

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.

//Forwarded::By order//

SECTION OFFICER

ANNEXURE
FORM - A
PART - 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.

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.	

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.

F O R M - 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:	

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

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.

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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)

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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 (communicated)	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.**

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.

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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

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)
<u>Or</u>
11% of pay drawn in Foreign Service if governed by A.P. Leave Rules, 1933 or Hyderabad Revised Leave Rules, 1952
% of the maximum monthly pay of the grade held by the Government Servant in Government Service. |
| (2) Rate of Pension contribution | <u>Note:</u> - 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.

- (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.

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

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.

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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ORDER:

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.

- 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.

**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

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 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 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.
Copy to SF/S.Cs.

**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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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 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.
Copy to SF/S.Cs.

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

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

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.

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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)

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.

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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 the 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 basis in another department of the same Government or another Government. The deputation may be from one 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 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

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)

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]

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:

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 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"](http://www.apts.gov.in/apgos)

:: FORWARDED :: BY ORDER ::

SECTION OFFICER

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

//Forwarded::By order//

SECTION OFFICER

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 rule-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.

-ooOoo-

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

//Forwarded::By order//

SECTION OFFICER

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:

శ్రీనివాస్ బెహరా

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

// FORWARDED :: BY ORDER //

SECTION OFFICER

**GOVERNMENT OF ANDHRA 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

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.

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 different 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.

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

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.

//Forwarded::By order//

SECTION OFFICER

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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

//Forwarded::By order//

SECTION OFFICER

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 the 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 overriding 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

//Forwarded::By order//

SECTION OFFICER

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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

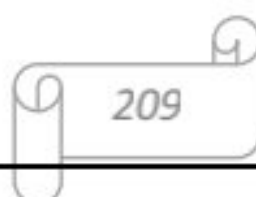
To
All Departments in Secretariat.
All Heads of Departments.
All District Collectors/District Judges.

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

//Forwarded::By order//

SECTION OFFICER



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 candidates
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

//Forwarded::By order//

SECTION OFFICER

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.

//Forwarded::By order//

SECTION OFFICER

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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:82/10/12, 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.

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, through 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

//Forwarded::By order//

SECTION OFFICER

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

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

//Forwarded::By order//

SECTION OFFICER

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

//Forwarded::By order//

SECTION OFFICER

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.

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

//Forwarded::By order//

SECTION OFFICER

**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.

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

//Forwarded::By order//

SECTION OFFICER

**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.
R e 3 Circular Memo.No.29381-B/DPC.I/2011-1, G.A. (DPC.I)
f 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.

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 i.e., 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.

- 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.

- 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

// FORWARDED :: BY ORDER //

SECTION OFFICER

**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: 16.01.2006.

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.

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.

//Forwarded: By Order//

SECTION OFFICER

**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.

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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SECTION OFFICER

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227

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.**

**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.

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.

//Forwarded::By order//

SECTION OFFICER

**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.

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,

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. Yaquob 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. Yaquob 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

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.

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

// FORWARDED :: BY ORDER //

SECTION OFFICER

**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.

// FORWARDED :: BY ORDER //

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.

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.

- 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.

- 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

//FORWARDED :: BY ORDER//

Section officer

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.

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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.

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

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 Panchayat 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.

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;

- 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

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.

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

//FORWARDED::BY ORDER//

SECTION OFFICER

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 04-03-2015.

-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.

3) All Sections in Law Department
SF/SC

//Forwarded::By order//

SECTION OFFICER

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.

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.

FUNDAMENTAL RULES 12-15

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.

¹Omitted by G.O.Ms.No.384, Finance (FR.I) Dept, dated 6-10-1994.

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, ²is 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.

¹Substituted by G.O.Ms.No.12, Fin. & Plg.(FW:FR.I) Dept., dt.7-2-1995

²Omitted by G.O.Ms.No.81, Finance, dated 20-4-1970.

- (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 ²sub-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 ²sub-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.

¹Omitted by G.O.Ms.No.384, Finance (FR.I) Department, dated 6-10-1994.

²Substituted by G.O.Ms.No.81, Finance, dated 20-4-1970

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

FUNDAMENTAL RULES – Lien - Amendment to FR 14 – Orders – Issued

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

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).

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.

// FORWARDED :: BY ORDER //

SECTION OFFICER.

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.

NOTIFICATION

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 and 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.

// FORWARDED:: BY ORDER //

SECTION OFFICER

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.

//Forwarded::By order//

SECTION OFFICER

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.

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

//Forwarded::By order//

SECTION OFFICER

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 hereby make the following Ad-hoc rule namely:-

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//

SECTION OFFICER

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.

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//

SECTION OFFICER

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.

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.

//Forwarded::By order//

SECTION OFFICER

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.

//Forwarded::By order//

SECTION OFFICER

GOVERNMENT OF 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.

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., dated 22-04-1997.

4. Keeping in view of the above observations, it is decided to omit the wording "if they could not pass the same" occurring 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).

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 or special tests is a pre-condition for declaration of probation.

(BY ORDER AND IN THE NAME OF THE 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.

//Forwarded::By Order//

Section Officer

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 :-

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.

//Forwarded::By Order//

SECTION OFFICER.

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:-

THE ACCOUNTS TEST FOR EXECUTIVE OFFICERS

- (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 Manual-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 to 314.

- (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.

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

//FORWARDED::BY ORDER//

SECTION OFFICER.

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-

ORDER :-

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:-

శ్రీనివాస్ బెహరా

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.

//FORWARDED::BY ORDER//

SECTION OFFICER

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.

6. Therefore, the Departmental Promotion Committees/Screening Committee for various Gazetted posts shall be as follows:-

<u>I. Where Regional Office exists:</u>			
(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.

<u>I. Where no Regional Office exists:</u>			
(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)	<u>For the Second Level Gazetted posts.</u> 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)	<u>For the Third Level Gazetted posts.</u> 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.

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.
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IV.	For Head of the Department	The existing Committee headed by Chief Secretary to Government as constituted in the G.O. 3 rd read above shall continue.
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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

//Forwarded::By order//

SECTION OFFICER

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-

ORDER:-

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 gazetted 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.

//Forwarded::By order//

SECTION OFFICER

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

//Forwarded::By order//

SECTION OFFICER

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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.

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

//Forwarded::By order//

SECTION OFFICER

SOME DEFINITIONS
(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..

(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 acuity 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.

(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.

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		
Designa tion	classific ation	Scale of Pay	Filled	Unfilled	Filled on ad hoc basis	Existing	Anticipa ted	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.

6. Seniority list

- 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.
- Whether the list, before finalization was circulated to all concerned.
- Whether there are any officers whose seniority has not been finalized. If so, give details.
- 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.

- Whether a list (in duplicate) been attached showing the names of Officers whose character rolls are enclosed with this reference.
- 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 DA or Backward Class. If not, say neither.	Date of Birth	Date of regular appointment 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.

CHARGES CLASSIFICATION 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)

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 (communicated)	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.**

**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. Saluja Subochane
SECTION OFFICER

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 to be 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 Screening Committee/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. Salija Subrahmanya
SECTION OFFICER
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