Service Matters

Reading Material

(Revised 2024)



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DIRECTOR'S MESSAGE

Dear Participants,

Dr. MCR Human Resource Development Institute of Telangana, Government of Telangana has been conducting Capacity Building Programmes for the last 48 years. We have commenced a new initiative this year to develop department-specific training programmes. Towards this, an exercise has been conducted and departments have nominated Nodal Officers. Faculty members of the Institute visited the departments, held consultations, and conducted Training Needs Analysis (TNA) in order to identify areas of "Priority" for training your Officers/Staff.

Dr. MCR HRDIT has also developed a new Online Nomination Module aimed at streamlining the nomination process for training programmes conducted by the Institute. This Online Nomination Module has been integrated into the Institute's Training Information Management System (TIMS) website. This module will allow your departments to nominate trainees for the training programmes through an easy and convenient online process.

The Manual on Service Matters, published on 18 July, 2003, covered such themes as State and Subordinate Service Rules, Fundamental Rules & Subsidiary Rules, Civil Services (Conduct) Rules, 1961 and Civil Services (CCA) Rules, 1991, Leave Rules and Pension Rules etc. This book also contains the importance of ethical values to Government servants.

However, in view of the changes brought out and amendments issued by the Government from time to time, the above volume on Service Matters has been revised and updated, with latest information covering various aspects of Service Matters such as, information regarding modified roster system in Rule of Reservation, examples of pay fixations in different conditions of service with RPS 2020, changed Automatic Advancement Scheme, Special Leaves those were introduced by the Government from to time, Pension Rules etc.

It may be noted that the information given in this volume is for training purposes only and cannot be the basis for any litigation or legal action.

We propose to update and revise other handbooks too, in due course of time We would, therefore, request you to study the material provided in these handbooks and send your suggestions, if any, directly to the Director General, Dr. MCR HRD Institute of Telangana, Road No. 25, Jubilee Hills, Hyderabad-500 033. Please quote the title of the booklet while sending the suggestions.

Dr.Shashank Goel, IAS 5/8/2024
Director General Dr. MCR HRD Institute &
Ex Officio Spl. Chief Secretary to
Government of Telangana

Hyderabad
Date: 05-08-2024

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CHAPTER- I
TELANGANA STATE AND SUBORDINATE SERVICE RULES

1. SCOPE OF THE RULES (Rule 1)

i. The A.P. State and Subordinate Service Rules, 1996 were issued by the Governor of A.P. in exercise of the powers conferred on him in proviso to art.309 of the Constitution of India (G.O.Ms.No.436, GAD (Ser.D) dt.15.10.1996 as adapted by the Government of Telangana vide G.O.Ms.No.196, GA (Ser.D) Dept, dt.28.05.2016). These rules are known as GENERAL RULES. They govern the Gazetted and Non-Gazetted posts under the State Government constituted into State and Subordinate Services, along with the special rules or ad hoc rules issued by the Government with regard to each category or class of service whether temporary or permanent.

ii. If any of the provisions in these rules are contrary to any provisions in the special rules applicable to any service concerning any specific matter, then the provision in the special rules will prevail over these rules.

2. METHOD OF APPOINTMENT (Rule 4)

i. By any one or more of the following methods, as specified in the Special Rules of the concerned service:

(a) Direct recruitment, (b) Promotion, and (c) By transfer (There can be appointment by contract, agreement, on compassionate grounds or re-employment also)

ii. If the Special Rules indicate more than one method of appointment the cycle or order in which the vacancies shall be filled by different methods should be indicated.

iii Direct recruitment shall be made against substantive vacancies, which mean all vacancies in permanent cadre and all vacancies, in the posts which have been in existence for more than five years. The percentage earmarked for direct recruitment should not be less than 30%.

iv. The posts earmarked for direct recruitment in the Special/ Adhoc Rules should be filled by direct recruits strictly and not by any other method.

