts etc – Filing applications before the courts to delete the name of the Chief Secretary in such cases – Regarding.

Ref:- 1. Govt.Letter No:82/10/I2, Law, dated 02-01-1998.
2. U.O.Note no:137/LSP/RL/L2/98-2, Law, dt:20-02-1998.
3. Govt.Memo.No:82/10/L2/98, Law, dated 16-04-1998.

-ooOoo-

The attention of the Government Pleaders in the High Court, Andhra Pradesh Administrative Tribunal, Central Administrative Tribunal, Special Court established under the Land Grabbing (Prohibition) Act and Andhra Pradesh State Consumer Disputes Redressal Commission is invited to the reference cited. They are informed that in the Writ Petitions and Original Applications filed against the State Government in the High Court, Tribunals and other courts under the provisions of the Code of Civil Procedure, 1908 [Section 180 (1)(c)] as well as the Andhra Pradesh Government Business Rules, the Special Chief Secretary, Principal Secretary and Secretary to Government as the case may be as the Official Heads of the concerned Departments have to be shown as representing the State Government and not the Chief Secretary. Therefore, whenever any action of the Government is being challenged before the Court or relief is claimed against the State, the necessary party in such case is only the State Government represented the concerned Special Chief Secretary, Principal Secretary or Secretary to Government in the Government Department, as the case may be. While so, it is noticed that in a number of cases filed before the High Court and other courts and Tribunals against the Government, the Chief Secretary to Government is impleaded as a respondent eventhough his action is not being challenged in those cases or no relief is claimed against him. In all such cases where the Chief Secretary to Government is improperly impleaded as a respondent, an application or affidavit, as the case may be, has to be filed by Chief Secretary before the concerned court for striking out or deletion of his name. Instructions in this regard were already issued to the Government Pleaders in the references cited. Inspite of these instructions, it is observed that in some cases, prompt action for filing affidavits on applications before the concerned courts pleading for deletion of the name of the Chief Secretary in the main cases is not taken and thereby causing much inconvenience to the Chief Secretary in the main cases as well as contempt cases filed before the courts with which the Chief Secretary is not administratively concerned.

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2. All the Government Pleaders are, therefore, requested to list out the cases in which the Chief Secretary to Government is improperly arrayed as a respondent and take urgent steps for deletion of his name in such cases by filing an affidavit or application before the concerned courts by obtaining his signature through the concerned Departments. They may also take steps for substitution of concerned Secretary in all those cases, if such person is not already a respondent. Action taken in this matter may be intimated to the Government immediately.

3. The receipt of the Memo. may please be acknowledged. This may be treated as top-priority.

G. BHAVANI PRASAD,
SECRETARY TO GOVERNMENT,
Legal Affairs (FAC).

To
All Government Pleaders, though the Administrator, Government Pleaders Office, High Court, Hyderabad.
The Administrator, Government Pleaders Office, High Court, Hyderabad.
The Advocate-General, A.P., Hyderabad.
The Additional Advocate General, A.P., Hyderabad.
Copy to: All Secretaries to Government.
All Departments of Secretariat.
P.S. to Chief Secretary.
P.S. to Secretary, Legal Affairs.
SF/SC

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GOVERNMENT OF ANDHRA PRADESH
LAW (L) DEPARTMENT

Circular No:9388/LSP/L1/99 Dated 03-12-1999

Sub : Where a Direction is issued by the Court to consider the case of the petitioner or wherein Interim order or adverse final order passed by the Courts – Course of action to be taken by the Government officials on receipt of court orders – Instructions – Issued.

Ref: Lr.No.Gen/LA/PBR, dt.31.8.1999 from the Government Pleader for Land Acquisition, High Court.

-ooOoo-

In the letter cited, the Government Pleader for Land Acquisition, High Court has brought to the notice of the Government that whenever a direction is given by the Hon'ble High Court to consider the representation or consider the case of the petitioner by fixing a particular time limit in the order, the State Government officials are able to comply with the directions within the time allowed by the High Court and there by contempt cases are being filed in the High Court for non-compliance of the orders of the High Court and every year the filing of contempt cases is increasing. He has further stated that the High Court in its judgment in P.R.Naidu, Vice-Chancellor, Sri Krishna Devaraya University Vs. D.Chandramaouli Reddy [1999 (4) ALT 434] has clarified the meaning of the word 'consider' by observing that:-

> "It is noticed that in number of cases orders are being passed, be it by this Court or by the Administrative Tribunal to consider the cases of the petitioners approaching with complaints that their cases have not been considered. There, word 'consider' cannot be equated as adjudication of the right of the petitioner. It is not even a mandate to the authority receiving the directions to allow the claim of the petitioner straightaway. The direction 'to consider' has to be construed as a duty cast upon the authority receiving the said direction to dispose of the claim made by the petitioner in the light of the rules governing the situation and also subject to the eligibility of the claimant to such a claim. The authorities should take note of this factor, as some times, they are misconstruing the direction 'to consider' as a mandate by a judicial authority to allow the claim of the petitioner straightaway regardless of the rule position or the eligibility."

2. He has also stated that whenever a direction is given by the High Court either in the form of interim order or final order, if immediate action is taken by approaching the concerned Government Pleader for either for vacating interim order or file Writ Appeal or petition for extension of time in case where time limit has been fixed, the Departments can avoid contempt cases. He has also stated that where the District Collector or concerned Secretary to Government are impleaded as respondents in a case and the court passes an order, the department is not placing the order before the impleaded authority and the authority is aware of the court orders only after

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receipt of Contempt notice from the High Court. He has, therefore, requested to issue suitable instructions to all the Government officials.

3. All the Secretariat Departments, Heads of Departments and District Collectors are hereby informed that whenever any court or Tribunal directs "to consider" the case of the petitioner it has to be construed as a duty cast upon the authority receiving the said direction to dispose of the claim made by the petitioner in the light of the rules governing the situation and also subject to the eligibility of the claimant to such a claim. They are therefore instructed to dispose of all such cases as per rules and eligibility within the time allowed by the Court in order to avoid contempt cases. They are further instructed to take immediate action in consultation with the concerned government pleader for vacation of interim orders passed by the courts, for filing appeals whenever adverse order is passed by the court and for filing petitions seeking extension of time for implementation of the orders of the court where time limit has been fixed. They are also instructed to place all the orders of the court before the authority impleaded as a respondent in the case for perusal soon after its receipt in the department. The above instructions may be communicated to all the Government Departments/offices under their control.

4. The receipt of the circular may be acknowledged.

G. BHAVANI PRASAD,
SECRETARY TO GOVERNMENT,
Legal Affairs (FAC).

To
All the Departments of Secretariat.
All the Heads of Departments.
All District Collectors.
Copy to the Government Pleader, L.A.H.C.
P.S. to Chief Secretary.
P.S. to Law Secretary.
SC/SF

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

Circular Memorandum No:11305/Ser.D/2000-1 Dated 03-03-2000

Sub: PUBLIC SERVICES – Andhra Pradesh State & Subordinate Service Rules, 1996 – Operation of approved panel as provided in Rule 6 (b) & (c) of the General Rules – Reiterated – Regarding.

-ooOoo-

Several enquiries are being made whether annual panels approved in terms of rule 6 of the Andhra Pradesh State & Subordinate Service Rules, 1996, can be operated upto 31 st December of the succeeding year.

2. According to rule 6 of the said rules, the validity of the panel is from 1st September of the year to 31st August of the succeeding year and the vacancies estimated that may arise during that period only are to be considered for promotion of the eligible candidates. However only for those vacancies which arose during the panel year, if there has been delay in issuing orders of appointments/promotions for administrative reasons, orders of promotion can be issued upto 31st December of the year to the candidates from out of the panel already approved and not for the vacancies that arose after 31st August of the said year.

3. All the Departments of Secretariat, Heads of Departments/Collectors and other appointing authorities may keep this in view at the time of processing such cases.

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

To
All the Departments of Secretariat including all service Sections in General Administration Department and DPC I & II.
All Heads of Departments.
All District Collectors.
SF/SCs

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

Memorandum No:20606/Ser.D/2007 Dated 25-10-2007

Sub: PUBLIC SERVICES – Preparation of list of approved candidates for promotion/appointment by transfer – Review of the panel – Clarification – Instructions cancelled – Orders – Issued.

Ref: Govt.Memp.No:29114/Ser.D/99-3, General Administration (Ser.D) Department, dated 25-06-1999.

-ooOoo-

Rule 6 of Andhra Pradesh State & Subordinate Service Rules, 1996 deals with the procedure for preparation of list of approved candidates, otherwise called as panel, for promotion or appointment by transfer to higher categories. The third proviso to the said rule, provided for review of the list of approved candidates, after a period of six months reckoned from the date of approval of the panel to consider for inclusion of the employees who subsequently passed the prescribed tests or acquired special qualification and found suitable for inclusion in the panel of the year.

2. In the reference cited, it was clarified that employees who appeared for the tests before 1st September of the year which is the qualifying date for the panel year and whose results were published subsequent to the qualifying date shall be considered as eligible by the Departmental Promotion Committee or Screening Committee for inclusion in the panel and if the meeting of the Departmental promotion Committee or Screening Committee had already taken place such cases must be placed before the review Departmental Promotion Committee or Screening Committee for review as provided in the A.P.State and Subordinate Service Rules, 1996.

3. Aggrieved by the said clarification, Sri T.Sreenivas, Food Inspector has filed an O.A.No:3957/2004 with a prayer to direct the respondents to consider him for promotion to the post of Gazetted Food Inspector by setting aside the orders issued by Health, Medical & Family Welfare Department in Memo.No:10787/L1/2004, dated 9-7-2004 and also General Administration (Ser-D) Memo.No:29114/Ser/D/1999-3, dated 25-6-1999.

4. The Andhra Pradesh Administrative Tribunal in its order dated 28-02-2005 in O.A.No:3957/04 with VMA No:557/04, while setting aside of the above said Memos, has directed the respondents,-

> "to place the matter before the Review DPC in so far as the applicant is concerned for reviewing the panel of 2003-04 ignoring the Memo dated 25-06-1999 of the GAD and if he is found suitable and if his name is included in the panel, he shall be promoted from the date his junior was promoted, if necessary by reverting the 3rd unofficial respondent promoted in Memo.No:7609/E1/2003-04, dated 07-06-2004 or any juniors and he is entitled for consequential benefits including the seniority and pay fixation etc as per law. Accordingly, the O.A. is allowed VMA stands dismissed.

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While issuing the said orders, the Tribunal has also observed that,-

"I am inclined to accept the contention of the learned counsel for the applicant as if the person who appeared in May/June, could have got the results before 1st September or so before the panel is prepared there is no purpose behind proviso to Rule 6 (b) to review the panel after six months. This proviso has been incorporated in the rule only to provide a chance to those persons who are not included in the panel taking 1st September as cut-off date, because of their not passing the requisite test for reviewing their case if they acquire requisite/ specified qualification or pass Departmental Test within six months from the date of approval of the panel and it is only for those passed later such a provision is meant. Therefore, the memo issued by the GAD is not by way of supplementing or clarifying the proviso to Rule 6(b) but rather it has also altogether a different concept, which has been devised in the impugned Memo. These executive instructions issued in the above dated 29-11-1999 cannot alter the basic statutory rule, thus, it is not in consonance of the Statutory Provision".

5. Government after examining the entire issue, have decided to cancel the clarification issued in the Memo No:29114/Ser.D/99-3, General Administration (Ser.D) Department, dated 25-06-1999 and accordingly, Memo No:29114/Ser.D/99-3, General Administration (Ser.D) Department, dated 25-06-1999 is hereby cancelled.

Dr.P.KRISHNAIAH,
Secretary to Government (Services)

To
All Departments of Secretariat.
All Heads of Departments.
All Collectors and District Judges.
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
Copy to:
All Service Sections in General Administration Department.
General Administration (SU) Department.
All Recognized Service Associations.
SF/SC

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

Circular Memo.No.29381-B/DPC.I/2011-1, Dated:3-10-2011

Sub: GA (DPC) Department - Presence of the Departmental Members of the Committee in the meetings of the DPC /Screening Committee meetings – Instructions – Regarding.

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The attention of all the Departments of Secretariat is invited to the subject cited and they are informed that the GA (DPC) Department convenes the Departmental Promotion Committee / Screening Committee meetings for preparation of panels for promotion to the 3rd level Gazetted and above posts in the State Government Departments.

2. Experience has shown that DPC / Screening Committee meetings are being postponed due to absence of either Spl. Chief Secretary / Principal Secretary / Secretary to Govt., of Department concerned or HOD concerned or both which is causing delay for preparation of panels.

3. Hence, it is felt necessary that the Special Chief Secretary/Principal Secretary/Secretary to Government of the Department concerned and HoD concerned have to attend the DPC / Screening Committee meetings. If they are unable to attend the meetings, the same has to be intimated to the Chairman of the Committee and take permission for postponement of the scheduled meetings.

PANKAJ DWIVEDI,
CHIEF SECRETARY TO GOVERNMENT

To
All the Departments of Secretariat.
Copy to:
P.S. to Chief Secretary to Govt.,
P.S. to Secretary to Govt., (Ser. & HRM)
SF / SC

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

U.O.Note No.29396.A/DPC.I/2012-1, **Dated:11-9-2012.**

Sub: DPC - Convening of **(a)** DPC Meetings for Heads of Departments (Non-Cadre); **(b)** DPC Meetings for fourth level Gazetted and above officers; and **(c)** Screening Committee Meetings for third level Gazetted Officers – Panel year 2012-13 - Proposals - Called for - Earlier instructions reiterated - Reg.

Ref: 1 U.O.Note No.29417/DPC.I/2011-1, G.A. (DPC.I) Department, dt.23.9.2011.
2 U.O. Note No.17290/DPC.I/2011-1, G.A. (DPC.I) Deptt., Dt.9.6.2011.
3 Circular Memo.No.29381-B/DPC.I/2011-1, G.A. (DPC.I) Deptt., Dt.3.10.2011

****

Instructions were issued from time to time in each panel year so as to enable the departments of Secretariat to furnish DPC / Screening Committee proposals for speedy conduct of DPC / Screening Committee Meetings. It was experienced during the panel year 2011-12 that a large number of proposals were received in the months of June to August and in some cases, the proposals were received after 15-8-2012. The bunching of proposals towards the end of panel year is resulting in rushing through the proceedings without adequate scrutiny of the relevant records. Therefore, the departments are advised to send proposals for the panel year 2012-13 well in advance for timely convening of DPC / Screening Committee Meetings. The Departments shall furnish the proposals at the beginning of panel year ie., in the month of September.

2. Panels preparation for the year 2012-13:

As the Departments are aware that the panel year 2012-13 has started from 1-9-2012, it is felt necessary to reiterate the earlier instructions and also to mention certain important points which may be followed for convening of DPC / Screening Committee meetings well in advance.

3. Proposals should be sent in full shape:

In this context, it is to be stated that the proposals received from some of the departments are either in incomplete shape or defective, despite clear instructions issued in U.O. Notes cited above and therefore, GA (DPC) Department had to return the proposals to the respective departments for rectification. As a result, there is delay in convening DPC meetings.

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4. Updating of ACRs:

It is also observed that one of the reasons attributed for not submitting proposals for DPC / Screening Committee meeting by the Departments concerned is that non-availability of ACRs of the eligible officers on hand as on the date of starting of panel year, despite stipulation of rules that the ACRs of the officers have to be initiated in the month of April for the preceding financial year by the Reporting Officers every year. All the Secretariat Departments / Heads of Departments are, therefore, requested to ensure that the ACRs are kept ready well before the panel year starts. They are requested to furnish the performance of the individuals in the proforma prescribed in the U.O.Note 2nd cited alongwith original ACRs for the last five years ie., from 2007-08 to 2011-12.

5. The following points shall be noted while preparing the Note for DPC / Screening Committee:

a) The panel year for 2012-13 commenced on 1-9-2012; the qualifying date for the panel year 2012-13 is 1-9-2012; and the vacancies in the panel should be the vacancies arise from 1-9-2012 to 31-8-2013 only, as per Rule 6(b) of APS&SS Rules, 1996. The vacancy position may be sent to GA (DPC) Department in the proposals, as early as possible. If vacancies are not available for the panel year 2012-13, the appointing authority has to take action as per para 6(b)(i) of APS&SS Rules, 1996. Retirement vacancies those are arising on 31.8.2013 shall not be counted for estimation of vacancies for the present panel year 2012-13 and such vacancies will be counted for the next panel year i.e., 2013-14.

b) DPC / Screening Committee Note, Proforma, Seniority List of the officers etc., and Court orders/G.Os/References thereon and the decision taken by the Department thereon, as per G.O.Ms.No.187, GA (Ser.B) Department, dt.25-4-1985, should be clearly indicated at appropriate place.

c) Particulars of disciplinary cases against the officers like charges, punishments, criminal cases etc., and Court orders/G.Os/ References thereon, indicating the latest stage and the decision taken by the Department thereon, should be clearly indicated at appropriate place.

d) In some cases, courts are issuing directions suspending or setting aside the disciplinary proceedings / punishments against officers in the zone of consideration or issuing directions to consider the names of charged officers without reference to charge memo /orders for promotion. In such cases, the Secy./Prl.Secy./ Spl.Chief Secy.to Govt., concerned has to specifically state whether the department has gone in appeal or filed stay vacation petition etc., and the Department has to take a stand whether to consider such cases or not, before sending the proposal to the GA (DPC) Department. In some cases, the Departments are not filing counter affidavit or vacate petitions against the Interim Orders passed long back by the Courts, which is not correct.

