GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

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

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O.Ms.No.331 Dated:03.05.2013.

Read the following:

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

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ORDER:

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

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 No.34, GA (DPC.I) Department, dt.24-1-1989, the case of the officer where the penalty imposed has been revoked after the Departmental Promotion Committee had considered his case should again be placed before the Departmental Promotion Committee for review.

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

(Contd...2)

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

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

(i) Charges were dropped using the words such as let off, warning, to be more careful in future, on humanitarian grounds, on benefit of doubt etc.,

(ii) Original order of penalty was modified on appeal or revision, after elapse of stipulated time (or) on humanitarian grounds (or) due to retirement etc.,

(iii) The individual was acquitted by courts on benefit of doubt in criminal cases.

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

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

To
All the Departments of Secretariat.
All Heads of Departments.
All District Collectors.
Copy to:
The Registrar, High Court of A.P., Hyderabad.
The Registrar, A.P. Administrative Tribunal, Hyderabad.
The Secretary, A.P. Public Service Commission, Hyderabad.
The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
All Service Sections in General Administration Department.
The Law (E) Department.
SF/SC.

//FORWARDED : : BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

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

GENERAL ADMINISTRATION (SERVICES-B) DEPARTMENT

G.O.Ms.No. 187 — Dated 25th April, 1985

Read the following :-

1. G.O.Ms.No. 283, Genl. Admn. (ARC&S) Dept., dt. 30-5-1973.
2. G.O.Ms.No. 397, Genl. Admn. (ARC&S) Dept., dt. 26-7-1973.
3. G.O.Ms.No.337, Genl.Admn. (Ser-B) Dept., dt. 18-6-1983.
4. G.O.Rt. No. 5464, Genl. Admn. (Ser-B) Dept., dt. 14-11-1984.

ORDER :

In the G.Os. first to second read above orders were issued to constitute Departmental Promotion Committees for promotion to the various categories of non-gazetted posts and gazetted posts promotion to which are outside the purview of Andhra Pradesh Public Service Commission. The question of streamlining the functioning of the Departmental Promotion Committees in order to ensure maximum objectivity in the appraisal of merit and ability has been engaging the attention of Government for sometime. In the G.O. fourth read above a Committee was constituted under the Chairmanship of Sri G.R. Nair, I.A.S., Principal Secretary to Government, Revenue Department to formulate suitable guidelines in this regard. The report submitted by the above Committee was placed before the Secretaries meeting held on 12-3-1985. The recommendations of Sri G.R.Nair Committee were broadly endorsed in the Secretaries meeting. The recommendations of G.R .Nair committee were carefully examined by the Government,and the following orders are issued.

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

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

1. Chief Secretary to Government .. Chairman
2. Principal Secretary to Government to be nominated by Chief Secretary .. Vice-Chairman
3. Secretary to Government, General Admn. (Services) Department .. Member/Convenor

4. Another Secretary to Government to be nominated by Chief Secretary .. Member
5. Secretary/Principal Secretary to Government of the concerned Administrative Department .. Member

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

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

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

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

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

The Zone of consideration would be determined as follows:-

No. of Vacancies			No. of officers to be considered
(a) 1	...	...	5
(b) 2	...	...	8

	3	...	...	10	
(d)	4 or more		...	3	time the number of vacancies

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

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

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

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

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

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

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

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

It is brought to the notice of the Committee that there is ambiguity in the instructions issued in G.O.Ms.No. 424, General Administration (Ser-C) Department, dt 25-5-1976 as to their application to cases where enquiries are in the preliminary stage. In order to avoid any ambiguity, it is ordered that the instructions in G.O.Ms.No.

424, G.A. (Ser.C) Dept., dt. 25-5-1976 should be followed only when the enquiry has reached the following stage:-

1. In the case of Departmental enquiry, definite charges are framed against the individual or proposed to be framed or where it is proposed to appoint an enquiry officer under rule 19 (2) of the C.C.A. Rules.
2. In respect of enquiry by the A.C.B., a preliminary enquiry has been completed and it is proposed to hold a regular enquiry.

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

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

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

12. Grading of Officers - Procedure to be followed:

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

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

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

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

It has been decided that in respect of the following cases the matter should again be placed before the Departmental Promotion Committes for review, in addition to the circumstances mentioned in G.O.Ms.No. 32, Genl. Admn. (Ser-B) Dept., dt. 22-1-1981.

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

(b) ineligible persons were considered by mistake, or

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

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

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

(f) Cases of persons considered and included in the panel in terms of G.O.Ms.No. 424, Genl. Admn. (Ser-C) Dept., dt. 25-5-1976 but who were subsequently awarded minor punishment.