3. QUALIFICATIONS FOR DIRECT RECRUITMENT (Rule 12)

i. Academic qualification fixed for the post in the Special/Ad hoc Rules.

ii. a. Sound health and active habits and free from any bodily defects or infirmity

b. Character and antecedents satisfactory.

iii. Minimum age of 18 years. Maximum age mentioned in the Special Rules, (if not mentioned, 34 years) which is relaxed up to 5 years for SCs, STs and BCs and up to 10 years for physically handicapped. Relaxed upto 5 years of regular service in the case of those in State Government Service. Persons who worked in armed forces are allowed to deduct 3 years in addition to the entire service in the armed forces. For SCs and STs when limited recruitment is made relaxation upto 10 years is allowed. Maximum age limit raised by 6 years in G.O.Ms. No.561, GAD (Ser. A) dt 11.10.1988 except to the posts of executive nature in Police, Excise, forest and Fire Services. In no case it should exceed 45 years with regard to SCs and STs and 40 years for BCs.

iv. Disqualifications are: Canvasing or bringing influence, plural marriage not permissible under the personal law applicable to the candidate, dismissal from service previously and conviction in a criminal court. (Persons involved in subversive activities also are not fit for Government service.)

4. ELIGIBILITY FOR PROMOTION /APPOINTMENT BY TRANSFER (Rule - 8) and Rule 12(3) (B)

Satisfactory completion of probation in the category in which he is serving and acquisition of requisite qualifications prescribed in the special rules by the prescribed date.

5. SELECTION AND NON SELECTION POSTS (Rule 5)

i. All first appointments/ promotions/ appointments by transfer to State Service (Selection posts/Gazetted posts) shall be made on grounds of merit and ability, seniority being considered only when merit and ability are considered approximately equal. Panels have to be prepared by the appointing authority or any other authority empowered in this behalf.

ii. Promotion/appointment by transfer to non-gazetted posts/Subordinate services (non

selection posts) shall be made in accordance with seniority- cum-fitness unless such a member of a service is given promotion or appointment by transfer has been withheld as a penalty.

iii. List of eligible employees has to be prepared every year (1st September to 31 August of the succeeding year) by the appointing authority for non-selection category posts considering the record sheet and qualification prescribed for promotion and by transfer.(rule.6(i)).

iv. Departmental Promotion Committees have been constituted by Government for promotion to gazetted categories except to the 2nd level gazetted posts, which are within the purview of the TGPSC for which a screening committee has been constituted by the government (items 12 and 12-A of rule 2)

6. PREPARATION OF PANELS (Rule 6)

i. The panel of approved candidates as referred to in item 5 (i) above, shall be prepared by the competent authority in consultation with the Departmental Promotion Committee (DPC) or TGPSC as the case may be. The appointing authority shall make appointments from such panels in the order in which the candidates in such panel are arranged, in the order of their preference.

ii. Panel of candidates for appointment by promotion and by transfer prepared by the DPC concerned shall be prepared ordinarily in the months of September of every year on the basis of estimate of vacancies made reckoning 1st September to 31st August of the succeeding year as the panel year and 1st September as the qualifying date. For preparation of panel the zone of consideration will be 1:3.

AMENDMENTS:

In the said rules :-

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

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

(2) After inserting the above proviso:

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

(b) In the third proviso, for the words "provided also that" shall be substituted.
C.G.O.MS.No.123 GA (Serd) dept-dt.19.4.2003

iii. The validity of the panel is from 1st September of the year to 31st August of the succeeding year and the vacancies estimated to 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 appointment /promotions for any administrative reasons, orders of promotion can be issued up to 31st of 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. (Govt. Memo. No. 11305/Ser-D/2000 GAD dt 3.3.2000)

iv. Review of such panel shall be after six months from the date of preparation of the panel. The employee who appeared for the departmental special tests before 1st September which is the qualifying date for the Panel year and whose results were announced subsequent to the qualifying date shall be considered as eligible for consideration for inclusion in the Panel by review, if meeting or the D.P.C Screening Committee had already taken place. (Govt. Memo.No. 29114/Ser-D/99-3, GAD, dt.25.6.99)

v. Panels need not be prepared if vacancies are not available for that particular year or where the appointing authority does not consider it necessary.

vi. In the exigencies of administration the Government may, however, order preparation of panels as frequently as may be necessary.

vii. Approved panels may also be reviewed by the appointing authority for purposes of inclusion of such of those candidates whose cases were deferred previously for being under suspension or due to pendency of disciplinary proceedings or criminal proceedings but subsequently exonerated, if found fit by DPC/APPSC concerned and for deletion of those who were subsequently placed under suspension or whose work and conduct has come up for adverse notice after their inclusion in the Panel.

viii. DPCs may undertake review when cases of the following nature are placed before them:

a. When eligible persons were omitted to be considered or ineligible persons were considered by mistake.

b. When a person's seniority was revised with retrospective effect.

c. When procedural irregularity was committed by DPC, and

d. When adverse remarks against a person have been subsequently toned down.

ix. In cases where it is necessary to consult TGPSC, (on the recommendation of screening committee) the panels have to be prepared similarly as above.

x. Inclusion of a candidate's name in any panel shall not confer on him any right

for appointment. (Rule .6(b))

xi. Persons whose names have been included in the panel but who could not commence probation, their cases have to be considered afresh for the next year's panel along with other qualified candidates having regard to their relative merit and ability.