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e) **ACRs** for the years from **2007-08 to 2011-12** in the prescribed proforma illustrated in ref. 2nd cited, with counter signature and official stamp in respect of all the officers who come within the zone of consideration should be furnished with the proposals. The Departments have to furnish the ACRs of all the individuals shown in the seniority list including those who are facing charges or involved in disciplinary proceedings. The Departments have to furnish old ACRs of persons who are on long leave and also furnish Non Initiation Certificate for the leave period. Further, the ACRs of the individuals for the year 2011-12 should be in the modified format as issued in the G.O.Ms.No.580, GA (Ser.C) Department, Dated 12-10-2011.

f) The Department is to specify the cadre strength, number of persons working against the cadre strength in the Department, number of persons working on deputation in the same cadre duly furnishing the reasons and also inform whether Finance Department agreed to such proposals. In case of deputation vacancies, Government orders allowing such deputations should be enclosed to the proposals. The Departments have to specify whether the officers working on deputation are approved probationers or deemed to be approved probationers or not.

g) Zone of consideration for promotion is 1:3 and where rule of reservation in promotions for SC/ST/DA candidates is applicable, the restriction of zone of consideration of 1:3 shall not be applicable.

h) The Departments are also informed that minimum service in the feeder category for promotion shall not be relaxed. However, where it is necessary in the public interest to fill emergently the vacancies, the appointing authority may invoke Rule 10 (a) of APS&SS Rules, 1996 in case of officers who are approved probationers or deemed to be approved probationers as on 1.9.2012 only and orders should be issued in the form of G.O., and copies of the same should be enclosed to the proposals. Under no circumstances the relaxation of rules or invocation of Rule 10(a) shall be resorted to the officers who are not approved probationers as on qualifying date i.e., 1.9.2012.

i) DPC / Screening Committee proposals should be in the name of the Secretary/ Principal Secretary/Special Chief Secretary to Government of the Administrative Departments concerned and should be attested by an officer not below the rank of Deputy Secretary to Government.

j) Statement showing the vacancy position with justification and date, keeping in view the G.O.Ms.No.154, SW (ROR) Dept., dt.30-7-2008, should be enclosed to the proposals.

k) Copy of the proceedings of the previous panel and extract from Roster Point Register in respect of previous panel (where ROR is applicable) should be enclosed to the proposal.

l) The Department has to furnish the proposals atleast one month in advance so as to enable the GA (DPC) Department to scrutinize the proposals and place before the DPC / Screening Committee.

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m) The Departments have to ensure that the DPC proposals are processed and furnished to the DPC ordinarily in the month of September for preparation of panels for promotion. If there is any administrative exigency in view of the court cases / orders etc., in the last month of panel year, the Departments concerned have to obtain permission of the Chief Secretary to Govt., and then furnish proposals to GA (DPC) Department.

n) In some cases, the Departments are furnishing the proposals wherein certain officers were charged or facing disciplinary proceedings, but by the time of DPC / Screening Committee meetings, the Departments are informing that the said charges are dropped. In such cases, the Departments are requested to furnish the proposal after charges are dropped.

o) It is necessary that the Spl. Chief Secretary / Principal Secretary / Secretary to Govt., of the Department concerned and Head of the Department attend the DPC / Screening Committee meetings. If they are unable to attend the meetings, the same has to be intimated to the Chairman of the Committee and permission taken for postponement of the scheduled meeting as per the instruction issued vide reference 3 cited above.

p) DPC / Screening Committee proceedings may be approved and published as panel, as early as possible, preferably within 15 days from the date of issue of DPC / Screening Committee Proceedings. Further, the Departments are informed that the recommendations of the DPC / Screening Committee shall be approved and orders should be issued on or before 31.8.2013 so that the panel can be operated till 31.12.2013 or till a new panel is prepared whichever is earlier.

6. All the Departments of Secretariat are also requested to adhere to the instructions issued from time to time in the matter, consult the Heads of Departments wherever necessary and furnish the DPC / Screening Committee proposals in six sets **through an U.O.Note**, as early as possible keeping in view the above guidelines for taking necessary action to place the same before the Departmental Promotion Committees / Screening Committees for preparation of panels for the panel year 2012-13.

MINNIE MATHEW,
CHIEF SECRETARY TO GOVERNMENT

To
All Special Chief Secretaries / Principal Secretaries /Secretaries to Govt.,
Departments of Secretariat (w.e).
Copy to:The PS to Chief Secretary to Government (w.e).
The PS to Secretary to Government (Ser), GAD (w.e).
The GA (SC.F) Department (w.e)./The GA (Ser.D) Department (w.e).
SF/SCs

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

COURT CASES – Steps for avoiding contempt proceedings – Entrustment of cases to the Advocate General for the State of Andhra Pradesh, Hyderabad – Orders - Issued.

LAW (L.2) DEPARTMENT

G.O.Rt.No. 1646 Dated: 20.09.2012

Read the following:-

1. G.O.Rt.No.1220, Law, dt.25.08.2000.
2. Circular Memo.No.920/LSP/RL/L.3/2000-1, Law, dated: 26.08.2000.
3. Circular Memo.No.1702/LSP/L.1/2005, Law, dated: 09.09.2005.
4. Circular Memo.No.1493/LSP/L.1/2006, Law, dated: 16.011.2006.

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ORDER:

In the circular Memo second read above, while issuing consolidated instructions on the manner in which contempt cases have to be defended, it has been clarified that the services of the Government Pleaders should be utilized for defending the contempt cases and if for any specific reason, the services of the learned Advocate General are required for defending a contempt case, such case may be entrusted to him after obtaining the orders of the Chief Secretary through the Law Secretary.

2. Despite these instructions which have again been reiterated in the reference third read above, it is noted that a large number of proposals are being received for entrustment of defence to the learned Advocate General in all contempt cases in a very routine manner.

3. It has come to notice that there are about 4737 contempt cases before the Hon'ble High Court of A.P. and the A.P. Administrative Tribunal. The very large number of cases that are being moved for contempt of the directions of the Hon'ble High Court/APAT/CAT is a matter of serious concern. There is an urgent need, therefore, to avoid contempt proceedings by ensuring proper and timely compliance of the orders of the Court or filing appeals in time, before the Appellate Authority wherever necessary.

4. In order to have proper control and supervision over the matters pending before the Courts and in furtherance of the instructions issued earlier, the following orders are issued forthwith:

i) All interim/final directions of the Hon'ble High Court/APAT will be put up at the tappal stage itself to the Secretaries to Government/Heads of the Departments/District Collectors, for perusal.

ii) All Secretaries to Government/Heads of Departments/District Collectors are requested to go through the operative portion of

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the order and issue suitable instructions at the tappal stage for appropriate action within the stipulated time.

iii) Secretaries to Government/Heads of Departments/District Collectors shall cause to maintain a separate Register in their respective Peshis with particulars stage wise, namely, the receipt of such orders, the time limit by which action is required and the steps taken at various levels till the conclusion of the proceedings.

iv) Thereafter, action should be taken:-

a) to implement the same if it is capable of being implemented within the time, as directed in the order;

b) to seek extension of time, before expiry of the time limit ordered, for implementation in cases where it is capable of being implemented, but the time allowed is not sufficient;

c) to obtain clarification from the Law Officers or by filing a suitable petition for clarification before the appropriate forum wherever necessary, in cases of doubt, in consultation with the concerned Law Officers;

d) to file Vacate Stay Petition, whenever considered necessary along with the counter as expeditiously as possible;

e) to file a review in appropriate cases where either mistake of fact or mistake of law is noticed;

f) to file an appeal wherever necessary before the appellate forum along with prayer for stay/suspension / modification of the order appealed against.

5. The instructions issued in the Circular Memo. third read above, are hereby reiterated and the departments of Secretariat shall ensure that the entrustment of cases to/seeking opinion from the learned Advocate General shall be only on the matters involving complicated questions of law, high stakes, policy decision of the Government and contempt cases in such matters; and not in other routine cases.

6. All the Secretaries to Government/Heads of Departments/District Collectors are requested to follow the above orders and avoid contempt proceedings. They are also requested to issue suitable instructions in their staff meetings for operationalization of these orders and conduct regular reviews.

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

MINNIE MATHEW,
Chief Secretary to Government.

To
All the Special Chief Secretaries/Prl.Secretaries/Secretaries to Government.

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All the Heads of Departments.
All the District Collectors.
Copy to : The Advocate General for the State of Andhra Pradesh, Hyderabad.
,, : P.S. to Chief Secretary.
,, : P.S. Secretary to Government, LA&J.
,, : P.S. Secretary to Government, Legal Affairs.
,, : S/f & S/c.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.II) DEPARTMENT

U.O. NOTE NO.14351.A/DPC.II/2013-1, DATED:23-5-2013

Sub: GA (DPC) Department – Classification of Officers who are facing disciplinary proceedings / charges – Regarding.

Ref:
1. G.O.Ms.No.424, GA (Ser.C) Deptt., Dt.25.5.1976.
2. G.O.Ms.No.104, G.A. (Ser.C) Deptt., Dt.16.2.1990.
3. G.O.Ms.No.66, G.A. (Ser.C) Deptt., Dt.30.1.1991.
4. G.O.Ms.No.257, G.A. (Ser.C) Deptt., Dt.10.6.1999.

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The attention of all the Departments of the Secretariat is invited to the references cited and they are informed that despite clear instructions issued in the GOs cited above, Departments while sending DPC / Screening Committee proposals for preparation of panels for promotion, are not furnishing the details of nature of charges / disciplinary proceedings and also classification of nature of charges / disciplinary proceedings and thereby it is becoming difficult to assess the suitability of the officers for inclusion in the panel for promotions.

2. All the Departments of the Secretariat are therefore requested to furnish the details of the officers who are facing charges / disciplinary proceedings /criminal cases etc., in the prescribed proforma annexed to this U.O. Note keeping in view the orders cited in the reference, while sending DPC / Screening Committee proposals to this Department for preparation of panels for promotion to the posts of 3rd level and above Gazetted posts in the Departments of the Secretariat.

Dr. P.K. MOHANTY,
CHIEF SECRETARY TO GOVERNMENT.

To
All the Departments of the Secretariat.
Copy to:
P.S to the Chief Secretary to Govt.,
P.S. to the Secretary to Govt., (Ser.)

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PROFORMA

STATEMENT SHOWING THE PARTICULARS OF DISCIPLINARY CASES PENDING AGAINST THE OFFICERS PROPOSED IN THE SENIORITY LIST

Sl. No.	Name of the Officer	Whether charges framed or not	Whether the charges served or not (Date of service)	Details of charges	Nature of Charges (Financial/ procedural irregularities)	Classification of charges as per the G.O.Ms.No.257, GAD, Dt.10.6.1999. Whether it comes under para 5 (b)(i) / 5 (b)(ii) / 5 (b)(iii)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Present stage of the disciplinary case with reasons for delay	Court Orders if any pending in the matter duly specifying whether Interim / Final orders	Whether Counter along with VMA / Appeal has been filed in the said case	Present stage of the Court case	Remarks of the Department
(8)	(9)	(10)	(11)	(12)

Dr.P.K.MOHANTY,
CHIEF SECRETARY TO GOVERNMENT.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

Circular Memo.No.16904.B/DPC.I/2013-1, DATED:30-5-2013

Sub: GA (DPC) Deptt., - Preparation of panels for promotion to the posts of 3rd level and above gazetted posts in the Departments of the Secretariat – Certain instructions – Regarding.

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All the Departments of the Secretariat are informed that the Departments are furnishing the proposals to this Department for preparation of panels for promotion to the post of 3rd level and above gazetted posts in the State. It has been observed that when such proposals are placed before the DPC / Screening Committee, certain Departments are bringing the latest information / latest stage on certain issues and requesting the Committees to take a decision during the meeting itself without giving sufficient time to examine the proposal as per Rules, by the GA (DPC) Department.

2. All the Departments of the Secretariat are therefore requested to send requisition to this Department to post-pone the scheduled DPC / Screening Committee meetings as and when latest information / latest stage is available on the proposals already sent by them to this Department and then furnish the revised proposals with latest/upto date information so that proper examination of the material is done as per Rules, before convening the DPC meeting for its recommendations.

B. VENKATESWARA RAO,
SECRETARY TO GOVT., (SER.&HRM).

To
All the Departments of the Secretariat.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

Circular Memo No.15906.A/DPC.I/2013-1, Dated:17-06-2013.

Sub: Public Services – State and Subordinate Services – Promotion / Appointment of employees to higher posts who are facing disciplinary cases – Interim orders of Courts – Important Case Laws - Communicated.

Ref:
1. G.O.Ms.No.424, GA(Ser.C) Dept., dated 25.05.1976.
2. G.O.Ms.No.104, GA(Ser.C) Dept., dated 16.02.1990.
3. G.O.Ms.No.257, GA(Ser.C) Dept., dated 10.06.1999.
4. U.O.Note No.29396.A /DPC.I/2012-1, GA(DPC-I) Dept. dt.11.09.2012.

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In G.Os 1st to 3rd cited, orders were issued enunciating guidelines for consideration of employees who are facing disciplinary enquiries in regard to their appointment by promotion or transfer to higher categories. In U.O.Note 4th cited, while reiterating earlier instructions certain further instructions were issued for preparation of panel, sending of proposals, updating of ACRs etc.

2. According to the orders issued in the G.O. 3rd cited, among other things "an officer whose record is such that he would have been promoted had he not been facing enquiry, trial or investigation in respect of charges which, if held proved would be sufficient to supersede him", as categorized in Para 5 B(iii) therein should only be considered for ad-hoc promotion after completion of 2 years from the date of DPC or Screening Committee meeting in which their cases were considered for the first time. Orders were also issued therein prescribing procedure and guidelines to be followed to consider the employees for appointment by promotion or transfer to next higher categories against whom disciplinary cases or criminal prosecution are pending or whose conduct is under investigation.

3. It has been experienced that in a considerable number of cases, the employees who are facing disciplinary cases / ACB cases, criminal cases, are obtaining interim orders from the Hon'ble A.P.A.T for considering their candidature for promotion to the next higher post without reference to the charges / disciplinary proceedings against them, if they are otherwise eligible and suitable as per rules. This is causing much difficulty in considering the suitability of an officer fit for promotion to the next higher post in deviation of the existing rules.

4. Recently, in one case, Deputy Superintendent Engineer (R&B), who is facing charges, obtained interim orders to consider his case for promotion to the post of SE without reference to the criminal case pending against him. The Department has filed detailed counter along with stay vacation petition. When consulted in the matter, the Government Pleader for R&B Department had opined that the name of the applicant may be placed before the DPC and the DPC may consider his name as per rules only and if the applicant finally succeeds in OA, he can be given notional promotion even after his retirement. The G.P. has further opined that even if the case of the applicant is not considered there will not be any contempt, as the Department has already filed Vacate Stay Petition, and if the applicant files any contempt application,

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a request can be made to the Court to take up the Vacate Stay Petition before hearing contempt application in view of law laid down by the Hon'ble Supreme Court of India reported in (1992) 4 SCC 167.

5. In this context, some of the judgments on the issues of contempt cases for violation of interim orders of Courts are given below:

I. **The Hon'ble Supreme Court of India in State of Jammu& Kashmir Vs. Mohd. Yaquoob Khan & others (1992 (2) SCALE 75)** while accepting the contention of the State that so long as the stay matter in the writ petition was not finally disposed of, the further proceeding in the contempt case was itself misconceived and no orders therein should have been passed, observed that the scope of a contempt proceeding is very different from that of the pending main case yet to be heard and disposed of (in future). Besides, the respondents in a pending main case are at a disadvantage if they are called upon to meet the merits of the claim in a contempt proceeding at the risk of being punished. It is, therefore, not right to suggest that it should be assumed that the initial order of stay got confirmed by the subsequent orders passed in the contempt matter. The Hon'ble Supreme Court further held therein that the High Court should have taken first the stay matter without any threat to the respondents in the writ case of being punished for contempt. Only after disposing it of, the other case should have been taken up.

II. A similar view has been taken by the Hon'ble **Supreme Court in Modern Food Industries (India) Ltd. Vs Sachidanand Dass (1995 Supp.(4) SCC 465).**

III. **The Hon'ble High Court (2013 (1) ALD 124: Anjamma Vs.Nirool Kumar Prasad)** Inter-alia held that it is trite that a judicial order passed by a competent court at whatever level has the same efficacy as a final judgment so long as it continues to be in force. When a direction to do a particular act is given even by way of an interim order, the authority to which such direction is given is ordinarily bound to comply with the same howsoever it may not be to its liking. But in the opinion of this Court, this principle has some exceptions. For example, an interim direction is secured by a party by playing fraud on the Court or by suppressing the material facts, which, if were disclosed, the Court would not have passed such interim order without hearing the other side. In such a situation, if the respondents to whom the interim direction was given, act swiftly and bring to the notice of the Court which issued the interim direction the true facts without complying with the interim direction, can it be said that there was willful or deliberate violation of the interim order? In my opinion, the answer should be in the negative.

.....To illustrate, when the Court gives a direction not to demolish a structure, the authority to which such an order was directed, cannot violate the same by demolishing the structure even if it is fully satisfied that the party has secured the order by misleading the court or suppressing the material facts, because by postponing the act of demolition for some time, no prejudice is caused to public interest. But in cases where positive directions are given to do a particular act, as in the present case, the consideration would differ. Indeed, the Supreme Court in State of Jammu and Kashmir Vs. Mohd. Yaqoob Khan (13) (1992) 4 SCC 167 has recognized such a distinction. In that case, the High Court gave interim direction for delivering half quantity of timber as per the decree passed by the Civil Court. Granting the said ex

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parte interim direction on 19.03.1990, the High Court has fixed second week of May 1990 as the date for further hearing. In the meantime, the petitioner therein has filed Contempt Case alleging contempt for not delivering the timber as directed by the Court. The contempt proceedings initiated by the High Court were challenged before the Supreme Court. While quashing the proceedings, the Supreme Court has drawn a distinction between a case in which an interim order in the nature of restraint order forbidding taking any further step has been made and case where a direction to do something in pursuance of the interim orders has been made. The Supreme Court on the facts of the said case felt that when the vacate-stay petition was filed, the High Court ought to have first decided the same before proceeding with the Contempt Case.

IV. **The Hon'ble High Court of A.P., in P.R.Naidu, Vice-Chancellor, Sri Krishna Devaraya University, Anantapur Vs. D.Chandra Mouli Reddy, reported in 1999 (4) ALT 434 (DB)** has clarified the word 'consider' used in the orders passed by the Courts, which is extracted below:-

"..... It is noticed that in number of cases orders are being passed, be it by this Court or by the Administrative Tribunal to consider the cases of the petitioners approaching with complaints that their cases have not been considered. There, word 'consider' cannot be equated as adjudication of the right of the petitioner. It is not even a mandate to the authority receiving the directions to allow the claim of the petitioner straightaway. The direction 'to consider' has to be construed as a duty cast upon the authority receiving the said direction to dispose of the claim made by the petitioner in the light of the rules governing the situation and also subject to the eligibility of the claimant to such a claim. The authorities should take note of this factor, as some times, they are misconstruing the direction 'to consider' as a mandate by a judicial authority to allow the claim of the petitioner straightaway regardless of the rule position or the eligibility."