13. (b) Further when a review Departmental Promotion Committee meets, it should consider only those persons who were eligible as on the date of Original Departmental Promotion Committee meeting except in the cases covered by G.O.Ms.No. 32, Genl.Admn. (Ser-B) Department, dt. 22-1-1981. The review Departmental Promotion Committee should restrict it scrutiny to the Confidential Reports, for the period relevant to the FIRST Departmental Promotion Committee. The Confidential Reports written for subsequent period should not be considered. However, if any adverse remarks relating to the relevant period, were toned down or expunged, the modified confidential reports should be considered as if the original adverse remarks did not exist at all.

14. It has also been decided that no non-gazetted posts should be treated as Selection posts. Orders were already issued in G.O.Ms.No. 82, Genl. Admn. (Ser-C) Dept., dt. 21-2-1985 abolishing the maintenance of the Confidential Reports in respect of all Non-Gazetted categories except those which are feeder categories to gazetted posts. All Departments of the Secretariat should take immediate action to amend the relevant rules to be consistent with the above decision. The Departmental Promotion Committees constituted for preparation of panels for promotion to all non-gazetted posts stand abolished with immediate effect.

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

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

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

SHRAVAN KUMAR
Chief Secretary to Government

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:

			No OF PMT./ TEMP. POSTS IN THE TOTAL GRADE			NO. OF VACANCIES FILLING IN THE PROMOTION QUOTA		
Designation	Classification	Scale of Pay	Filled	Unfilled	Filled on ad-hoc basis	Existing	Anticipated	Total

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

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

4. Recruitment Rules for the grade post:
(a) Date on which the 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 of 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 the orders in this regard.

Annexure DDVI

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

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

GENERAL ADMINISTRATION (SER.C) DEPARTMENT

G.O. Ms.No.257.

Dated: 10.6.1999.
Read the following:

1. G.O.Ms.No.424, G.A. (Ser.C) Dept., dt. 25.5.76,
2. G.O.Ms.No.106, G.A. (Ser.C) Dept., dt. 16.2.90,
3. G.O.Ms.No.66, G.A. (Ser.C) Dept., dt. 30.1.91,
4. From the Dept. of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions Govt. of India, Memo. No.22011/4/91-Estt.(A), dt. 14.9.1992,
5. G.O.Ms.No.74, G.A. (Ser.C) Dept., dt. 24.2.94,
6. G.O.Ms.No.203, G.A. (Ser.C) Dept., dt. 5.5.99.

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ORDER:

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

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

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

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

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

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

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

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

i) an officer with a clean record, the nature of charges or allegations against whom relate to minor lapses having no bearing on his integrity or efficiency, which even if held proved, would not stand in the way of his being promoted:
ii) an officer whose record is such that he would not be promoted, irrespective of the allegations or charges under enquiry, trial or investigation; and
iii) an officer whose record is such that he should have been promoted had he not been facing enquiry, trial or investigation. in respect of charges which, if held proved, would be sufficient to supersede him.

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

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

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

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

The Officers categorised as under item (iii) of G.O.Ms.No.424, G.A.(Ser.C) Dept., dated 25.5.76 as mentioned above only should be considered for adhoc promotion after completion of two years from the date of the Departmental Promotion Committee or Screening Committee Meeting in which their cases were considered for the first time.

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

(7) If the Officer concerned is acquitted, in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the adhoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the adhoc promotion with all attendant benefits. In case the officer could have normally got his regular promotion from a date prior to the date of his adhoc

promotion with reference to his placement in the Departmental Promotion Committee proceedings and the actual date of promotion of the person ranked immediately junior to him by the Departmental Promotion Committee, he would also be allowed his due seniority and benefit of notional promotion.

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

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

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

V. ANANDARAU
CHIEF SECRETARY TO GOVERNMENT.

To
All Heads of Departments.

GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT.

Rc.No. 6910/97/K2.,
Dated: 8.7.99.

Office of the Prl.Chief Conservator of Forests,
Andhra Pradesh, Hyderabad.

Sri S.D.Mukherji,IFS,
Prl. Chief Conservator of Forests.

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Communicated.

Sd/- M. Mohan Rao,
for Prl.Chief Conservator of Forests.

To
The Distribution of List 'A',
Copy to the Chief Conservator of Forests (A) / Conservator of Forests (E)
Copy to Supt. A/M/L/P/Z sections.
Copy to S.F.

LT

//t.c.b.o.//

Superintendent.

30/7/99