7. PROMOTION OR APPOINTMENT BY TRANSFER: CERTAIN INSTRUCTIONS ISSUED BY THE GOVERNMENT

i. Employees whose increments were withheld shall not be recommenced for promotion during the period for which the increments were ordered to be withheld, w.e.f. the date of issue of the order imposing the penalty. (Govt. Circular Memo.No.34633/Ser.C/99—dt. 4-11-1999)

ii. Any minor penalty bars promotion or appointment by transfer for a minimum period of one year and withholding of increment with cumulative effect bars promotion or appointment by transfer for twice the period for which increment is withheld to both selection and non-selection posts. (GO.Ms.No.342 GAD (Ser.C) dt.4.8.97)

iii. Promotion or appointment by transfer to a higher post in respect of officers who are facing disciplinary proceedings or a criminal case or whose conduct is under investigation is governed by (G.O.Ms.No.257, G.A (Ser.C) Dept, dt.10-6-1999).

iv. Employees against whom there are a series of punishments, which are not subsisting at the time of consideration for promotion, the D.P.C/ Screening Committee have to take into consideration his overall performance which includes past punishments and not merely guided by the fact whether punishment is subsisting as on the date of meeting of DPC / Screening Committee or on the qualifying date for preparation panel. (G.O.Ms.No.203, G.A (Ser-C) Dept, dt. 5-5-1999).

v. (a) If the charges have not been framed or proposed to be framed and the matter is at the stage of preliminary enquiry, no cognizance need be taken and the case may be considered on individual merits, disregarding the allegations under enquiry.

(b) Similarly, in case of ACB is completed and it is at the stage of preliminary enquiry, the eligibility of a candidate for promotion may be determined without reference to such enquiry.

(c) Where inquiry by the ACB is completed and it is proposed to hold regular enquiry the case may be deferred. (G.O.Ms.No.187, GAD (Ser.B), dt.25-4-1985)

CONFIDENTIAL REPORTS TO BE CONSIDERED

i. The DPC should assess on its own the suitability of officers on the basis of their service record, considering the confidential reports for equal number of years in respect of the officers considered, particularly for the last five years out of the preceding eight years. Where one or more CRs have not been written during the relevant period, the DPC, should consider the CRs for the preceding periods in question.

ii. In case of direct recruit having less than 5 years of service, CRs for not less than three years should be taken into account.

iii. If an officer is working in a next higher grade earned, the CRs in that grade may be considered but no extra weightage may be given merely on the ground that he has been officiating in the higher grade (G.O.Ms.No.291, GAD, dt.3-4-90)

iv. Adverse remarks in CRs not communicated to the person concerned should not be taken into consideration.

v. Where adverse remarks in the CRs are toned down or expunged subsequent to consideration by the DPC, the case of such person would be brought before the same DPC for review.

vi. The DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs.

8. APPEAL, REVISION AND REVIEW (Rules 23,24 and 25)

i. Appeal against an order of promotion can be made within 6 months from the date of such order to an authority which can entertain appeal against dismissal.

ii. The power of revision can be exercised by the Government or by the Head of the department on their own motion at any time or application by the aggrieved person within a period of 6 months from the date of order of appointment or promotion of a person junior to the aggrieved person. Persons affected by such revision shall be given an opportunity of making representation against the proposed revision before an order of revision is passed.

iii. The government may on their own motion or otherwise review any original order passed by them, if it was passed under any mistake of fact or for any other sufficient reasons. The persons who will be affected by such review should be given an opportunity before an order is passed.