V. **The Hon'ble Supreme Court of India in Anil Kumar Sahi Vs. Prof. Ram Sevak Yadav (2008 (6) SLR 375)** inter-alia held as follows:-

" When the Court directs the authority to consider a matter in accordance with law, it means that the matter should be considered to the best of understanding by the authority and, therefore, a mere error of judgment with regard to the legal position cannot constitute contempt of Court. There is no willful disobedience if best efforts are made to comply with the order".

VI. **The Hon'ble High Court of A.P. in their Order in the Contempt Case No.590 of 2013** observed that it is to be noticed that as per Section 20 of the Contempt of Courts Act, 1971, no Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after expiry of a period of one year from the date on which the contempt is alleged to have been committed.

The High Court has further observed in the said order that when there is an order passed by this Court on 9.04.2011 with the direction to the respondents for preparation of final seniority lists of Dy.CTOs within a period of two months, the cause of action for filing of Contempt Case would arise immediately on expiry of said period of two months. In that view of the matter, this Contempt Case is barred by limitation as per Section 20 of the Contempt of Courts Act, 1971.

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6. In the above circumstances, it is needless to mention that the stay vacation petition shall be filed along with detailed counter by the concerned respondents immediately upon receipt of interim directions, if any, from the Hon'ble Courts. A specific request may be made to the concerned Government Pleaders to bring the above legal position to the notice of the Hon'ble Courts at the time of hearing of contempt cases in order to avoid any embarrassing position to the Government.

7. All the Departments of Secretariat/Heads of Departments are therefore requested to note the above legal position and important case laws and take immediate necessary action to file Vacate Stay Petition along with detailed counters in all such cases and if required to file appeal.

8. They are also requested to furnish the information about the filing of Vacate Stay Petition, detailed counter etc. to GA(DPC) Department while sending DPC / Screening Committee proposals for preparation of panels for promotion to the 3rd level and above level Gazetted Posts.

Dr. P.K. MOHANTY,
CHIEF SECRETARY TO GOVERNMENT.

To
All the Departments of Secretariat.
All the Head of Departments.
All Govt. Pleaders in Hon'ble AP High Court and the AP Administrative Tribunal.
Copy to:
P.S. to Chief Secretary to Government.
P.S to Secretary (Ser. & HRM),General Administration Department.
SF/SC

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

U.O. NOTE NO.21856/DPC.I/2013-1, DATED: 25-7-2013

Sub: GA (DPC) Deptt., - Proposals for preparation of panels for promotion to the post of 3rd level Gazetted and above posts in the Departments of the Secretariat – Certain instructions- Regarding.

Ref: U.O. Note No.29396.A/DPC.I/2012-1, GA (DPC.I) Deptt., Dt.11.9.2012.

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The attention of all the Departments of the Secretariat is invited to the reference cited wherein instructions have been issued for preparation of panels for promotion to the post of 3rd level Gazetted and above posts. The attention of the Departments is also invited to the para 5 (a), 5 (l) and 5 (m). In spite of the clear instructions, certain Departments are furnishing the proposals last minute in the month ending citing that certain officers shown in the seniority list are retiring in the same month and pressing the GA (DPC) Deptt., for preparation of panels which is becoming difficult to scrutinize the proposals keeping in view the General Rules and Special Rules that may be applicable to the Departments / Posts concerned.

2. All the Departments are therefore requested to furnish the proposals well in advance i.e., atleast one month in advance as per the instructions issued in the reference cited above.

B. VENKATESWARA RAO,
SECRETARY TO GOVERNMENT (SER.).

To
All the Departments of the Secretariat.

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SECTION OFFICER

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

U.O.Note No.29692-A/DPC.I/2013-1 **Dated:18-10-2013**

Sub: DPC - Convening of **(a)** DPC Meetings for Heads of Departments (Non-Cadre); **(b)** DPC Meetings for fourth level Gazetted and above officers; and **(c)** Screening Committee Meetings for third level Gazetted Officers – Panel year 2013-14 - Proposals - Called for - Earlier instructions reiterated - Reg.

Ref: 1) U.O. Note No:17290/DPC.I/2011-1, GA (DPC.I) Department, Dated 9-06-2011.
2) Circular Memo.No.29381-B/DPC.I/2011-1, GA(DPC.I) Department, Dated 3-10-2011.
3) U.O.Note No:29396.A/DPC.I/2012-1, GA (DPC-I) Department, dated 11-09-2012.
4) U.O.Note No:14351.A/DPC.II/2013-1, GA (DPC.II) Department, dated 23-05-2013.
5) Circular Memo.No:15906.A/DPC.I/2013-1, GA (DPC.I) Department, dated 17-06-2013.

-ooOoo-

Instructions were issued from time to time in each panel year so as to enable the departments of Secretariat to furnish DPC / Screening Committee proposals for speedy conduct of DPC / Screening Committee Meetings. It was experienced during the panel year 2012-13 that a large number of proposals were received in the months of June to August and in some cases, the proposals were received after 15-08-2013. The bunching of proposals towards the end of panel year is resulting in rushing through the proceedings without adequate scrutiny of the relevant records. Therefore, the departments are advised to send proposals for the panel year 2013-14 well in advance for timely convening of DPC / Screening Committee Meetings. The Departments shall furnish the proposals at the beginning of panel year ie., in the month of September.

2. Panels preparation for the year 2013-14:

As the Departments are aware that the panel year 2013-14 has started from 01-09-2013, it is felt necessary to reiterate the earlier instructions and also to mention certain important points which may be followed for convening of DPC / Screening Committee meetings well in advance.

3. Proposals should be sent in full shape:

In this context, it is to be stated that the proposals received from some of the departments are either in incomplete shape or defective, despite clear instructions issued in U.O. Notes cited above and therefore, GA (DPC) Department had to return the proposals to the respective departments for rectification. As a result, there is delay in convening DPC meetings.

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4. Updating of ACRs:

It is also observed that one of the reasons attributed for not submitting proposals for DPC / Screening Committee meeting by the Departments concerned is that non-availability of ACRs of the eligible officers on hand as on the date of starting of panel year, despite stipulation of rules that the ACRs of the officers have to be initiated in the month of April for the preceding financial year by the Reporting Officers every year. All the Secretariat Departments / Heads of Departments are, therefore, requested to ensure that the ACRs are kept ready well before the panel year starts. They are requested to furnish the performance of the individuals in the proforma prescribed in the U.O.Note 1st cited alongwith original ACRs for the last five years ie., from 2008-09 to 2012-13.

5. The following points shall be noted while preparing the Note for DPC / Screening Committee:

a) The panel year for 2013-14 commenced on 01-09-2013; the qualifying date for the panel year 2013-14 is 01-09-2013; and the vacancies in the panel should be the vacancies arise from 01-09-2013 to 31-8-2014 only, as per Rule 6(b) of APS&SS Rules, 1996. The vacancy position may be sent to GA (DPC) Department in the proposals, as early as possible. If vacancies are not available for the panel year 2013-14, the appointing authority has to take action as per para 6(b)(i) of APS&SS Rules, 1996. Retirement vacancies those are arising on 31-08-2014 shall not be counted for estimation of vacancies for the present panel year 2013-14 and such vacancies will be counted for the next panel year i.e., 2014-15.

b) DPC/Screening Committee Note, Proforma, Seniority List of the officers etc., and Court orders/G.Os/References thereon and the decision taken by the Department thereon, as per G.O.Ms.No.187, GA (Ser.B) Department, dt.25-04-1985, should be clearly indicated at appropriate place.

c) Particulars of disciplinary cases against the officers like charges, punishments, criminal cases etc., and Court orders/G.Os/ References thereon, indicating the latest stage and the decision taken by the Department thereon, should be clearly indicated at appropriate place as per the instructions issued in the reference 4th cited.

d) In some cases, courts are issuing directions suspending or setting aside the disciplinary proceedings / punishments against officers figuring in the zone of consideration or issuing directions to consider the names of charged officers without reference to charge memo /orders for promotion. In some cases, the Departments are not filing counter affidavit or stay vacate petitions against the Interim Orders passed long back by the Courts, which is not correct. The Departments are therefore requested to follow the instructions issued in the reference 5th cited in this regard.

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e) **ACRs** for the years from **2008-09 to 2012-13** in the prescribed proforma illustrated in reference 1st cited, with counter signature and official stamp in respect of all the officers who come within the zone of consideration should be furnished with the proposals. The Departments have to furnish the ACRs of all the individuals shown in the seniority list including those who are facing charges or involved in disciplinary proceedings. The Departments have to furnish old ACRs of persons who are on long leave and also furnish Non Initiation Certificate for the leave period. Further, the ACRs of the individuals for the year 2011-12 onwards should be in the modified format as issued in the G.O.Ms.No.580, GA (Ser.C) Deptt., Dt.12-10-2011.

f) The Department has to specify the cadre strength, number of persons working against the cadre strength in the Department, number of persons working on deputation in the same cadre duly furnishing the reasons and also inform whether Finance Department agreed to such proposals. In case of deputation vacancies, Government orders allowing such deputations should be enclosed to the proposals. The Departments have to specify whether the officers working on deputation are approved probationers or deemed to be approved probationers or not.

g) Zone of consideration for promotion is 1:3 and where rule of reservation in promotions for SC/ST/DA candidates is applicable, the restriction of zone of consideration of 1:3 shall not be applicable.

h) The Departments are also informed that minimum service in the feeder category for promotion shall not be relaxed. However, where it is necessary in the public interest to fill emergently the vacancies, the appointing authority may invoke Rule 10 (a) of APS&SS Rules, 1996 in case of officers who are approved probationers or deemed to be approved probationers as on 01-09-2013 only and orders should be issued in the form of G.O., and copies of the same should be enclosed to the proposals. Under no circumstances the relaxation of rules or invocation of Rule 10(a) shall be resorted to the officers who are not approved probationers as on qualifying date i.e., 01-09-2013.

i) DPC / Screening Committee proposals should be in the name of the Secretary/ Principal Secretary/Special Chief Secretary to Government of the Administrative Departments concerned and should be attested by an officer not below the rank of Deputy Secretary to Government.

j) Statement showing the vacancy position with justification and date, keeping in view the G.O.Ms.No.154, SW (ROR) Dept., dt.30-07-2008, should be enclosed to the proposals.

k) Copy of the proceedings of the previous panel and extract from Roster Point Register in respect of previous panel (where ROR is applicable) should be enclosed to the proposal.

l) The Department has to furnish the proposals atleast one month in advance so as to enable the GA (DPC) Department to scrutinise the proposals and place before the DPC / Screening Committee.

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m) The Departments have to ensure that the DPC proposals are processed and furnished to the DPC ordinarily in the month of September for preparation of panels for promotion. If there is any administrative exigency in view of the court cases / orders etc., in the last month of panel year, i.e., August 2014, the Departments concerned have to obtain permission of the Chief Secretary to Govt., and then furnish proposals to GA (DPC) Department. Otherwise proposals will not be received by the G.A.(DPC) Department for placing before the respective Committees.

n) In some cases, the Departments are furnishing the proposals wherein certain officers were charged or facing disciplinary proceedings, but by the time of DPC / Screening Committee meetings, the Departments are informing that the said charges are dropped. In such cases, the Departments are requested to furnish fresh proposal duly incorporating the latest position.

o) It is necessary that the Spl. Chief Secretary / Principal Secretary / Secretary to Govt., of the Department concerned and Head of the Department attend the DPC / Screening Committee meetings. If they are unable to attend the meetings, the same has to be intimated to the Chairman of the Committee and permission taken for postponement of the scheduled meeting as per the instruction issued vide reference 2nd cited.

p) DPC / Screening Committee proceedings may be approved and published as panel, as early as possible, preferably within 15 days from the date of issue of DPC / Screening Committee Proceedings. Further, the Departments are informed that the recommendations of the DPC / Screening Committee shall be approved and orders should be issued on or before 31-08-2014 so that the panel can be operated till 31-12-2014 or till a new panel is prepared whichever is earlier.

6. All the Departments of Secretariat are also requested to adhere to the instructions issued from time to time in the matter, consult the Heads of Departments wherever necessary and furnish the DPC / Screening Committee proposals in six sets **through an U.O.Note**, as early as possible keeping in view the above guidelines for taking necessary action to place the same before the Departmental Promotion Committees / Screening Committees for preparation of panels for the panel year 2013-14.

Dr.P.K.MOHANTY
CHIEF SECRETARY TO GOVERNMENT

To
All Special Chief Secretaries / Principal Secretaries /
Secretaries to Govt., Departments of Secretariat.

Copy to:
The PS to Chief Secretary to Government.
The PS to Secretary to Government (Ser), GAD.
The GA (SC.F) Department./The GA (Ser.D) Department.
SF/SCs

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Section officer

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GOVERNMENT OF ANDHRA PRADESH
LAW (G) DEPARTMENT

Circular Memorandum No:1280/230/G/2014 Dated 11-11-2014

Sub: Establishment – Law Department – Court Cases – Instructions to be issued to the officers to deal with the matters in an effective manner – Regarding.

Ref: Lr.No:250/2014 from the learned Advocate-General for the State of Andhra Pradesh, Dated 20-10-2014.

-ooOoo-

The attention of all the Departments of the Andhra Pradesh Secretariat are invited to the reference cited in which the learned Advocate-General has requested the Government to inform the following instructions to all the Officers who are dealt with the court cases.

(1) The moment an adverse order is passed against the State by the Court, let the officer concerned be responsible for contacting the learned Government Pleader for preferring an Appeal at once. He has noticed that by the time the Appeals are filed, there is inordinate delay which needs to be avoided in respect of all matters, namely filing of Writ Petitions and Civil Appeals, etc.

(2) Wherever there is a direction from the Court to consider a particular representation, the Officers concerned must be instructed to consider the same by giving the reasons. The Hon'ble Constitutional Courts have held that an order without a reason is a voidable order. This can be avoided if some reason is given in the event the representation is rejected as a sequel to the direction of the court.

(3) In all contempt cases, the Officer concerned has to be present before the Court if the Order is made for his/her appearance. In the event, if the Officer is unable to attend the Court on that particular day (for sufficient cause), the Officer has to contact the learned Government Pleader at least two days in advance so as to prepare and file an application along with an affidavit explaining the reasons for dispensing his/her personal appearance. Normally the Courts are unwilling to dispense with the presence without an application and the application made by the Contemnor, should be before the date fixed for his/her appearance in the notice.

(4) In all the cases, the concerned Officers to apprise the concerned Government Pleader with para-wise remarks so that Counters can be prepared at the earliest.

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2. All the Departments of Secretariat are therefore requested to communicate the above instructions to all the Heads of departments, who in turn would instruct the officers concerned to comply with the said instructions, so that a clean image of the State could be projected before Hon'ble Courts.

3. The receipt of this Circular may be acknowledged.

T.NARAYANA REDDY,
Secretary (FAC),
Law Department.

To
All the Departments of Secretariat.
Copy to:
1) The P.S. to the Chief Secretary to Government, A.P.Secretariat, Hyderabad.
2) O/o the Advocate-General, High Court Buildings, Hyderabad.
3) All Sections in Law Department.
SF/SC

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Court Cases – Reduction of pendency – Guidelines to handle the court cases - Fixing the Responsibility for ineffective representation in courts -Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (Mandal.I) DEPARTMENT

G.O.MS.No. 143 Dated 15-11-2014
Read the following:-

1. Govt Memo No. 7599/LSP/RL/L1/455/2000 dated 2.11.2000
2. G.O.Rt.No. 1646 Law (L) Dept Dated: 20.09.2012

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ORDER:

There has been a steady rise in the number of court cases in Panchayat Raj Department. The easy approach of competent authorities "Let the court decide," without any accountability have serious consequences on the administration. Normally, the cases are filed before courts, whenever the competent authority fails to discharge its duties according to the provisions of Acts and Rules or Petitioners may misrepresent the facts and provisions of rules to get undue advantage. The nature of each case in service matters range from charges framed and consequential denial of promotions, seniority issues, relaxation of service qualifications and regularization of services in different categories. In Panchayat Raj Institutions, the issues relate to levy of taxes, usufructs rights, site disputes for infrastructure constructions under different Schemes and election related disputes.

2. Government felt that a prompt and adequate response with the required reasons to the representations and legal notices received by the offices concerned will relieve the Government and its instrumentalities from defending avoidable litigation resulting in saving of valuable time of the Courts, functionaries of Government and funds of the public exchequer.

3. It is also noticed that the competent authority fails to exercise their jurisdiction as per the existing rules and regulations and also submits the proposals to higher authorities without any justification. While preparing the para-wise remarks instead of rejecting the unjustified pleas of the applicants, they simply mentioned in the counter affidavits that the proposal is pending with the Government and in fact most of the instances, these cases are not at all pending with Government. This tendency needs to be corrected with all seriousness and should be construed that they purposefully mention these irresponsible statements in counter affidavits to do undue favour to the applicants/ petitioners by suppressing the facts. In certain situations, the cases are disposed off without availing its option of effective representation before the Court by the competent authority. The lack of timely and appropriate response results in the cases disposed off ex parte; to the disadvantage of Government and local bodies.

4. The competent authorities should either implement the judgments of the Court or file an appeal petition in Higher Courts, if it is not acceptable to them. But they should not keep quiet on the pretext that its implementation

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will be in violation of rules or Government is alone competent authority to implement such orders. Sometimes the department is caught totally unaware till they get contempt notice. In some cases, personal appearance of higher officials is being ordered by the Courts. One of the important reasons for the pendency of court cases is the fact that timelines are not adhered to at various stages of court cases. There is also lack of effective coordination and monitoring system to deal with in an effective manner.

5. CAUSES OF PENDENCY:

The major reasons for pendency which are identified as follows:

a) Late receipt of petitioner's affidavit from the Court/Tribunal;

b) Late submission of draft para-wise remarks to the Government Pleader by the main respondent and also not enclosing the supporting documents and material along with draft para-wise remarks;

c) Delay in approving the para-wise remarks by the Government Pleader (GP) and prepare draft Counter Affidavit;

d) The Competent authority is not able to devote enough time and attention to the details of case;

e) Lower level staff being not fully competent in preparing para-wise remarks;

f) Delays if Government Pleader office if approved and filing of counter affidavit;

6. GUIDELINES IN HANDLING THE COURT CASES:

Government after careful examination of the entire issue, hereby direct that to follow the guidelines issued hereunder in order to handle the court cases effectively and to minimize the litigation in the department.

A. FILING THE COUNTERS WITHIN THE STIPULATED TIME:

Most of the cases, Government is made first Respondent even though the matter is exclusively related to a particular Panchyat Raj Institution or other offices on a routine manner. Hence the officer concerned should see whether the petitioner challenged the Govt Order or orders of subordinate offices or Institutions.

If the government policy or direction is challenged, the officer concerned should submit his proposal explaining the factual information relating to the case to the Government so as to enable the Government to file the counter in the case.

If the orders of the Panchayat Raj Institutions or other office under the control of this department are challenged, then the respective office should file counter affidavit on behalf of the Government also without waiting instructions from the Government.

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B. PREPARING PARAWISE REMARKS/ DRAFT COUNTERS:

While preparing the draft counters the following points should be checked to ensure filing proper counter affidavit in the case:

i. Check whether the WP/OA was filed within the limitation period as per the relevant rules prescribed by the High Court/Administrative Tribunal;

ii. Check whether the doctrine of Res judicata i.e. whether the applicant has challenged the same identical issues before any court of law, applies in a given case;

iii. Check whether the applicant availed of all the remedies available to him under the relevant Service Rules as to redressal of grievances. If not, mention the same in the counter affidavit that the petitioner/applicant has violated the A.P. C.S.(Conduct Rules) 1964;

iv. Check whether the para-wise remarks are expressed in brevity and precise without repetition and prolonging with unnecessary things;

v. Check whether the para-wise remarks focused on the core issues involved in the litigation and address them squarely;

vi. Check when the prayer made by applicant is not in accordance with the rules; oppose unjustified prayer in draft counter affidavit duly explaining the rule position/relevant statute instead of giving routine reply that "the proposal is pending with Government".

vii. Each averment made by the petitioner/applicant should be traversed with reference to the provisions of the Statute, Rules, Regulations made there under;

viii. Check whether the settled law is quoted in the draft counter wherever necessary;

ix. Check whether all the support documents are enclosed along with the draft counter affidavit, before sending to concerned GP;

C. STEPS FOR AVOIDING CONTEMPT PROCEEDINGS:

i. On receipt of the final judgment or interim orders, the competent authority shall examine the facts and circumstances of the case, the likely effects of the judgment and also its implication in future and take a view as to whether it would be appropriate to implement the order or file a review against the order.

ii. Take all necessary steps to implement the same if it can be implemented as per rules within the time, as directed in the order;

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iii. Seek extension of time, before expiry of the time limit ordered, for implementation in cases where it can be implemented, but the time allowed is not sufficient;

iv. Obtain clarification from the Law Officers or by filing a suitable petition for clarification before the appropriate forum wherever necessary, in cases of doubt, in consultation with the concerned Law Officers;

v. File Vacate Stay Petition, whenever considered necessary along with the counter as expeditiously as possible;

vi. File a review in appropriate cases where either mistake of fact or mistake of law is noticed within 30 days;

vii. File an appeal wherever necessary before the appellate forum along with prayer for stay / suspension / modification of the order appealed against within 90 days;

D. FILING COUNTERS BY GOVT. PLEADERS/STANDING COUNSELS:

i. The Government Pleaders/Standing Counsels should prepare draft counter based on the para-wise remarks submitted by the respective office within two weeks and return it to the concerned for approval and submitting fair counter. Government Pleaders are fully responsible for approval of draft affidavits within the above time frame;

ii. Soon after receipt of the fair counter affidavit from the respective offices, the Government Pleader/Standing Counsel should check the fair counter and file it in the court immediately. Necessary action will be initiated against the defaulting Govt. Pleaders/Standing Counsels through Law Department.

iii. In accordance with the Govt Memo 1st read above, it is the primary duty of the Government Pleader to apply to the court on the very date of delivery of judgment for a copy of the judgment and to forward such copy to the Government without delay in every cases conducted by him in which the decision is adverse to the Government. While forwarding a copy of the judgment he shall inform the date before which further action, if any, should be taken and offer his views as to the advisability of appealing against the adverse judgment of the court to safeguard the interest of the Government.

E. REVIEW OF PENDING CASES:

i) All court cases shall be monitored with the help of OLCMS computer package developed by the Centre for Good Governance;

ii) At the District level, the court cases shall be reviewed in the 1st week of every month in the offices of Chief Executive Officer of ZPP, Superintendent Engineers, Panchayat Raj Engineering and

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Rural Water Supply Departments and District Panchayat Officer. While conducting review, the Cases shall be grouped and categorized such as ACB cases, service matters, V&E cases, site disputes for infrastructure constructions, levy of taxes, usufructs rights, Cases filed by contractors, etc.,. The CPR&RE and ENC (PR) and RWS&S should evolve suitable standard formats in this regard to facilitate the review;

iii) The review should also be focused to identify areas of litigation and find out reasons why do we get more number of court cases on particular issue and find out remedial measures to reduce the litigation in the department;

iv) The best approach in addressing the pendency of court cases especially on service matters is the competent authority directly interact with aggrieved persons and ensure effective dispensation of grievances and disputes at their level by properly interpreting the existing rules and regulations instead of referring every small matters to the Government;

v) It will be the responsibility of reviewing authority to see whether the litigation can be avoided. If litigation cannot be avoided, then alternative dispute resolution methods like mediation must be considered. Section 89 of the Code of Civil Procedure must be resorted to extensively.

vi) After considering the above aspects, the district heads should send the list of court cases to the respective Heads of Department in the second week of every month with their specific remarks on the pendency of cases;

vii) The Heads of Department should review the cases and furnish the list of all pending cases in the third week of every month along with their specific recommendations on policy initiatives, if any required to reduce the litigation on specific issues;

F. ACCOUNTABILITY OF THE OFFICERS/STAFF CONCERNED:

Accountability of competent authority is the touch-stone in handling the court cases. Accountability will be at various levels especially at the level of officers in charge of litigation, those responsible for defending cases.

i. The officer who is responsible for litigation, failed to settle the issue in the normal course must be identified and suitable disciplinary action should be initiated against the concerned for not discharging his/her responsibility;

ii. The Officer/staff concerned who fails to take proper action on the court direction leading to contempt proceedings or fails to follow the above guidelines should be identified and disciplinary action should be initiated against them. Complacency must be eliminated in handling the court cases.

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G. TRAINING TO ALL OFFICERS ON COURT MATTERS:

All the officers who are handling the court cases in Panchayat Raj Department, Panchayat Raj Engineering Department and Rural Water Supply & Sanitation Department shall be trained to handle the legal cases in an effective manner.

The Commissioner, AMR-APARD is requested to prepare suitable training module to train the staff and officers in the department. The Commissioner, Panchayat Raj and Rural Employment, Engineer-in-Chiefs of Panchayat Raj Engineering and Rural Water Supply & Sanitation Departments are requested to take necessary action to follow the above guidelines.

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

DR.K.S.JAWAHAR REDDY
SECRETARY TO GOVERNMENT (PR)

To
The Commissioner, Panchayat Raj and Rural Employment, A.P. Himayatnagar, Hyderabad
The Engineer-in-Chief, Panchayat Raj Engineering Department, A.P, Hyderabad.
The Engineer-in-Chief, Rural Water Supply & Sanitation Department, A.P. Hyderabad
The Commissioner, AMR-A.P. Academy of Rural Development, Rajendranagar, Hyderabad.
Government Pleaders for Panchayat Raj Department (AP), APAT, Hyderabad.
Government Pleaders for Panchayat Raj Department (AP), High Court, Hyderabad.
All Standing Counsels of Panchayat Raj Institutions in High Court/APAT (AP), Hyderabad.
Copy to
Office of Advocate General (A.P.), High Court, Hyderabad
All Chief Executive Officers of ZPP in the state
All Superintending Engineers of PR Engineering Department
All Superintending Engineers of Rural Water Supply & Sanitation Department
All District Panchayat Officers in the State
Law Department.
SC/SF

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Government of Andhra Pradesh
Law (G) Department

Circular Memo.No.709/363/G/2015 Dated 19-03-2015

Sub: Suits – filing of Caveat Petitions in the High Court – Issue of certain instruction to the Officers – Regarding.

Ref: Letter No:122/2015 from the learned Advocate-General for the State of Andhra Pradesh, dated 04-03-205.

-ooOoo-

In the reference read above, the learned Advocate General has stated that a large number of requisitions are received by the Law Officer in the Hon'ble High Court from various departmental Heads requesting to file Caveat Petitions in Writ petitions that may be filed by the affected parties against the Government. The Writ proceeding rules formed by the High Court stipulates prior service of papers in the petitions presented against the Government and Government Pleader's Office. Rule 7(a) of Writ rules is extracted below:

> "7(a) Whenever a petition or application is presented against the Government, or any authority, the copies of the petition, application and the accompanying affidavit and documents shall be served on the Government Pleader or the Standing Counsel concerned, and the said petition or the application shall not be accepted in the Registry unless it contains an endorsement of Counsel concerned, or by the Secretary of the Government Pleader's Office or by some authorized by him in this behalf, not below the rank of a Superintendent, or by a Registered Clerks of the Standing Counsel concerned, as the case may be, or by a person authorized by the Standing Counsel concerned under intimation to this Registry".

2. In view of the above rule, there is no need or necessity to file Caveat petitions in the Writ Petitions. Therefore, all the Departments of Secretariat are requested not to send any proposals to file Caveat Petitions in Writ Petitions. They are also requested to furnish detailed information in advance to the concerned Government Pleaders' office in the case where they have are apprehending that affected persons may approach the High Court by way of Writ Petition.

3. All the departments of Secretariat are further requested to communicate the above instructions to all the Departmental Heads/HoDs/ District Collectors etc., to comply with the said instructions.

I.Y.R.KRISHNA RAO,
CHIEF SECRETARY TO GOVERNMENT.

To
All the Departments of Secretariat.
Copy to: 1) The PS to the Chief Secretary to Government, A.P.Secretariat, Hyderabad.
2) Office of the Advocate-General, High Court Buildings, Hyderabad.

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3) All Sections in Law Department
SF/SC

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21. CONFIRMATION: (a) Confirmation of a member of service :- As soon as a person appointed initially in a service or class of a service is declared to have satisfactorily completed his probation or deemed to have satisfactorily completed his probation, he shall be confirmed as a member of that service, by the appointing authority.

The seniority of the person shall however be regulated in terms of rule 33 of these rules.

Explanation :-

(1) For the purpose of the rule "appointed initially" means appointment of a person for the first time to any post in the civil service in the State or Civil post in the service of the State of Andhra Pradesh.

(2) A member of a service or a class of a service shall be confirmed in such service or class of a service irrespective of whether there is a permanent or substantive post or vacancy available in that service.

(3) A person appointed to a Government service shall be confirmed in any service, only once during his service in Government at the entry grade, irrespective of whether subsequently he is promoted within the same service or appointment by transfer to some other service or class of service, from time to time.

(b) A person confirmed in a particular category, class or service shall not be confirmed in any other category, class or service.

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Rule-30(e) of A.P.State and Subordinate Service Rules, 1996

Where a member of a service is selected for appointment by direct recruitment to another post, category or class in the same or different service and is appointed to it, his lien on the service or his probationary right, if any, in the post of the service under the State Government, which he was holding prior to such appointment by direct recruitment, shall be retained for a period of three years or until he becomes an approved probationer in the post, category or class in the same or different service of this State Government, to which he has been selected, whichever is earlier; and if before the expiry of three years he is not an approved probationer in the post to which he was selected for appointment by direct recruitment, in the same or different service of the Government, unless he reverts to the parent Department, he shall be deemed to have resigned from the service of which he was a member prior to such appointment by direct recruitment with effect from the date on which the three years period expires.

Provided that nothing in this sub-rule shall affect the benefits accrued to such member of a service or services in the previous post or posts, except the lien or probationary right, as the case may be, on such post or posts.

Provided further that where a member of a service is selected for appointment by direct recruitment to a post under the service of the Government of India or any other State Government, his lien on a post or probationary right, if any, in the State Government shall be retained for a period of three years or until he becomes an approved probationer in the service of the Government of India as the case may be, whichever is earlier, and if before the expiry of three years he is not an approved probationer in any post under the service of that other Government as the case may be, unless he reverts to the services of the State Government, he shall be deemed to have resigned from the service of which he was a member prior to such appointment by direct recruitment, with effect from the date on which the three years period expires.

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12.(a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

12-A. Unless in any case it be otherwise provided in these rules a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post-

(a) while performing the duties of that post;

(b) while on foreign service, or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) [1](- - - -) While on leave other than refused leave granted after the date of compulsory retirement under Rule 86, or Rule 7 of Andhra Pradesh Leave Rules, 1933, and

(e) while under suspension.

Note:- If service during any completed year of service was rendered partly in superior post and partly in last grade, the half pay leave should be calculated on a PRO-RATA basis separately in respect of superior service and last grade service and then added up. The fraction if any, present in the total half pay leave for the particular year should be ignored if it is less than half and reckoned as one day if it is half or more.

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[1]Omitted by G.O.Ms.No.384, Finance (FR.I) Dept, dated 6-10-1994.

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14. (a) [1][The State Government] shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity-

(1) to a tenure post, or

[2](2) Omitted

(3) Provisionally, to a post on which another Government servant would hold a lien not been suspended under this rule.

(b) [1][The State Government] may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this rule, [2]is transferred in an officiating capacity to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years;

(c) Notwithstanding anything contained in clause (a) or (b) of this rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated;

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this rule, the post may be filled substantively and, the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives;

Note 1:- This clause applies if the post concerned is a post in a selection grade of a cadre.

Note 2:- When a post is filled substantively under this clause the appointment will be termed a provisional appointment; the servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) but not under clause (b) of this rule.

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[1]Substituted by G.O.Ms.No.12, Fin. & Plg.(FW:FR.I) Dept., dt.7-2-1995
[2]Omitted by G.O.Ms.No.81, Finance, dated 20-4-1970.

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(e) [1][- - - - -] A Government servants's lien which has been suspended under clause (a) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in [2]sub-clause (1) or (3) of that clause.

(f) A Government servant's lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave, if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in [2]sub-clause (1) or (3) of clause (a).

Delegation under Rule 14 (b)

A Head of Department is empowered to suspend a lien in respect of any post to which it or an authority subordinate to it can appoint.

Instruction under Rule 14 (b)

The lien of an officer cannot be suspended while he is on probation in another post. If the officer completes the period of probation satisfactorily, suspension of lien may be made with retrospective effect from the date on which the officer was transferred to other duty, provided that the conditions in Rule 14(b) are otherwise satisfied.

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[1]Omitted by G.O.Ms.No.384, Finance (FR.I) Department, dated 6-10-1994.
[2]Substituted by G.O.Ms.No.81, Finance, dated 20-4-1970

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

FUNDAMENTAL RULES – Lien - Amendment to FR 14 – Orders – Issued

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FINANCE (FR.I) DEPARTMENT

G.O. Ms. No. 144 **dated: 19.05.2009**

ORDER:

According to FR 12-A, a Government Servant will acquire a lien on his appointment to a substantive post and ceases to hold any lien previously acquired on any other post. Various situations have come to involve in which a Government Servant's lien on a substantive post is continued even though he is not discharging the duties of that post.

2. According to FR 13, unless the lien of a Government Servant is suspended under Rule 14, or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post in the circumstances specified thereunder. The Head of the Department is empowered to suspend the lien in respect of any post to which it or an authority subordinate to it can appoint. Under FR 14-A, the lien of a Government Servant cannot be terminated, if as a result of such termination will leave the Government Servant without a lien or a suspended lien upon a permanent post. FR 14, 14-A and 14-B, confer a right to employees to retain their lien on a permanent post until the employee(s) acquire (s) lien on another permanent post.

3. According to instructions issued by the General Admn. (Services) Dept. under rule 21 of AP State and Subordinate Service Rules, a person appointed to a Government Service shall be confirmed in any service, only once during his service in the Government at the entry grade, regardless of the fact whether there is a permanent or substantive post or vacancy available in that service. Thus, a situation has been created under General Rules that it is not at all required to confer full membership on each and every post either on promotion or appointment by transfer, which is lacking harmony to some extent with the provisions of FRs under which lien is acquired only on substantive appointment to a post.

4. The Fundamental Rules, dealing with lien, partly display obsolescence since the time they were framed in view of changed circumstances. This is because in a majority of cases appointments are made only on temporary basis which are subsequently regularized and probation declared. In such cases, the individuals, as they are not appointed substantively, do not acquire any lien on any post at all which is not contemplated under F.Rs.

5. During the DPC meeting held on 30-6-2007 in Finance Department, the DPC members also observed that the lien in the parent department shall be terminated as and when such individuals get next promotions or probation is declared in the latter department so as to avoid inconvenience while preparing the panels in their parent department.

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6. Also different service rules provide for appointment by transfer from other services. The persons appointed outside their regular line are continued for years together outside their regular line while retaining all their rights in the parent department even after getting promotions outside the regular line on the ground that their lien in the parent department is continued as they are not appointed substantively to the post outside the regular line. In many cases, these candidates relinquish their promotions which results in lapse of the quota earmarked under the relevant service rules to the detriment of the persons in the regular line for no fault of theirs. Several departments are experiencing difficulties in drawing panels for various categories of posts as the rights of the persons outside the regular line have to be considered even after their promotions outside their regular line. In some cases, the persons outside the regular line got more than two promotions while their juniors in the regular line are facing stagnation at lower levels. This is an unfair situation conferring all benefits to few individuals while depriving the rights of others. Hence, the need to review the concept of lien in its entirety and issue a fresh set of instructions keeping in view the changed circumstances.

7. Therefore, Government after careful examination of the matter, have decided to issue amendment to FR 14.

8. Accordingly, the following notification shall be published in the extraordinary issue of 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 Fundamental Rules.

AMENDMENTS

In the said rules, (1) under FR 14 after clause-(f), the following shall be added, namely,-

"(g) The Lien of (i) a Government employee, appointed outside the regular line from the date of his relief; (ii) a Government employee who resigned/are relieved from a post to join in a different post to which he is selected by direct recruitment, from the date of his resignation/relief from the old post; and (iii) a Government employee who is transferred from one department to another on request or otherwise by way of departmental transfers from the date of his relief shall stand automatically suspended even if it is not mentioned in such orders and such Govt. employees shall automatically acquire provisional lien in the new departments, in which they join".

2. In FR 14-A after clause-(d) the following shall be added, namely,-

"(e) The Lien of a Government employee, which was automatically suspended from the date of his relief in the parent department under clause (g) under FR-14 shall

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automatically get terminated in the parent department on the date on which his probation is declared in the new department or on the date on which his probation is deemed to have been declared in the new department or the date of his further promotion in the new department which ever is later subject to a maximum period of three (3) years".