9. TEMPORARY APPOINTMENT(Rule.10) (INCLUDING DIRECT RECRUITMENT, PROMOTION AND APPOINTMENT BY TRANSFER)

i. When it is necessary to fill up a vacancy emergently in public interest in a post borne in any cadre of service and if filling up of such vacancy in accordance with the rules is likely to cause undue delay, the Appointing Authority may appoint a person temporarily otherwise than in accordance with the rules, either by direct recruitment or by promotion orappointment by transfer as may be specified as the method in respect of that post in the special rules. Formats to be adopted for temporary appointment by transfer were prescribed in Govt.Memo.No.1054/SER.A/85-2 GAD, dt.6.3.1986).

ii. Only the persons having the qualifications can be so appointed. When qualified persons are not available, unqualified persons can be appointed on temporary basis, and being replaced by qualified persons as soon as possible when such qualified persons are available.

iii. A person so appointed has no preferential claim to the post in future. He shall not be regarded as probationer.

iv. The appointing authority can terminate the service of the person appointed temporarily at any time without notice and without assigning any reasons, if appointed by direct recruitment or revert him to a lower post if promoted/appointed by transfer.

v. The practice of making in-charge arrangements on own scale of pay of the incumbent is discouraged. Whenever filling up of vacant post is considered expedient in the exigencies of administration, action has to be taken by the concerned appointing authority to fill up the post following the relevant special/ adhoc rules duly placing proposals before the DPC/ TGPSC as the case may be or by making full additional charge arrangements provided for in the FRs.

vi. Person appointed temporarily is not eligible for an increment in the time scale of pay applicable unless he passes the test, or completes the training or acquires the qualifications prescribed in the special rules, as a condition for grant of increment.

10. TIME LIMIT FOR JOINING POSTS (Rule 11)

i. **Direct recruitment: 60** days from the date of dispatch of the order of appointment by registered post with acknowledgement due. If he fails to join within the stipulated period of 60 days, the offer of appointment shall be treated to have been cancelled and the name of the candidate shall be deemed to have been omitted from the list of approved candidates.

ii. **Otherwise than by direct recruitment:** 15 days from the date of receipt of the order of appointment sent by R.P. Acknowledgement due or by other means. If he fails to join within the stipulated period of 15 days or evades to join the new 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:

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.

11. SPECIAL REPRESENTATION (RESERVATION) (Rule 22)

i. A feature of direct recruitment to any service is giving special representation in services to the socially backward class of citizens. This is as a measure of social justice backed by certain important constitutional provisions viz Art. 15(3) and (4), 16(4) and 335 of the constitution of India.

ii. The benefit of reservation is available in Telangana State in favour of scheduled castes, scheduled tribes, backward classes, women, differently abled persons (physically handicapped/persons with disabilities), ex-servicemen, meritorious sportsmen, economically weaker sections and such other categories as may be prescribed by the Government from time to time and the manner specified in the General Rules or special rules. Communities belonging to SCs and STs and BCs already notified, can be seen in schedule-l appended to the rules.

iii. The principle of reservation shall apply in all appointments to a service class or category:

a) By direct recruitment, except when the Government by a general or special order made in this behalf, exempt such service, class or category.

b) Otherwise than by direct recruitment, where the special rules lay down specifically that the principle of reservation insofar as it relates to SCs, STs and differently abled persons (physically handicapped/persons with disabilities) only shall apply to such services, class or category to the extent specified therein.

iv. a) In a unit of 100 vacancies the present policy of reservation in appointments for various categories is as follows:

SCs ..15,
STs.10
(G.O.Ms.No.33, Tribal Welfare Dept, dt.30.09.2022 read with G.O.Ms.No.130, G.A (SER.D) Dept, dt.09.11.2022),

BCs..29, (Among BCs: BC(A)...7, BC(B)...10, BC(C)...
1, BC(D)...7, BC (E)…4 - Total.... 29)

EWS...10 *(G.O.Ms.No.33, GA (Ser.A) Dept, dt.08.02.2021 read with G.O.Ms.No.65 G.A (Ser.A) Dept, dt.19.03.2021)*

b) Out of the remaining vacancies to be filled by open competition, if the Special Rules provide for appointment for Differently abled persons..4 (VH, HH, OH & Mental illness), Ex-service Men..2, Meritorious Sports Persons…1, respectively.

v. These appointments, which are to be made in the order of rotation in a unit of 100 vacancies are watched through the rosters prescribed. Rosters should be maintained for each category, class, category of service, whether regular or temporary. ***For existing policy of Rule of Reservation, G.O.Ms.No.130, G.A (Ser.D) Dept, dt.09.11.2022 read with G.O.Ms.No.35, GA (Ser.D) Dept, dt.13.2.2024 is to be referred for Roster Points***

vi. a) If in any recruitment, qualified candidates belonging to SCs STs, BCs (all 5 groups) including women in these categories are not available for appointment to any or all the vacancies reserved for them, a limited recruitment confined to candidates belonging to that category shall be made immediately after general recruitment to select and appoint qualified candidates from among the persons belonging to these categories to fill such reserved vacancies.