3. In FR 14-B, the following shall be added, namely,-

"Note-I: The Lien of a Government employee, which was automatically terminated under clause (e) under FR 14-A in the parent department shall automatically be transferred to the new department from that date.

Note-II: The existing employees who are working in the departments other than parent departments shall exercise option within two (2) months from the date of issue of these orders and if no option is exercised within two (2) months the employee is deemed to have opted to continue in the other service and his lien in the parent department shall automatically be terminated. However after exercising the option within two (2) months they may be allowed four (4) months to get relief from other department and to join in parent department i.e. total six (6) months time shall be allowed".

9. These orders are available on internet and can be accessed at the address http://www. goir.ap.gov.in.

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

Dr. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)

To
All the Departments of Secretariat (10 copies each)
The Accountant General, Andhra Pradesh, Hyderabad (20 copies).
The Accountant General, Andhra Pradesh, Hyderabad (by name).
The Pay & Accounts Officer, Hyderabad.
The Secretary to Governor, Andhra Pradesh, Hyderabad.
All Secretaries to Government.
The Private Secretary to the Chief Minister and Private Secretaries to all Ministers.
All the Heads of Departments (including Collectors and District Judges).
The Registrar, High Court of Andhra Pradesh, Hyderabad (with covering letter).
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad (with covering letter).
All the District Treasury Officers (with copies for Sub-Treasury Officers).

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The Secretary, Andhra Pradesh GENCO/TRANSCO.
The General Manager, A.P. State Road Transport Corporation, Hyderabad (with covering letter).
All District Educational Officers/All Principals of Junior Colleges.
All the District Development Officer, Zilla Praja Parishads.
All District Panchayat Officers.
All Mandal Development Officers.
All Secretaries of Zilla Grandhalaya Samsthas through Director of Public Libraries, Hyderabad.
All Secretaries of Agricultural Market Committees through Director of Marketing, A.P., Hyderabad.
All Commissioners/Special Officers of Municipalities.
All Recognised service Associations.
The Director, Government Printing Press, A.P. Hyderabad for publication in the Andhra Pradesh Gazette.
Copy to the General Administration (Cabinet) Department.
Copy to the General Administration (SW) Department.
Copy to SF/S.Cs.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

FUNDAMENTAL RULES – Lien Amendment to FR-14-Orders-Issued.

FINANCE (FR-I) DEPARTMENT

G.O.Ms.No. 127 Dt: 8-5-2012

Read the following:-

1. G.O.Ms.No.144, Finance (FR-I) Department, dt: 19-5-2009.

-ooOoo-

ORDER:-

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

N O T I F I C A T I O N

In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India and of all the powers here-unto enabling the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Fundamental Rules and Subsidiary Rules.

Amendment

In FR 14-A clause-(e) the following shall be substituted:-

"The lien of a Government employee, which was automatically suspended from the date of his relief in the parent department under clause (g) under FR-14 shall automatically get terminated in the parent department on the date on which his probation is declared in the new department or on the date on which his probation is deemed to have been declared in the new department, or on the date on which he/she completes 3 years of service in the new department, **whichever is earlier**".

The orders issued shall be deemed to have come into force with immediate effect.

These orders are available on Internet and can be accessed at the address http://www.apfinance.gov.in and http://www.goir.ap.gov.in

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

Dr. D. SAMBASIVA RAO
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To
All the Departments of Secretariat.
The Accountant General. Andhra Pradesh, Hyderabad.
The Pay & Accounts Officer, Hyderabad.
The Secretary to Governor, Andhra Pradesh, Hyderabad.
All the Secretaries to Government.
The Private Secretary to the Chief Minister ane Private Secretaries

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to all Ministers.
All the Heads of Departments (including Collectors and District Judges).
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
All the District Treasury Officers.
The Secretary, Andhra Pradesh GENCO / TRANSCO
The General Manager, A.P. State Road Transport Corporation, Hyderabad.
All District Educational Officers / All Principals of Junior Colleges.
All the District Development Officer, Zilla Praja Parishads.
All District Panchayat Officers.
All Mandal Development Officers.
All Secretaries of Zilla Grandhalaya Samsthas through Director of Public Libraries, Hyderabad.
All Secretaries of Agricultural Market Committees through Director of Marketing A.P. Hyderabad.
All Commissioners / Special, Officers of Municipalities.
All Recognized service Associations.
The Director, Government Printing Press, A.P. Hyderabad for publication in the Andhra Pradesh Gazette.
Copy to General Administration (Cabinet) Department.
Copy to the General Administration (SW) Department.
Copy to SHADOW FILE/S.Cs.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Examinations – Pass in Account Test for Subordinate Officers Part-I and II as equivalent with a pass in Account Test for Executive Officer – Orders passed.

GENERAL ADMINISTRATION (SER.A) DEPARTMENT

G.O.Ms.No.1799 Dated 07-10-1965
Read:-

From the A.P.Public Service Commission, Letter No:1223-B/65, dated 18-06-1965.

-ooOoo-

ORDER:-

The Government direct that Government Servants who have passed Accounts Test for Subordinate Officers Part-I and II shall be exempt from passing Account Tests for Executive Officers where such test is prescribed in the Special Rules concerned.

2. Departments of Secretariat are requested to amend the provisions in Special Rules with which they are concerned to the above effect.

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

K.N. ANANTARAMAN,
CHIEF SECRETARY TO GOVERNMENT.

To
All Departments of Secretariat (12 copies each)
All Heads of Departments including Collectors and District Judges.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
Copy to the Tribunal for Disciplinary Proceedings, Hyderabad.
Copy to all Services Sections in G.A.D.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Examinations – Special Departmental Tests – Concession of allowing the annual grade increments in respect of employees who crossed the age of 45 years – Orders – Issued.

GENERAL ADMINISTRATION (SER.A) DEPARTMENT

G.O.Ms.No.475 Dated 20-09-1994
Read the following:-

1. G.O.Ms.No:1324, GA (Ser.C) Dept., dt:20-09-1964.
2. Govt.Memo.No:915/Ser.C/77-2, GA (Ser.C) Dept., dt:12-10-77.

-ooOoo-

ORDER:-

In the G.O. 1st read above, it was ordered that an employee may be exempted for purposes of confirmation and increments on reaching the prescribed age i.e., 45 or 40 years as the case may be from passing the special, Departmental or Language Tests, for which the penalty prescribed in the rules for failure to pass the test or tests is only stoppage of increments.

2. In the reference 2nd read above, it was clarified that wherever the Special Rules provide for extension of the prescribed period of probation on account of not passing Special/Departmental Tests, no exemption from passing the said tests on the ground of age need ordinarily be granted.

3. The High Power Committee on employees demands submitted by Joint Action Committee of Employees, Teachers and Workers of A.P.Secretariat Co-ordination Committee, has recommended that the financial benefits like increments to persons who crossed 45 years of age when they do not pass the prescribed Tests may be allowed.

4. After careful consideration and in partial modification of orders issued in the G.O. 1st read above, Government direct that where the Special Rules prescribe passing of a test as a precondition for drawal of increments/ declaration of probation, the employees who crossed 45 years of age and if they have not passed the prescribed Tests, the Annual Grade Increments may be released.

5. The concession allowed in para 4 above, will not entitle the employee to get eligibility for the Automatic Advance increment scheme where acquiring qualification is a prerequisite or for promotion to next higher category for which passing of the test is a prerequisite.

6. The Departments of Secretariat are requested to amend the Special and Adhoc Rules with which they are concerned, suitably wherever necessary.

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

K. JAYABHARATH REDDY,
CHIEF SECRETARY TO GOVERNMENT.

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To
All Departments of Secretariat (10 copies)
All Heads of Departments (10 copies).
The Secretary to Governor, Raj Bhavan, Hyderabad.
The Secretary to Chief Minister.
The P.S. to All other Ministers.
All Collectors & District Judges.
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
Copy to:
The GA (AR&T), (IC.II)/(V&E)/(Ser.Wel) Departments
The Law (E) Department
All Services Sections in General Administration Department.
SF/SC

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Examinations – Passing of the Departmental Test/Special Tests – Exemption from passing of Test prescribed in the Special Rules in respect of employees who crossed 45 years of age – Orders – Issued.

GENERAL ADMINISTRATION (SER.A) DEPARTMENT

G.O.Ms.No.165 Dated 22-04-1997
Read the following:-

1. G.O.Ms.No:139, GA (Ser.C) Dept., dated 28-07-1993.
2. G.O.Ms.No:475, GA (Ser.C) Dept., dated 20-09-1994.
3. From the Secretary, Andhra Pradesh Public Service Commission, Letter No:1503/RR/2/97, dated 17-04-1997.

-ooOoo-

ORDER:

In the G.O. first read above, orders were issued, interalia, to the effect that employees appointed as on 1-11-1956 in the former Andhra State and State of Hyderabad and allotted to the Government of Andhra Pradesh shall be exempted from passing the Departmental Tests, if they have completed 45 years of age for promotion to higher categories.

2. In the G.O. second read above it was ordered that where the Special Rules prescribe passing of a test as precondition for drawal of increments/ declaration of probation, for the employees who crossed 45 years of age and if they have not passed the prescribed tests, the annual grade increments may be released.

3. Representations have been made by several Non-Gazetted Officers' organizations requesting that the condition of passing of Departmental Tests/ Special Tests may be removed in respect of employees who have crossed 45 years of age for getting one promotion.

4. Government have examined the aforesaid issue and it has been decided that the Government employees who have crossed 45 years of age be exempted from passing of Departmental Tests/Special Tests prescribed in the Special Rules/Adhoc Rules for the purpose of promotion to the next higher category only (i.e.) the promotion or appointment by transfer to a post above the one held by him/her, if they could not pass the same.

5. 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 all other powers hereunto enabling, the Governor of Andhra Pradesh here by make the following Ad-hoc rule namely:-

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ADHOC RULE

Notwithstanding anything contained in Andhra Pradesh State and Subordinate Service Rules or in the Special Rules or in adhoc Rules, the Government employees who have crossed 45 years of age, shall be exempted from passing the Departmental Tests prescribed in the Special Rules/adhoc Rules for the purpose of promotion to the next higher category (i.e.) promotion/appointment by transfer to a post above the one held by him/her if they could not pass the same.

(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, Hyderabad. (He is requested to supply 50 copies of the Gazette Notification to this Department)
All Departments of Secretariat (10 copies)
All Heads of Departments
The Secretary to Governor, Raj Bhavan, Hyderabad.
The Secretary to Chief Minister.
The P.Ss. to All other Ministers.
All Collectors & District Judges.
The Registrar, High Court of Andhra Pradesh, Hyderabad.
The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad (10 copies)
Copy to:
The GA (Ser.Wel) Department.
The Law (E) Department
All Services Sections in General Administration Department.
SF/SC

//Forwarded::By order//

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

Circular Memo.No:49152/Ser.C/97-1 Dated 28-07-1997

Sub: P.S. – Passing of Departmental Tests/Special Tests – Exemption from passing of test prescribed in Special rules in respect of employees who crossed 45 years of age – Clarification – Issued – Regarding.

Ref: 1. G.O.Ms.No:165, GA (Ser.C) Dept., dated 22-04-1997.

2. Representation from A.P. NGOs Association, dated 06-06-1997

-ooOoo-

In G.O.Ms.No:165, General Administration (Ser.C) Department, dated 22-04-1997 an adhoc rule was issued to exempt such of those employees who have crossed 45 years of age from passing departmental tests/special tests prescribed in the special rules/ adhoc rules for the purpose of promotion to the next higher category i.e., promotion/appointment by transfer to a post above the one held by him/her, if they could not pass the same.

The Andhra Pradesh Non-Gazetted Officers Association has requested for clarification on certain points in respect of adhoc rule issued In G.O.Ms.No:165, General Administration (Ser.C) Department, dated 22-04-1997.

The following clarification is issued to the said G.O.Ms.No:165, General Administration (Ser.C) Department, dated 22-04-1997.

(i) the adhoc rule issued in G.O.Ms.No:165, General Administration (Ser.C) Department, dated 22-04-1997 has a prospective effect.

(ii) the orders issued in G.O.Ms.No:165, General Administration (Ser.C) Department, dated 22-04-1997 are applicable to the panels to be prepared for the panel year from 1997-98 onwards.

(iii) the employees irrespective of the category to which they belong who have completed 45 years of age and who could not pass the requisite Departmental Tests prescribed in the Special/ or adhoc rules may be considered for exemption from passing such tests and later on, they may be considered for promotion to the post above the one held by him/her in the same service.

(iv) the orders are applicable only in cases of departmental tests for promotion and not applicable where qualifications, academic or technical are prescribed for promotion to the next higher category post.

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4. All the Departments of Secretariat/Heads of Departments are requested to bring the above clarification to the notice of all concerned.

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

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to:
A.P. Non-Gazetted Officers Association, Gunfoundry, Hyderabad (with reference to their letter dated 06-06-1997)
All Service Sections in General Administration Department.
The Scrutiny Cell of Law Department.

//Forwarded::By order//

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

Circular Memo.No:10922/Ser.C/98 Dated 26-03-1998

Sub: PUBLIC SERVICES – Exemption from passing Departmental Test/Special Tests of Government Employees who have crossed 45 years of age – Adhoc rule issued – Regarding.

Ref: 1. G.O.Ms.No:165, GA (Ser.C) Dept., dated 22-04-1997.

2. Govt.Circular Memo.No:49152/Ser.C/97, dt:28-07-1997.

-ooOoo-

In G.O.Ms.No:165, General Administration (Ser.C) Department, dated 22-04-1997 an adhoc rule was issued to exempt such of those employees who have crossed 45 years of age from passing departmental tests/special tests prescribed in the Special Rules/ Adhoc Rules for the purpose of promotion to the next higher category i.e., promotion/appointment by transfer to a post above the one held by him/her, if they could not pass the same.

In Circular Memo.No:49152/Ser.C/97, GA (Ser.C) Department, dt:28-07-1997, a clarification was issued about the applicability of adhoc rule.

Various departments have sought for further clarification on certain points in respect of adhoc rule issued in G.O.Ms.No:165, GA (Ser.C) Dept., dated 22-04-1997 and they are clarified as follows:

	Points raised	Clarification
1	Whether the exemption is applicable to those employees who did not appear for the test?	The exemption is applicable only to those employees who appeared but could not pass the test.
2	Is a written order necessary to be issued granting such exemption?	Yes, it is necessary to issue written orders of exemption from passing the test from the concerned authority.
3	Whether the exemption is applicable for employees whose declaration of probation is held up for not passing the test?	Exemption is not available from passing the departmental test by a probationer.
4	Whether the exemption is one time exemption and whether an employee can seek further promotions irrespective of the fact that no tests are prescribed for the higher post.	Exemption is only for one promotion. He will not entitled for further promotion.

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5	Whether the exemption is available for the employee who got one promotion for which not tests are prescribed for seeking second promotion for which tests are prescribed.	The exemption is not available for a second promotion to such employee who had already got one promotion even if it is for a post of which no tests are prescribed. This is because of the intention of the Government to ensure that every employee gets atleast one promotion.

All Departments of Secretariat/Heads of Departments are requested to bring the above clarification to the notice of all concerned to follow the same scrupulously.

K. MADHAVA RAO,
CHIEF SECRETARY TO GOVERNMENT.

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to:
All Service Sections in General Administration Department.
The Scrutiny Cell of Law Department.

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

U.O.Note No:37275/Ser.C/98-1 Dated 22-07-1998

Sub: Public Services – Exemption from passing departmental tests/ special tests in respect of employees who crossed 45 years of age – Clarification – Issued – Regarding.

Ref: Circular Memo.No:10922/Ser.C/98, dated 26-03-1998.

-ooOoo-

In the Circular Memo. cited, certain clarifications were given on the subject. Some of the Departments are still raising doubts on point No:5 despite the fact that it was made clear in the clarification that the benefit is available only for the first promotion and not for the second promotion and that it is the intention of the Government to ensure that every employee gets atleast the benefit of one promotion.

In view of this, it is again reiterated that the exemption from passing departmental tests for the employee who completed 45 years of age is only a one time concession for promotion to the next higher category above the one held by him or her in the same service. The said concession shall not be applicable for subsequent promotion irrespective of the fact whether tests are prescribed for higher posts. It is also made clear that the concession is only for exemption from passing the departmental tests or special tests but not for the qualifications prescribed.

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

To
All Departments of Secretariat.
Copy to:
All Heads of Departments.
All District Collectors.
All Service Sections in General Administration Department.

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GOVERNMENTOF ANDHRA PRADESH

ABSTRACT

Public Services – Passing of the Departmental Test/special Tests-Exemption from passing of tests prescribed in the special rules in respect of employees who crossed 45 years of age – Adhoc rule –reissued.

GENERAL ADMINISTRATION(SER.C) DEPARTMENT

G.O.Ms.No.225 **Dated:18-05-1999.**

Read the following:-

1. G.O.Ms.No.165, GA (Ser.C) Dept.. dt.22-04-97
2. Cir.Memo.No.49152/Ser.C/97, GA (Ser.C) Dept. dt.28-07-97.
3. Cir.Memo.No.10922/Ser.C/98, GA (Ser.C) Dept. dt.26-03-98.
4. U.O.Note No.37275/Ser.C/98 GA (Ser.C) Dept. dt.22-07-98.
5. From the Secretary, APPSC., Lr.No.1036/RR/2/99 dt.13-05-99.

O R D E R :

In the reference first read above an adhoc rule was issued as follows:

"Notwithstanding anything contained in the Andhra Pradesh State and subordinate Service Rules or in the Special Rules or in adhoc rules, the Government employees who have crossed 45 years of age shall be exempted from passing the Departmental tests prescribed in the Special Rules/Adhoc Rules for the purpose of promotion to the next higher category (i.e) promotion/appointment by transfer to a post above the one held by him/her if they could not pass the same."

In the references second to fourth read above clarifications were issued on the applicability of the adhoc rule.

2. The policy of the Government enunciated in the adhoc rule, is to exempt the employees from passing of the departmental tests/special tests, in respect of those who crossed 45 years of age, for the purpose of promotion/appointment by transfer to the immediate next higher post, above the one held by the employee if the employee could not pass the same. This concession was to consider the employee for only one promotion after initial appointment to public service, taking into consideration the fact that the individual inspite of his or her best efforts to qualify himself, could not pass the same owing any personal reasons.