b) Even after conducting limited recruitment, any of the vacancies reserved for S.C.s, S.T.s, B.C.s, (all 5 groups) and women still remain unfilled for want of qualified candidates, such vacancies/ vacancy may be allotted to open competition only after obtaining orders of the Government.

c) Equal number of vacancies if so filled up by OC shall be carried forward for three consecutive years. Such vacancies form additional vacancies in addition to the vacancies which arise for such persons during those years and they have to be filled up first.

d) During the 3rd succeeding year SC. vacancies by STs and ST vacancies by SCs can be filled, if qualifiedcandidates in the respective groups are not available.

e) Similarly, in BC, if qualified candidate of a particular group is not available, vacancy will accrue to the next group (G.O.Ms.No.65, GA (Ser.D) dt. 15-2-97).

vii. Persons belonging to SC,ST,BC, Women, PH and Ex-Servicemen shall be considered for open competition vacancies on the basis of merit and the number of appointments reserved for those categories shall not be affected when they are so selected to OC vacancies.

viii. At no selection for recruitment other than any limited recruitment made, the number of reserved vacancies including additional vacancies reserved shall exceed 52% of the total No. of vacancies for selection and all vacancies in excess of 52% of the total No. of vacancies for which recruitment is made on any particular occasion shall be treated as unreserved.

Provided further that the carry forward vacancies and current reserved vacancies in a recruitment shall be available for utilisation even where the total number of such reserved vacancies exceed 52% of the vacancies filled in the recruitment, in case the overall representation of SCs and STs BCs (all 5 groups) and women in the total strength of the concerned grade or cadre, has not reached and the prescribed percentage of reservation of 15% for SCs and 10% for STs, 7% for BC(A), 10% for BC(B), 1% for BC(C) and 7% for BC(D), 4% for BC(E), respectively(rule 22 (i)).

ix. Where there is only a single solitary post borne in the class or category of service, the rule of special representation shall not apply for appointment to such post (rule 22(j)).

x. In respect of appointments by promotion or recruitment by transfer from subordinate service in state service, where such appointments or recruitment by transfer is made on the principle of merit and ability seniority being considered only, when merit and ability are approximately equal, the claims of any member of the SCs and STs shall be considered for such appointment on the basis of seniority subject to fitness. However, a member of the SC or ST possess superior merit and ability he shall be allowed to supersede not only others but also the members of SCs and STs as the case may be (Rule 22(k))

RESERVATION FOR WOMEN (Rule 22-A)

33.1/3% reservation in all categories of posts in O.C, SC, ST, BC (all 4 groups), PH and meritorious sportsmen quota where men and women are equally suitable. The posts for which they are better suited than men, preference shall be given to them. Posts which are exclusively reserved for being filled by women they shall be filled by women only.

Orders have been issued in the G.O.Ms.No.3, WCD8&SC Dept., dt.10.02.2024 to implement 1/3% reservation in favour of Women horizontally without earmarking any roster points for them, in each category, i.e, OC, SEBC-A, SEBC-B, SEBC-C, SEBC-D, SEBC-E, EWS, SC, ST, Persons with Disabilities, Ex-Servicemen and Meritorious Sportsmen, in the matter of direct recruitment to the posts for which men and women are equally suited, in supersession of orders issued in the G.O.Ms.No.41, WD & CW (Estt) Dept., dt.01.08.1996 and G.O.Ms.No.56, WD & CW (Estt.) Dept., dt.28.10.1996

duly specifying that necessary amendments to the Telangana State and Subordinate Service Rules, 1996 issued in G.O.Ms.No.35, GA (Ser.D) Dept, dt.13.2.2024.