3. Certain employees have challenged the adhoc rule and the clarifications thereon in the court of Law. The Andhra Pradesh Administrative Tribunal in its directions in O.A.No.7612/1998 referred to the Judgement of the High Court of Andhra Pradesh and observed as follows:

"The petitioners before the High Court in WP No.26310/98 also got promotions from the category of LDCs to the category of Superintendents and the High Court directed that their cases should be considered for further promotion to the post of Assistant Registrar/Assistant Controller/ Administrative Officer.

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Though the High Court has not specifically considered the legality of the clarification at Sl.No.5 in Memo.No.10922/ Ser.C/98, dated 26-03-98 when it was contended that the petitioners in the Writ Petition are not entitled for exemption from passing Accounts Test as they were promoted earlier as Superintendents even though they did not pass Accounts Test, the High Court observed as follows:

"The argument, that petitioners were promoted to posts of Superintendents though they did not pass the Accounts Test and are not entitled to promotion to next stage, is also without merit. The Promotion to the post of Superintendent was on basis of proceedings dated 27-12-1989, which confined promotion only to one stage. The petitioners are seeking benefit now of G.O.Ms.No.165, dated 22-04-1997. This is independent of proceedings dated 27-12-1989. The G.O. does not exclude employee who had received benefit of proceedings of 1989. Hence the argument cannot be accepted."

The aforesaid observations show that, even persons who have got promotions earlier in the service are entitled for getting promotion to one higher post in terms of adhoc rule issued in G.O.Ms.No.165, GAD., dated22-04-1997.

4. Keeping in view of the above observations, it is decided to omit the wording "if they could not pass the same" occuring in the adhoc rule and to recast the adhoc rule to be clear and specific in depicting the policy of the Government. Accordingly, the following notification is issued.

5. The adhoc rule here by made shall be deemed to have come into force with effect from 22nd April, 1997.

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 Ad hoc-rule namely:

Adhoc Rule:

Notwithstanding anything contained in the Andhra Pradesh State and Subordinate Service Rules or in the Special Rules or in adhoc rules, the Government employees who have crossed 45 (forty five) years of age shall be exempted from passing the departmental tests prescribed in the special rules or the adhoc rules for the purpose of promotion to the next higher category i.e., promotion or appointment by transfer involving promotion to a post above the one held by him or her, if they could not get even one promotion after their initial appointment.

Provided that the persons who already got a promotion once where no tests are prescribed for the higher post, the exemption is not applicable to him or her if he or she is to be considered for further promotion to next higher category where tests are prescribed. (This adhoc rule is applicable from the panel year 1997-98).

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Provided further that the exemption is applicable in case of departmental tests or special tests only, where they are prescribed as a pre-requisite for promotion and this exemption shall not be applicable where like technical or academic qualifications are prescribed for promotion to the next higher category of posts.

Provided also that the exemption shall not be applicable for declaration of probation, where passing of departmental tests of special tests is a pre-condition for declaration of probation.

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

N.V.H.SASTRY
SECRETARY TO GOVERNMENT

To
The Commissioner of Printing,Stationery & Stores Purchase, Hyderabad.
All Departments of Secretariat.
All Heads of Departments.
All District Collectors/Dist.Judges.
The Secretary to Governor, Rajbhavan, Hyderabad
The Secretary to chief Minister.
The P.S. to M(Services)
The Registrar of High Court, A.P., Hyderabad.
The Registrar of A.P.Administrative Tribunal, Hyderabad.
Copy to:
The Genl.Admn. (Ser.Wel) Dept.
Law (E) Department.
All Service Sections in General Administration Deptt.
The Secretary, A.P Public Service commission, Hyd.
The Secretary, Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.

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Section Officer

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Promotion to the higher posts - Visually Handicapped employees – Passing of Departmental Tests for promotion to next higher categories – 5 years time allowed – Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No:748 Dated 29-12-2008
Read the following :

1) Director, Disabled Welfare & State Commissioner under persons with Disabilities Act,1995 Lr.No:S.V/6794/06, dt.19-04-2007.
2) Commissioner for the Welfare of persons with Disabilities and Senior Citizens Lr.No.S-V/6794/2006, Dt.10-05-08.
3) From the Secretary, APPSC, Hyderabad, Lr.No.1526/RR/08, Dt.15-12-2008.

-ooOoo-

ORDER :-

The Secretary, Visually Handicapped Employees Welfare Association, Kakinada has requested to exempt the Visually disabled employees from passing the departmental tests irrespective whether they have crossed 45 years of age or not, as a special case, if they fulfill the other conditions for promotion to next higher posts. In the reference 2nd read above, it is reported that due to non-availability of books and codes in Braille Script, the visually impaired employees are losing chances for higher promotions.

2. After careful examination, it is decided to allow 5 (five) years time to acquire the qualification of Tests prescribed under the rules by the Visually Handicapped employees who are otherwise qualified for promotion and during this time the books and codes will be prepared and made available in Braille Script instead of totally exempting them from passing Departmental Tests. However, the employees who come up for consideration for promotion shall be promoted to higher categories during this period of 5 (five) years and such employees shall be directed to pass the tests in the promoted post. The preparation of books and codes in Braille Script for passing of tests shall be reviewed after 5 years.

3. Accordingly, the following notification will be published in the Andhra Pradesh Gazettee.

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 Adhoc rule, namely :-

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Ad-hoc Rule :

Notwithstanding anything contained in the Andhra Pradesh State and Sub-ordinate Service Rules or the Special Rules governing the post, the Visually Handicapped employees who have not passed the tests prescribed under the rules but otherwise qualified for promotion may be promoted to the post subject to acquiring the qualification of such tests within a period of Five years from the date of promotion and during this time, the books and codes shall be prepared and made available in Braille Script. The preparation of books and codes in Braille Script for passing of tests shall be reviewed after a period of five years.

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

S.BALASUBRAMANYAM,
SECRETARY TO GOVERNMENT (SERVICES)

To
The Commissioner of Printing, Stationery & Stores Purchase, Hyderabad.
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to :
The Registrar of High Court of Andhra Pradesh Hyderabad.
The Registrar of Andhra Pradesh Administrative Tribunal, Hyderabad.
The Director, Disabled Welfare & Commissioner Under persons with Disabilities Act,1995.
The Commissioner for the Welfare of persons with Disabilities and Senior Citizens.
The Law (E) Department.
All Service Sections in General Administration Dept.,
The Secretary, Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad.
The WD,CD&DW(DW.A1)Dept.,
SF/SC.

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Examinations – Pass in Accounts Test for Executive Officers – Not equivalent to pass in Accounts Test for Subordinate Officers Part-I and II – Clarification – Issued.

GENERAL ADMINISTRATION (SERVICES-C) DEPARTMENT

G.O.Ms.No.411 Dated 18-07-2011
Read the following:-

1. G.O.Ms.No.1799, GA (Ser.A) Department, dt.7-10-1965.
2. From the Director of Settlement Survey & Land Records, Hyderabad, Lr.No.J1/4815/2002, dt.21-8-2002.
3. From the Secretary(I/c), APPSC, Letter No.820/RR/2011, dt.24-6-2011.

-ooOoo-

O R D E R:

In the G.O.1st read above, the Government have issued orders that Government Servants who have passed Accounts Test for Subordinate Officers Part-I and II shall be exempted from passing Accounts Test for Executive Officers, where such Tests are prescribed in the Special Rules concerned.

2. It is noticed that certain Government Servants who have passed Accounts Test for Executive Officers have approached the Hon'ble Andhra Pradesh Administrative Tribunal, claiming that they have passed Accounts Test for Executive Officers and that they need not pass Accounts Test for Subordinate Officers Part-I and II, where such tests are prescribed in the Special Rules concerned. The Hon'ble Andhra Pradesh Administrative Tribunal in OA No.7227/2002, dt.13.11.2006 held that the Full Bench in OA No.80/2001 held that a pass in Executive Officers Test cannot be considered as equivalent to a pass in the tests for Subordinate Officers for the purpose of promotion to the posts within the Subordinate Service.

3. The Government have examined the directions of the Hon'ble Andhra Pradesh Administrative Tribunal and observe that according to Andhra Pradesh Departmental Test Rules, 1965, the following syllabus is prescribed for the Accounts Test for Executive Officers and Accounts Test for Subordinate Officers Part-I and II:-

<u>THE ACCOUNTS TEST FOR EXECUTIVE OFFICERS</u>

(1) The Andhra Pradesh Financial Code-Chapters I –VIII and XII-XIV.
(2) The Andhra Pradesh Treasury Code-Part-I & Part-II (Chapters III, V and VII) and Part-III (Chapter-IV).
(3) The Andhra Pradesh Budget Mannual-Chapter I-V, VII and VIII.
(4) An Introduction to Indian Government Accounts and Audit Chapter-I, Part B of Chapter 2, Chapter 10, 13, 15, 16, 17, 24, 25, 27 and 28.
(5) The Constitution of India, 1950 - Articles 148 to 151, 202 to 207, 264 to 293 and 308 to314.

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(6) The Andhra Pradesh Pension Code.

THE ACCOUNTS TEST FOR SUBORDINATE OFFICERS PART-I

(1) The Andhra Pradesh Financial Code, Volume-I.
(2) The Andhra Pradesh Financial Code, Volume-II.
(3) The Andhra Pradesh Treasury Code, Volume-I Part-I, Part-II. (Chapters II, V and VII) and Part III (Chapter IV).
(4) The Andhra Pradesh Treasury Code, Volume- II (omitting Appendices 1 to 7, 10, 11, 14, 15 and 18-25)
(5) The Andhra Pradesh Accounts Code Volume-I(Chapter 3-6 and Appendix 3).
(6) The Andhra Pradesh Budget Manual-Chapters I-IV, VII and VIII.
(7) The Fundamental Rules and the Subsidiary Rules framed there under by the Andhra Pradesh Government including the Andhra Pradesh Leave Rules, 1933.
(8) The Andhra Pradesh Manual of Special Pay and Allowances Part-I (omitting Appendix) and Part II.
(9) The Andhra Pradesh Pension Code.

THE ACCOUNTS TEST FOR SUBORDINATE OFFICERS PART II

(1) The Andhra Pradesh Treasury Code, Volume I Part II (Chapters I, II, IV, VI, VIII, IX and X) and Part III (Chapters I-III).
(2) The Andhra Pradesh Treasury Code, Volume II (omitting Appendices 1-9, 12, 13, 16 and 17).
(3) The Andhra Pradesh Accounts Code, Volume II.
(4) The Government Securities Manual, Third Edition. Chapter I (omitting paragraphs 10 and 11), Chapter II (omitting paragraphs 13 and 23), Chapters IV, V, VI, IX and X (omitting paragraph 123 and Appendix II) and the Andhra Pradesh Government Securities Rules, 1937.
(5) The Constitution of India, 1950. Articles 148 to 151, 202 to 207, 264 to 293 and 308 to 314.
(6) An Introduction to the Indian Government Accounts and Audit.
(7) The Andhra Pradesh Pension Code.

4. It is considered that the above syllabus prescribed for the Accounts Test for Executive Officers is covered by the syllabus prescribed by the Accounts Test for Subordinate Officers Part I and II, but, the syllabus prescribed for the Accounts Test for Subordinate Officers Part I and II has not been totally covered by the syllabus of Accounts Test for Executive Officers. Therefore, pass in Accounts Test for Subordinate Officers for Part I and II can be considered as equivalent to the passing Accounts Test for the Executive Officers but a pass in Accounts Test for Executive Officers cannot be equated for a pass in Accounts Test for Subordinate Officers Part- I and Part-II..

5. Keeping in view of the above, Government hereby clarify that such of the Government Servants who have passed Accounts Test for Subordinate Officers Part-I and II, can be exempted from passing Accounts Test for Executive Officers, but the Government Servants who have passed in Accounts Test for Executive Officers cannot be exempted from a pass in Accounts Test for Subordinate Officers Part-I and Part-II, where such tests are prescribed in the rules.

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6. All the Departments of Secretariat are requested to amend the provisions in the Special Rules with which they are concerned keeping in view the above clarification.

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

S.V.PRASAD
CHIEF SECRETARY TO GOVERNMENT

To
All the Departments of Secretariat.
All the Heads of Departments.
All the District Collectors.
All the Chief Executive Officers, Zilla Parishads.
The APPSC, Hyderabad (10 copies).
The Registrar, APAT, Hyderabad.
The Registrar, High Court of AP, Hyderabad.
Copy to:
The Advocate General, High Court of AP, Hyderabad.
The Additional Advocate General, High Court of AP, Hyderabad.
All the Government Pleaders, High Court / APAT, Hyderabad.
All the Service Sections in GAD.
The PS to Spl.Chief Secy.to CM.
The PS to Chief Secy.to Govt.
The PS to Secretary to Govt.(Ser.), GAD.
The PA to Dy.Secretary to Govt.(Ser.), GAD.
SC/SF

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GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Promotion to the higher posts – Visually Handicapped Employees – Passing of Departmental Tests for promotion to next higher categories – extended another 5 years-time allowed – Orders – Issued.

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No. 193 Dated:28:05:2014
Read the following:

1.G.O.Ms.No.748, Genl. Admn.(Ser.C) Dept., dated 29.12.2008.
2.Representation from the Visually Challenged Employees Association. Andhra Pradesh dated 08.01.2014.

-ooOoo-

O R D E R :-

In the G.O. first read above, Government allowed five (5) years time to acquire the qualification of Tests prescribed under the rules for the Visually Handicapped Employees, who are otherwise qualified for promotion and during this time the Books and Codes will be prepared and made available in Braille Script instead of totally exempting them from passing Departmental Tests. The Visually Challenged Employees Association in the representation 2nd read above have represented that as per the orders issued in the G.O. first read above several eligible visually handicapped employees have been promoted, but neither their salaries were increased nor their services regularized. Further those who got promoted under the said G.O. should clear the prescribed test within five years from the date of their promotion in order to become eligible to salary increment and service regularization and many Visually handicapped employees are reported to have been undergoing a mental trauma for they were given promotions only for the name sake but without any benefit and the said G.O. was expired on 31.12.2013 but the books in Braille script are still not made available.

2. Government after careful examination, decide to extend another 5 (five) years time to acquire the qualification of Tests prescribed under the rules by the Visually Handicapped Employees. It is further ordered that those visually challenged employees, promoted under said G.O.Ms.No.748, G.A.(Ser.C) Department, dated:29.12.2008 will be eligible for increments, service regularization, and also eligible for automatic advancement scheme routinely granted at spells of 6,12,18 and 24 years service and all other financial benefits, as available to any other employee who got promotion by virtue of G.O.Ms.No.748, G.A.(Ser.C)Department, dated:29.12.2008.

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

NOTIFICATION

4. 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 Ad-hoc rule, namely:-

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Ad-hoc Rule

5. Notwithstanding anything contained in the Andhra Pradesh State and Subordinate Service Rules or the Special Rules governing the post, the Visually Handicapped employees who have not passed the tests prescribed under the rules but otherwise qualified for promotion may be promoted to the post subject to acquiring the qualification of such tests within a period of five years from the date of promotion and during this time, the books and codes shall be prepared and made available in Braille Script. The preparation of books and codes in Braille Script for passing of tests shall be reviewed after a period of five years. Such employees now to be promoted in pursuance to this order will be eligible for all the benefits stated in para-2 above.

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

S.K.SINHA
SPL.CHIEF SECRETARY TO GOVERNMENT (SERVICES &HRM)(FAC)

To
The Commissioner of Printing, Stationery & Stores Purchase, Hyderabad.
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to:
The Registrar of High Court of Andhra Pradesh, Hyderabad.
The Registrar of A.P. Administrative Tribunal, Hyderabad.
The Director, Disabled Welfare & Commissioner
Under persons with Disabilities Act, 1995.
The Commissioner for the Welfare of persons with
Disabilities and Senior Citizens.
The Law (E) Department.
All Service Sections in General Administration Department.
The Secretary, Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
The Secretary, A.P. Public Service commission, Hyd.
The W.D.C.D & D.W.(DW) Department
(With a request to arrange to make available the books and codes in Braille Script
to the visually handicapped Employees)
SF/SC.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Departmental Promotion Committees and Screening Committees – Reconstituted – Orders – Issued.

GENERAL ADMINISTRATION (SER.D) DEPARTMENT

G.O.Ms.No:275 Dated 21-06-1999
Read the following:-

1. G.O.Ms.No:455, GA (SW) Department, dated 14-6-79 read with G.O.Ms.No:2 GAD., dated 04-01-1989 and G.O.Ms.No:32, GA (Ser.B) Department, dated 22-01-1981.
2. G.O.Ms.No:140, GA (Ser.D) Department, dated 26-02-1990.
3. G.O.Rt.No:1576, GA (DPC.DESK.I) Department, dated 01-04-1998.
4. G.O.Ms.No:230, General Administration (Ser.D) Department, dated 22-05-1999.

-ooOoo-

O R D E R:

In the G.O. first read above, orders were issued on the constitution of Departmental Promotion Committee for First Gazetted Posts.

2. In the G.O.second read above, orders were issued that the proposals for preparation of panels for second Level Gazetted Posts which are within the purview of A.P.Public Service Commission shall be placed before the Screening Committees.

3. In the G.O. third read above, orders were issued on the constitution of Departmental Promotion Committees for the consideration of panels for promotion to the third level Gazetted posts and above.

4. In the G.O. 4th read above, an adho rule has been issued indicating the appointing authorities in respect of posts in First and Second Level Gazetted categories in State Service.

5. Consequent to issuance of the Adhoc Rules in the G.O. fourth read above changing the appointing authorities it has now become necessary to lay down the pattern of the Constitution and membership of the DPC., for Initial Gazetted posts, keeping in view also the facts that the appointing authorities for such posts are the Regional authority where Regional Offices exist, while the Head of the Department shall be the appointing authority for all the Second Level Gazetted categories in the State Service and also for the initial Gazetted categories for which no Regional Offices exist.

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6. Therefore, the Departmental Promotion Committees/Screening Committee for various Gazetted posts shall be as follows:-

I. Where Regional Office exists:			
(a)	For the Initial Gazetted posts, DPC shall consist of	i)	Regional Officer – (Convenor)
		ii)	Another Regional officer nominated by the Head of the Department.
		iii)	A senior Officer in the Office of the Head of the Department nominated by the Head of the Department.

I. Where no Regional Office exists:			
(b)	For the Initial Gazetted posts, DPC shall consist of	1.	The Head of the Department (Convenor)
		2.	Another Head of the Department nominated by the Government in the concerned administrative Department.
		3.	Deputy Secretary/Joint Secretary/ Additional Secretary to Government concerned in the Administrative Department of Government.
Note: Where the Head of the Department is a Commissioner in the Supertime Scale of IAS., and has a Secretary, the latter will be third member instead of a Deputy Secretary/Joint Secretary from the Government and also he will be the Convenor mpt the Head of the Department. Where the Head of Department is a Commissioner in the Supertime Scale of the IAS., the other Head of the Department to be nominated will also be of the same level.			

II(a)	For the Second Level Gazetted posts. The Screening Committee shall consist of	1.	The Head of the Department (Convenor)
		2.	Another Head of the Department nominated by the Government in the concerned administrative Department.
		3.	Deputy Secretary/Joint Secretary/ Additional Secretary to Government concerned in the Administrative Department of Government.

(b)	For the Third Level Gazetted posts. The Departmental Promotion Committee shall consist of	1.	Secretary/Principal Secretary/ Special Chief Secretary to Government concerned in the Administrative Department.
		2.	Another Secretary to Government/Principal Secretary/ Special Chief Secretary to Government nominated by Chief Secretary to Government.
		3.	Head of the Department (Convenor)
Note:The Nominated Members of the existing two Screening Committees in which orders were issued by Government in G.O.Ms.No:468, General Administration (Ser.D) Department, dated 10-11-1998 will continue to function with nomenclature as DPC headed by Sri K.Swaminathan, IAS., and Sri P.V.R.K.Prasad, IAS.			

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III.	For IV level Gazetted and above, the DPC shall consist of		Chairman and Members as constituted in the G.O. third read above shall continue.

IV.	For Head of the Department		The existing Committee headed by Chief Secretary to Government as constituted in the G.O. 3rd read above shall continue.

7. The tenure of the above Committees shall be two years with immediate effect other than the Committees referred to at items III and IV of para 6 above.

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

V. ANANDARAU
CHIEF SECRETARY TO GOVERNMENT

TO
All Officers concerned.
All Departments of Secretariat (including GAD and all Administrative Sections)
All Heads of Departments
PS to Chief Secretary to Government.
SF/SC.2

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Departmental Promotion Committees/Screening Committees – Preparation of panels for promotion to Gazetted posts – Reconstituted – Orders – Issued.

GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

G.O.Ms.No.396 Dated 01-12-2004

Read the following:-

1. G.O.Ms.No:275, General Administration (Ser.D) Department, dated 21-06-1999.
2. G.O.Ms.No:5, SW (ROR.I) Department, dated 14-02-2003.
3. G.O.Ms.No:311, General Administration (Ser.A) Department, dated 17-10-2003.
4. G.O.Rt.No:5572, General Administration (DPC.I) Department, dated 01-12-2003.
5. G.O.Ms.No:2, SW (ROR.I) Department, dated 09-01-2004.
6. G.O.Ms.No:76, SW (ROR-I) Department, dated 19-10-2004.

-ooOoo-

O R D E R:-

In the G.O. first read above, orders were issued reconstituting the Departmental Promotion Committees/Screening Committees for preparation of panels for promotion to Gazetted posts in the State.

2. Thereafter, several changes took place in the policy of the Government on rule of reservation in promotions for Scheduled Castes/Scheduled Tribes, bringing the third level gazette posts, (instead of second level gazetted posts) with the purview of APPSC etc vide G.Os second to sixth read above, necessitating reconstitution of the Departmental Promotion Committees/Screening Committees for all the Gazetted posts in the state.

3. Accordingly, Government, after careful examination of the matter and in supersession of the orders issued in the G.O. first read above, hereby order that the reconstitution of the Departmental Promotion Committees/Screening Committees for all the Gazetted posts in the State, shall be as follows:

I. DPC for First Level Gazetted posts and DPC for Second Level Gazetted posts shall consist of Members/Convenor as follows:			
1.	The Head of the Department	:	**Member/ Convenor**
2.	Another Head of the Department under the control of administrative Department of Government, and nominated by the administrative Department of Government	:	**Member**
3.	Deputy Secretary/Joint Secretary/Additional Secretary to Government in the concerned Administrative Department of Government	:	**Member**
Provided (i) where the Secretary to the Head of Department is an IAS Officer, he shall be the third Member/Convenor, instead of a Deputy Secretary/Joint Secretary/ Additional Secretary to Government in the concerned Administrative Department of Government.			
Provided (ii) where the Head of Department is a Commissioner in the Supertime Scale of the IAS., the other Head of the Department, to be nominated, shall be the same level officer.			

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Provided (iii) where there is no other Head of the Department under the control of administrative Department of Government is available, any other Head of the Department can be nominated by the administrative Department of Government.

II. The Screening Committee for Third Level Gazetted Posts; The DPC for Fourth Level Gazetted and above posts; and, the DPC for Heads of Departments (NC) Level posts shall consist of the Chairman, Members and Member/Convenor, as constituted by the General Administration (DPC.I) Department from time to time.

4. The latest committees for **third level gazette posts and above** are constituted vide G.O.Rt.No:6784, General Administration (DPC.I) Department, dated 01-12-2004.

5. The **tenure of the above** committees shall be **two years.**

6. These orders shall have immediate effect.

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

Dr. MOHAN KANDA,
CHIEF SECRETARY TO GOVERNMENT.

To
All Departments of Secretariat.
All Heads of Departments.
All Officers concerned.
Copy to:
PS to Chief Secretary to Government.
PS to Secretary to Government (Services), G.A.Department.
P.A. to Joint Secretary to Government (Services), G.A.Department.
All Administrative Service/Service/Establishment/OP Sections.
GA (Ser.D)/(SC.F)/(SU.I) Sections.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC.I) DEPARTMENT

U.O.Note No:21814/DPC.I/2007-1 Dated 10-10-2007

Sub: Public Services – Reconstitution of Departmental Promotion Committees for 1st and 2nd Level Gazetted Posts – Certain clarification – Regarding.

Ref:
1. G.O.Ms.No:396, GA (DPC.I) Department, dated 1-12-2004.
2. G.O.Rt.No:6784, GA (DPC.I) Department, dated 1-12-2004.
3. G.O.Rt.No:6831, GA (DPC.I) Department, dated 4-12-2006

-ooOoo-

It is informed that Government vide G.O.1st cited, reconstituted (I) Departmental Promotion Committees for 1st and 2nd Level Gazetted Posts, which are general and to be constituted/reconstituted by respective departments; and (II) Screening Committees for 3rd Level Gazetted Posts; and Departmental Promotion Committees for 4th Level Gazetted and above Posts and Heads of Departments (Non-Cadre) Level Posts, which shall be constituted/reconstituted by General Administration (DPC.I) Department separately and the tenure of the above all committees shall be two years.

2. It is further informed that the Screening Committees for 3rd Level Gazetted Posts; and Departmental Promotion Committees for 4th Level Gazetted and above Posts and Heads of Departments (Non-Cadre) Level Posts, were reconstituted vide G.O.3rd cited, after completion of their tenure of two years, as ordered vide G.O.2nd cited, as the Chairman and Regular Members of the said Committees were nominated by name. But, the Members, Member/Convenor of the Departmental Promotion Committees for 1st and 2nd Level Gazetted Posts, reconstituted vide G.O.1st cited were nominated by designation. As such, reconstitution of DPCs for 1st and 2nd Level Gazetted Posts, will have to be made by concerned departments based on the general guidelines issued in G.O. 1st cited, not by General Administration (DPC) Department.

3. However, to avoid ambiguity, it is clarified that the Departmental Promotion Committees for 1st and 2nd Level Gazetted Posts, reconstituted vide G.O. 1st cited, shall be in force until further orders in the matter.

P. KRISHNAIAH,
SECRETARY TO GOVERNMENT (SERVICES)

To
All the Departments of Secretariat.
Copy to:
The PS to Chief Secretary to Government.
The PS to Secretary to Government (Services), GAD.
SF/SC

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GOVERNMENT OF ANDHRA PRADESH
FINANCE (ADMN.II) DEPARTMENT

Memo.No:4510/265/A1/Admn.II/2007 Dated 23-06-2007

Sub: Establishment – State Audit Department – A.P.SC., ST., BC Employees Association – Rule of Reservation – Implementation of Rule of Reservation in promotions in favour of SCs and STs under Article 16 (4A) of the Constitution of India – Violation of Constitutional provisions in favour of SC/ST Employees in the A.P.State Audit Department – Proper implementation of reservations in promotions – Regarding.

Ref: 1. From the General Secretary, Andhra Pradesh State Government BC., SC., ST employees Association, 13-7-127/1, Ramanthapur, Hyderabad-500 013 letter Ref.No:APSC/ST&BC/27/06, dated 26-10-2006 and 27-01-2007.
2. From the Director of State Audit, A.P., Hyderabad, Letter Roc.No:22151/C3/2006, dated 20-11-2006, 17-02-2007 and 13-03-2007.

-ooOoo-

The attention of the Director of State Audit, Andhra Pradesh, Hyderabad is invited to the references cited and he is informed that rule 2(2) of A.P.State and Subordinate Service Rules, 1996 defines "appointed to a service" as follows:

> Appointed to a Service:- A person is said to be "appointed to a service" when, in accordance with these rules, except under rule 10 and in accordance with the Special Rules or adhoc rules applicable to such service he discharges for the first time, the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof.
>
> Explanation:- The appointment of a person holding a post borne on the cadre of one service to hold additional charge of a post borne on the cadre of another service or same service or to discharge the current duties thereof does not amount to appointment to the latter service or post in the same service, as the case may be.

2. In the light of the above definition, if the person appointed to the post did not join duty, the vacancy remains un-filled. Keeping this position in view, the roster points according to which the panel is prepared (list of approved candidates), remains un-filled when the person did not join duty in the promoted post. In such a situation, the names of the employees included in the panel will move upwards to the unfilled roster points. If any SC/ST candidate's name is included against the roster point meant from that category, his/her name shall move upwards in the un-filled roster points.

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Thereby, if the adequacy is reached, in so far as SC/ST reservation is concerned due to upward movement of persons, there is no need to fill-up the specific roster point meant for SC/ST candidates. There should not be any gap in filling-up the roster point meant for SC/ST candidates. There should not be any gap in filling up the roster points as per Rule-22 of A.P.State and Subordinate Service Rules, 1996.

3. It is also informed that during the panel year 2004-05, the estimated vacancies were 11 for the post of District Audit Officer and 11 persons were considered for promotion to the said post from the category of Assistant Audit Officer. Three persons retired from service without getting promotion to the category of District Audit Officer in the panel year 2004-05 and the roster points were kept vacant, which is irregular and violation of Rule-22 of A.P.State and Subordinate Service Rules, 1996.

4. Government after careful examination of the proposal hereby permit the Director of State Audit to review the panels for the years 2004-05 and 2005-06, duly placing the matter before the review DPC.

POONAM MALAKONDAIAH,
SECRETARY TO GOVERNMENT (FP)

To
The Director of State Audit, A.P., Hyderabad.
Copy to:
The General Secretary, A.P. SC., ST & BC Employees Association,
13-7-127/1, Ramanthapur, Hyderabad-500 013.
SF/SCs

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SOME DEFINITONS

(As defined in Rule-2 of A.P.State and Subordinate Service Rules, 1996)

In these rules, unless there is anything repugnant in the subject or context:-

(1) Adhoc Rules:- "Adhoc rules" means rules issued to govern:

(i) a temporary post in a Service, Class or Category which is not covered by any special Rules; or

(ii) all or some of the services in regard to issues of common applicability of all such services.

(2) Appointed to a Service:- A person is said to be "appointed to a service" when, in accordance with these rules, except under rule 10 and in accordance with the Special Rules or adhoc rules applicable to such service he discharges for the first time, the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof.

Explanation:- The appointment of a person holding a post borne on the cadre of one service to hold additional charge of a post borne on the cadre of another service or same service or to discharge the current duties thereof does not amount to appointment to the latter service or post in the same service, as the case may be,

(3) Approved candidate:- "Approved candidate" means a candidate whose name appears in an authoritative list of candidates approved for appointment to any service, class or category.

(4) Approved probationer:- "Approved probationer" in a service, class or category means a member of that service, class or category who has satisfactorily completed his probation in such service, class or category.

(5) Appointment or Recruitment by transfer: A candidate is said to be appointed or recruited by transfer to a service:-

(a) If, at the time of his first appointment thereto he is an approved probationer in the Andhra Pradesh High Court Service or Andhra Pradesh Legislature Service or in any other service, the rules for which prescribed a period of probation for members thereof: or

(b) in case at the time of his first appointment thereto he is the holder of a post which has been included in another service but for which no probation has been prescribed, if he has put in that post, satisfactory service for a total period of two years on duty within a continuous period of three years.

(8) Cadre:- "Cadre" means the posts in various classes, categories and grades in a service.

(10) Confirmed Member:- "Confirmed Member" means a member of a service who has been confirmed in a service under the State Government in accordance with rule 21.

(11) Date of Regular Appointment:- "Date of Regular Appointment" means the date of commencement of probation, i.e., the date from which the service rendered by a person after appointment to a service, class or category counts for probation..

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(12) Departmental Promotion Committee:- "Departmental Promotion Committee" means a Committee constituted to advise the appointing authority in regard to the persons to be included in the panel for being appointed by promotion or by transfer to a selection post not within the purview of the Commission.

Provided that the Departmental Promotion Committee may be required to prepare adhoc panels also for appointment to any service by promotion or by transfer even on temporary basis.

(12-A) Screening Committee:- "Screening Committee" means a Committee constituted by Head of the Department to recommend the names for inclusion in the panel to the second level Gazetted Posts which are within the purview of the Andhra Pradesh Public Service Commission: and also to indicate the order in which the persons concerned should be included in the panel. The list of persons so prepared by the said Committee shall be forwarded to the Commission for its concurrence, by the competent authority.

(17) General Rules:- "General Rules" means the Andhra Pradesh State and Subordinate Service Rules.

(18) Member of a Service:- "Member of a Service" means a person who has been appointed to that service and who has not retired or resigned, or who has not been removed or dismissed, or substantively transferred or reduced to another service, or who has not been discharged otherwise than for want of a vacancy. He may be a probationer, an approved probationer or confirmed member of that service.

(20) Officiating Appointment:- A person is said to be officiating in a post, if his appointment has been made after his inclusion in the relevant panel, but whose appointment has not been regularised.

(21) Panel:- "Panel" means the authoritative list of candidates approved for regular appointment to any service, class or category drawn up by the Commission or by the Government or by the appointing authority concerned, but does not include the panel or list prepared for temporary appointment by the appointing authority pending preparation of a panel for regular appointment in accordance with the rules.

(22) Physically handicapped person: "Physically handicapped person" means a person who is blind, deaf or orthopedically handicapped.

Explanation:- A person is said to be,

(i) blind, if he is suffering from total absence of sight or visual acquity not exceeding 3-60 or 10/200 (snellen) in the better eye with correcting lenses;

(ii) deaf, if his sense of hearing is fully non-functional for the ordinary purposes of life;

(iii) orthopedically handicapped, if he has a physical defect or deformity which causes so much interference as to significantly impede normal functioning of the bones, muscles and joints.

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(23) Presidential Order: "Presidential Order" wherever it occurs in these rules shall mean the Andhra Pradesh Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment) Order, 1975 issued by the President of India under Article 371-D of the Constitution of India.

(24) Probation: "Probation" means the period during which a fresh entrant to a service or a person appointed to a higher post for the first time either by promotion within the service or by transfer from any other service, is put on test for determining his fitness to hold the post in a service, class or category.

(25) Probationer: "Probationer" means a member in a service class or category who has not completed his probation.

(26) Promotion: "Promotion" means the appointment a member of any category or grade of service or a class of service to a higher category, grade, of such service or such class of service.

(30) Service:- "Service" means a post or a group of posts or categories of posts classified by the State Government as State or Subordinate Service, as the case may be.

Provided that for the purpose of recruitment, probation and transfer, each class included in the Andhra Pradesh General Service and the Andhra Pradesh General Subordinate Service shall be regarded as a separate service.

Note:- Where the context so requires "Service" means the period during which a person holds a post in accordance with these rules, special or Ad-hoc rules except rule 10 or a lien on a post or is a member of a service as above defined.

(31) Special Rules:- "Special Rules" mean the rules applicable to each service or class or category of a service, which include adhoc rules applicable to temporary posts in a service, or class or category, which are not covered by the special rules.

Explanation:- The words importing either gender in these or special rules shall be taken to include those of the other gender if circumstances so require.

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ANNEXURE

PROFORMA IN WHICH PROPOSALS SHOULD BE SUBMITTED TO D.P.C.

<table>
<tr><td colspan="9">1. Name of Department/Office:</td></tr>
<tr><td colspan="9">2. Name and designation of Members of the Departmental Promotion Committee: (copy of the orders constituting the D.P.C. to be attached).</td></tr>
<tr><td colspan="6">Name</td><td colspan="3">Designation</td></tr>
<tr><td colspan="6">3. Post to which promotion is to be made:</td><td colspan="3"></td></tr>
<tr><td colspan="3"></td><td colspan="3">Number of permanent/ Temporary posts in the Grade</td><td colspan="3">Number of vacancies filling in the promotion quota</td></tr>
<tr><td>Designation</td><td>classification</td><td>Scale of Pay</td><td>Filled</td><td>Unfilled</td><td>Filled on ad hoc basis</td><td>Existing</td><td>Anticipated</td><td>Total</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
</table>

3. (a) Number of vacancies out of total vacancies for promotions shown in last column 3 above reserved for

(1) Scheduled Caste.....
(2) Scheduled Tribe .....
(3) Backward Classes.....

4. Recruitment Rules for the Grade Post:

(a) Date on which Recruitment Rules were issued

(b) Method of Recruitment prescribed:

(i) % direct recruitment

(ii) % promotion

(iii) % deputation/transfer

(c) Whether an up-to-date copy of the recruitment rules has been enclosed (this should invariably be sent for reference). If any changes in the recruitment rules have been agreed to by the Commission after they were notified, details should be attached. If, after the approval of the recruitment rules any other post has been created which should normally be included in the field of promotion, give details.

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5. Grade Post from which promotion is to be made:

Designation	Classification	Scale of Pay	Recruitment prescribed for eligibility for promotion	Whether reservations are required to be made for SC & ST and BCs for promotion from this Grade post indicated in S.No.3 above in accordance with orders in this regard.

6. Seniority list

(a) Whether a seniority list as in the prescribed proforma has been enclosed. The seniority list should include names of eligible and ineligible candidates up to the last eligible candidate as per Zone of Consideration.

(b) Whether the list, before finalization was circulated to all concerned.

(c) Whether there are any officers whose seniority has not been finalized. If so, give details.

(d) Whether the seniority list has been duly authorized by the appointing authority or the Deputy Secretary of the concerned Department.

7. Character Rolls:

Complete and up-to-date character rolls of all the eligible officers are required.

(a) Whether a list (in duplicate) been attached showing the names of Officers whose character rolls are enclosed with this reference.

(b) Are the character rolls complete and up-to-date.

8. Self contained note for the D.P.C.

The self contained note for the DPC explaining proposals for promotion should invariably contain information regarding any representations/writs/court cases pending in connection with the present promotion indicating the names of aggrieved parties and the present stage of cases. If there are any Government/Court/Tribunal orders relating to the promotion which the DPC has to keep in view may also be indicated in the note. Whether any enquiry/charges are pending against the persons being considered for promotion and if so the present stage may be indicated.

---

* This information may be furnished wherever the special/adhoc rules provides for reservation in promotions for SCs, STs, and B.Cs only.

Signature :_____

Designation:_____

Date : _____

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(vide item 6 of the DPC proforma)

Seniority list of all Officers in the Grade of _____

as on _____

Sl. No.	Name of the Officer	* whether belongs to Scheduled Caste or Scheduled Tribe or DA or Backward Class. If not, say neither.	Date of Birth	Date of regular appoint ment for the grade	Post held on regular basis	Whether qualified for promotion or not	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

** Signature of Authenticating Officer
Designation_____
Dated_____

* this information may be furnished wherever the Special/Adhoc Rules provides for reservation in promotions for SCs, STs., and BCs only

** to be signed by an Officer or above the rank of Deputy Secretary.

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CHARGES CLASSIFCATION PROFORMA

STATEMENT SHOWING THE PARTICULARS OF DISCIPLINARY CASES PENDING AGAINST THE OFFICERS PROPOSED IN THE SENIORITY LIST

Sl. No.	Name of the Officer	Whether charges framed or not	Whether the charges served or not (Date of service)	Details of charges	Nature of Charges (Financial/ procedural irregularities)	Classification of charges as per the G.O.Ms.No.257, GAD, Dt.10.6.1999. Whether it comes under para 5 (b)(i) / 5 (b)(ii) / 5 (b)(iii)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Present stage of the disciplinary case with reasons for delay	Court Orders if any pending in the matter duly specifying whether Interim / Final orders	Whether Counter along with VMA / Appeal has been filed in the said case	Present stage of the Court case	Remarks of the Department
(8)	(9)	(10)	(11)	(12)

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ACRS PROFORMA

Brief extracts of ACRs of _____ in _____ Department for promotion in the category of _____ for the panel year **2013-14**

Sl. No.	**Name of Officer S/Sri/Smt.**	2008-09	2009-10	2010-11	2011-12	2012-13
1	X	GOOD	SAT	OS	VG	SAT
	Date of submission of APRs in Form-A of Part-I				(……..)	(……..)
2	Y	ADVERSE REMARKS RECORDED (communi-cated)	ADVERSE REMARKS RECORDED (EXPUNGED VIDE G.O….)	OS (PARTLY FOR 3 MONTHS) VG (PARTLY FOR 3 MONTHS) Furnish S.A.R	VG (PARTLY FOR 6 MONTHS) Furnish S.A.R	Not available Furnish S.A.R
	Date of submission of APRs in Form-A of Part-I				(……..)	(……..)
3	Z	SAT (PARTLY FOR 3 MONTHS) GOOD (2006-07)	NOT AVAILABLE VG (2007-08)	VG (PARTLY FOR 5 MONTHS) GOOD (PARTLY FOR 7 MONTHS)	OS	OS
	Date of submission of APRs in Form-A of Part-I				(……..)	(……..)

OS = Outstanding; VG = Very Good; SAT = Satisfactory;

S.A.R= Special Assessment Report
(……..) Date has to be mentioned

Attested by officer not below the rank of Deputy Secretary to Govt.

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC) DEPARTMENT

U.O.Note No.GAD01-SERV0DPC(INST)/17/2021, Dated: 14.09.2021

Sub: DPC-Convening of DPC Meetings for Heads of Departments (Non-Cadre); DPC Meetings for fourth level Gazetted and above officers; and Screening Committee Meetings for third level Gazetted Officers for the panel year 2021-22-Proposals- Called for–Instructions-Reg.

Ref:- 1. G.O. Ms. No. 187, GA (Ser.B) Department, dt. 25.04.1985.
2. U.O. Note No:17290/DPC.I/2011-1, GA(DPC.I) Dept.Dt. 9-06-2011.
3.Circular Memo.No.29381-B/DPC.I/2011-1, GA(DPC.I) Department, Dated 3-10-2011.
4.U.O.Note No:29396.A/DPC.I/2012-1, G.A. (DPC-I) Department, Dated: 11-09-2012.
5.U.O.Note No:14351.A/DPC.II/2013-1, G.A. (DPC.II) Department, dated: 23-05-2013.
6.Circular Memo. No.15906.A/DPC.I/2013-1, G.A.(DPC.I) Department, dated: 17-06-2013.
7.U.O.Note No:29692-A/DPC.I/2013-1, GA (DPC.I) Department, Dated: 18-10-2013.
8. U.O.Note No:23021/01/DPC/2017-1, GA (DPC) Department, dated:19-01-2017.
9. U.O.Note No.23021/DPC/2017-1, GA(DPC) Dept. dt.17-10-2017.
10. U.O.Note No.SERV0DPC(INST)/39/2018, GA(DPC) Dept. dt.22-11-2018.
11. Circular Memo No. SERV0DPC(CONC)/19/2019-DPC, G.A.(DPC) Dept. dt.16-09-2019.
12. U.O. Note. No. GAD01-SER0DPC (INST)/43/2019-DPC, GA (DPC) Dept., dt. 04.10.2019.
13. U.O.Note No. GAD01-SERV0DPC(INST)/19/2020, G.A.(DPC) Dept. dt. 04.09.2020.

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Instructions were issued from time to time in each panel year so as to enable the Departments of Secretariat to furnish DPC/Screening Committee proposals for speedy conduct of DPC/Screening Committee Meetings as per Rule 6 (b) and 6 (c) of the AP State and Subordinate Service Rules, 1996, the panel of candidates for appointment by transfer to a service or a class of service in any case, or for promotion, shall be prepared ordinarily during the months of September/October every year on the basis of estimated vacancies sent in terms of sub-rule(d). Further, detailed instructions were issued in the reference 11th cited, fixing a tentative time schedule for preparation of panel of candidates for appointment by transfer or by promotion duly conducting DPC/Screening Committee in the month of September/October to avoid abnormal delay. Therefore, the Departments are advised to send proposals for the panel year 2021-22 keeping in view of the above said instructions well in advance for timely convening of DPC/Screening Committee meetings, where final allocation of employees is completed.

1. Panels preparation for the year 2021-22 :

As the Departments are aware that the panel year 2021-22 has commenced with effect **from 01-09-2021**, it is felt necessary to reiterate the earlier instructions and also to mention certain important points which may be followed for preparation of proposals for convening of DPC/ Screening Committee meetings well in advance.

2. Proposals should be sent in full shape:

In this context, it is to be stated that the proposals received from some of the Departments are either in incomplete shape or defective, despite of clear instructions issued in U.O. Notes cited above and therefore, the G.A. Department had to return the proposals to the respective Departments for rectification. As a result, there is delay in convening DPC meetings.

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3. Updating of ACRs:

It is further observed that one of the reasons attributed for not submitting proposals for DPC/Screening Committee meeting by the Departments concerned is that non-availability of ACRs of the eligible officers on hand as on the date of starting of panel year, despite stipulation of rules that the ACRs of the officers have to be initiated in the month of April for the preceding financial year by the Reporting Officers every year. All the Departments of Secretariat/Heads of Departments are therefore, requested to ensure that the ACRs are kept ready well in advance the panel year starts. They are requested to furnish the performance of the individuals in the proforma prescribed in the U.O. Note 2nd cited along with original ACRs for the last five years i.e. from **2016-17 to 2020-21.**

4. The following points shall be noted while preparing the Note for DPC / Screening Committee:

a) The panel year for 2021-22 commenced on 01-09-2021; the qualifying date for the panel year 2021-22 is 01-09-2021; and the vacancies in the panel should be the vacancies arise from 01-09-2021 to 31-08-2022 only, as per Rule 6(b) of APS&SS Rules, 1996. The vacancy position should be sent to G.A. Department in the proposals, as early as possible. If vacancies are not available for the panel year 2021-22, the appointing authority has to take action as per para 6(b)(i) of APS&SS Rules, 1996. Retirement vacancies those are arising on 31.08.2022 shall not be counted for estimation of vacancies for the present panel year 2021-22 and such vacancies will be counted for the next panel year i.e., 2022-23.

b) ***DPC/ Screening Committee Note, Proformae, authenticated seniority List*** of the officers etc., and Court orders/G.Os/References thereon and the decision taken by the Department thereon, as per G.O.Ms.No.187, GA(Ser.B) Department, dt.25-04-1985, ***should be clearly indicated at appropriate place.***

c) **Particulars of disciplinary cases against the officers** like charges, punishments, criminal cases etc. and Court orders/G.Os/ References thereon, ***indicating the latest stage*** and the decision taken by the Department thereon, should be clearly indicated at appropriate place as per the instructions issued in the reference 4th cited.

d) In some cases, courts are issuing directions suspending or setting aside the disciplinary proceedings / punishments against officers figuring in the zone of consideration or issuing directions to consider the names of charged officers without reference to charge memo/ orders for promotion. In some cases, the Departments are not filing counter affidavit or stay vacate petitions against the Interim Orders passed long back by the Courts, which is not correct. The Departments are therefore requested to follow the instructions issued in the reference 5th cited in this regard.

e) **ACRs** for the years from ***2016-17 to 2020-21*** in the prescribe proforma illustrated in reference 2nd cited, ***with counter signature and official stamp in respect of all the officers*** who come within the zone of consideration should be furnished with the proposals. The Departments have to furnish the ACRs of all the individuals shown in the seniority list including those who are facing charges or involved in disciplinary proceedings. The ***Departments have to furnish old ACRs of persons who are on long leave and also furnish Non Initiation Certificate for the leave period.*** Further, the ACRs of the individuals should be in the modified format as issued in the G.O.Ms.No.580, GA (Ser.C) Deptt., Dt.12-10-2011.

f) The Department has to ***specify the cadre strength***, number of persons working against the cadre strength in the Department, number of persons working on ***deputation in the same cadre duly furnishing the reasons and also inform whether Finance Department agreed to such proposals.*** In case of deputation vacancies, Government orders allowing such deputations should

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be enclosed to the proposals. The Departments have to specify whether, the officers working on deputation are approved probationers or deemed to be approved probationers or not.

g) ***The Department has to specify the working strength of SC/ST/DA candidates in the feeder category as well as promotion category duly specifying the service particulars.***

h) Zone of consideration for promotion is 1:3 and where rule of reservation in promotions for SC/ST/DA candidates is applicable, the restriction of zone of consideration of 1:3 shall not be applicable.

i) The Departments are also informed that minimum service in the feeder category for promotion shall not be relaxed. However, where it is necessary in the public interest to fill emergently the vacancies, the appointing authority may invoke Rule 10 (a) of APS&SS Rules, 1996 in case of officers ***who are approved probationers or deemed to be approved probationers as on 01.09.2021 only*** and orders should be issued in the form of G.O., and copies of the same should be enclosed to the proposals. Under no circumstances the relaxation of rules or invocation of Rule 10(a) shall be resorted to the officers who are not approved probationers as on qualifying date i.e., 01.09.2021.

j) DPC / Screening Committee proposals should be in the name of the Secretary / Principal Secretary / Special Chief Secretary to Government of the Administrative Departments concerned and should be attested by an officer not below the rank of Deputy Secretary to Government.

k) ***Statement showing the vacancy position with justification and date***, keeping in view the G.O.Ms.No.154, SW (ROR) Dept., dt.30.07.2008, should be enclosed to the proposals.

l) ***Copy of the proceedings of the previous panel and extract from Roster Point Register in respect of previous panel (where ROR is applicable) should be enclosed to the proposal***. The Department has to furnish the Cycle Number of the present Roaster to observe DA category reservations.

m) The Department has to furnish the proposals for the panel year 2021-22 keeping in view of the above said instructions well in advance for timely convening of DPC/Screening Committee meetings since ***due to delay of furnishing of the proposals***, the preparation of panels is becoming difficult to scrutinize the proposals keeping in view the detailed examination with General Rules and Special Rules of the Departments/ different posts at the time of ending of the panel year 2021-22.

n) The Departments have to ensure that the DPC proposals are processed and furnished to the GAD as per instructions issued vide reference 11th cited.

o) In some cases, the Departments are furnishing the proposals wherein certain officers were charged or facing disciplinary proceedings, but by the time of DPC / Screening Committee meetings, ***the Departments are informing that the said charges are dropped. In such cases, the Departments are requested to furnish fresh proposal duly incorporating the latest position.***

p) It is necessary that the Spl. Chief Secretary/ Principal Secretary /Secretary to Govt., of the Department concerned and Head of the Department have to attend the DPC / Screening Committee meetings. *If they are unable to attend the meetings, the same has to be intimated to the Chairman of the Committee and permission taken for postponement of the scheduled meeting* as per the Instructions issued vide reference 3rd cited.

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q) DPC/ Screening Committee proceedings may be approved and published as panel, as early as possible, preferably within 15 days from the date of issue of DPC / Screening Committee Proceedings. Further, the Departments are informed that ***the recommendations of the DPC / Screening Committee shall be approved and orders should be issued on or before 31.08.2022*** so that the panel can be operated till 31.12.2022 or till a new panel is prepared whichever is earlier.

5. All the Departments of Secretariat are also requested to adhere to the instructions issued from time to time and consult the Heads of Departments wherever necessary and furnish the DPC / Screening Committee proposals in SEVEN sets **through an U.O.Note**, as early as possible keeping in view the above guidelines for taking necessary action to place the same before the Departmental Promotion Committees / Screening Committees for preparation of panels for the panel year 2021-22.

SHASHI BHUSHAN KUMAR
PRL. SECRETARY TO GOVERNMENT (SER. & HRM) (FAC)

To
All Special Chief Secretaries / Principal Secretaries /
Secretaries to Govt., Departments of Secretariat. (with a request to communicate all HODs under their administrative control)

Copy to:
The P.S. to Chief Secretary to Government.
The P.S. to Secretary to Government (Ser.&HRM), GAD(FAC)
The General Administration (SC.F) Department.
All the Services Sections in G.A. Department.
SF/SCs (1502466)

//FORWARDED:: BY:: ORDER//

N. Sailaja Subashini

SECTION OFFICER

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GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (DPC) DEPARTMENT

U.O.Note No. GAD01-SERV0DPC(INST)/1/2022-DPC, Dated:02.05.2022

Sub: DPC- Departmental Promotion Committee for 3rd level Gazetted and above posts- Certain Instructions-Reg.

Ref:- 1. G.O. Ms. No. 187, GA (Ser.B) Department, dt. 25.04.1985.
2. U.O.Note No.GAD01-SERV0DPC (INST)/17/2021, Dated: 14.09.2021.

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The attention of the Departments of the Secretariat is invited to references cited. They are informed that in the G.O. 1st cited, guidelines were issued for sending DPC proposals in the proforma prescribed therein to General Administration Dept., for placing before the DPC/ Screening Committee.

2. In the reference 2nd cited, further detailed instructions were issued for preparation of proposals for the panel year 2021-22. It is observed that in spite of issue of clear instructions from time to time on the subject, certain Departments are not submitting proposals in tune with the existing instructions and in full shape. The following further instructions are issued for submitting DPC/ Screening Committee proposals :-

i. Provisional seniority is being submitted by some Departments. But, notified final seniority list issued by the competent authority i.e. HoD/Govt. have tobe enclosed;

ii. If the Government is appointing authority for the post, final seniority list shall be approved and issued by Government in the form of a G.O.;

iii. While indicating Cadre Strength of posts, necessary supported documents with copies of GOs, in which posts have been sanctioned with concurrence of Finance department , has to be enclosed; Allocation of posts by Government of India between AP and Telangana States may be enclosed. Consequent to issue of GoI, orders issued by GA(SR)Deptt/concerned deptts have to be enclosed;

iv. If the departments propose to fill up the vacancies meant for deputation from their deptt, GOs on creating such posts with concurrence of Finance Deptt have to be enclosed; The GOs showing the competent authority to fill up the deputation vacancies may be enclosed. If the deputation posts can be filled up by various departments from different feeder categories, NOC from other departments may be obtained and enclosed.

v. ACRs are required in original for 5 years, i.e. prior to the panel year. If the ACRs of 5 years are not available, in the preceding period of 8 years can be enclosed and also a special assessment report from the Officer under whom the individual is working; Special Assessment Report shall indicate the reasons for non availability of ACRs;

vi. Submit Self contained note in full shape;

vii. List of working officers already working in the proposed cadre to be filled up may be furnished, including officers who are on deputation to other departments; If ROR is applicable, names of SC/ST/DAs ,their date of birth/retirement , working place may be furnished.

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viii. for clear existing vacancies, detailed reasons for causing vacancies i.e. retirement/death/deputation /arising due to retirement/ promotion in the panel may be furnished;

ix. Copy of DPC proceedings of previous panel/Review panel in promotion category be enclosed;

x. Furnish detailed note with supported copies of orders regard to disciplinary/criminal cases/ charges pending/ penalties with latest status against each of the candidates coming under zone of consideration;

xi. Furnish latest stage of Court Cases/orders passed, if any duly enclosing copies of orders/interim orders with action taken thereon.

3. All the Departments of Secretariat are therefore requested to comply with the above instructions and submit proposals in full shape immediately, so as to enable this Department to place the proposals before the ScreeningCommittee/DPC for consideration.

H. ARUN KUMAR
SECRETARY TO GOVERNMENT (SER. & HRM)

To
All Special Chief Secretaries / Principal Secretaries /
Secretaries to Govt., Departments of Secretariat. (with a request to communicate all HODs under their administrative control)
Copy to:
The PS to CS.
The PS to Secretary to Government (Ser.&HRM), GAD
All the Services Sections in G.A. Department.
SF/SCs

//FORWARDED:: BY ORDER//

N. Sailaja Sulochana
SECTION OFFICER

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