EXTENSION OF RESERVATION POLICY

Other than Government departments the rule of reservation has to be followed in the following organisations:

a. All companies and corporations under the control of the Industries and Commerce Department of the government.

b. All subsidiaries of the Government and Government undertakings.

c. All joint venture undertakings where government or government undertakings have 31% or more of the share holding.

d. Joint ventures where the government undertakings have 26% or more of share holding, but do not have majority in shares are advised to follow the rule as far as possible.

e. Also local bodies and universities, voluntary organisations receiving grant - in - aid from Government and private educational institutions.

f. Village officers.

g. Appointments of work charged and contingent staff except those required for emergencies like accidents, flood relief, restoration and relief, etc.

xii. ENFORCEMENT MACHINERY: The Government appointed inspecting Asst. Commissioners; in the social welfare department with supporting staff to ensure scrupulous implementation of the reservation policy and other 13 other concessions provided for SCs/STs/BCs. They are empowered to inspect all government offices, local bodies, statutory corporations, PSUs, Cooperative institutions, marketing committees etc., for verifying the implementation of the rule of reservation and submit detailed reports as to how it is being implemented pinpointing the lapses if any, on the part of the appointing authorities. The Employment exchanges are also inspected to see whether, while sponsoring candidates interests of SC,ST,BCs are protected. Disciplinary action will be taken against the appointing authorities for the lapses, if any viewing the matter very seriously.

12. PROBATION (Rule16)

i. 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 or by transfer from another service is put on test for determining his fitness to hold the post in a service, class or category. Probationer means a member of a service, class or

category who is on probation and yet to complete it. Approved probationer is one who has satisfactorily completed his probation in a service, class or category (rule.2)

ii COMMENCEMENT OF PROBATION (Rule 16-a)

a. If appointed regularly in accordance with rules of the service from the date of joining duty or such other date as may be specified by the appointing authority.

b. If appointed temporarily under rule 10,ie., otherwise than according to rules and subsequently appointed to the same post in accordance with rules from the date of his subsequent appointment or from an earlier date as the appointing authority may determine, subject to the condition that his commencement of probation from an earlier date shall not adversely affect any person who has been appointed earlier or simultaneously, to the same service, class or category in the same unit.

c. A person appointed to a service otherwise than by direct recruitment, shall be deemed to have commenced probation from the date from which he has been continuously on duty in such service for a period of not less than 60 days from the date of joining duty having been appointed on regular basis in accordance with the rules.

This rule will not apply to those who are appointed in consultation with the TGPSC or DPC or any other agency for recruitment specified by Government (rule 16-b)

III. PERIOD OF PROBATION

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

b. Every person appointed to any post by promotion or by transfer shall be on probation from the date on which he commences probation, for a period of one year within a continuous period of two years (rule. 16 (c))

c. Whenever a continuous period of duty is prescribed as probation in the service rules, leave taken by a probationer constitutes a break in the continuity of probation (Annexure XII to FRs)

IV. PERIOD WHICH COUNTS TOWARDS PROBATION

a. Entire service put in that category of service.

b. Service in a higher category of the same service or class or in any other service (State or Subordinate) to the extent of the period of duty performed by him in the latter service, during which he would have held the post in the former service but for such appointment in the latter service.

v. PASSING OF TESTS DURING PROBATION (Rule 16-e&f)

a. If a person is required to pass the prescribed tests or acquire any qualification

as prescribed in the special rules, within the period of probation he should do so, failing which the appointing authority may either extend the probation or discharge him from service.

b. If the results of the tests to be passed, which the probationer has appeared, are not known before the expiry of the prescribed period of probation or extended period of probation he shall continue to be on probation until the results of such tests or examinations are published.

c. Any delay in the issue of an order discharging a probationer shall not entitle him to be deemed to have satisfactorily completed his probation.

vi. CHANGE IN THE DATE OF COMMENCEMENT OFPROBATION

A probationer who fails to pass the prescribed tests or acquire the special qualifications prescribed within the period of probation or within the extended period of probation and whose probation is further extended by Government till the date of his passing such tests or acquiring such qualifications, shall be deemed to have commenced probation w.r.t. the date to be fixed by the Government which would be anterior to the date of his passing the tests or acquiring such special qualifications.

However, that the interval between the two dates shall be equivalent to the prescribed period of probation whether on duty or otherwise and seniority of such probationer shall be determined w.e.f. the date so fixed. This sub rule shall not apply in the cases of persons appointed to a class or category or grade in a service prior to 9-3-81 and whose seniority in the said class, category or grade was fixed under the then sub rule(b) of rule 33 prior to the said date (rule16.h)

vii. SUSPENSION, TERMINATION AND EXTENSION OFPROBATION (Rule 17)

a. If the probationer fails to pass the prescribed tests or acquire the prescribed qualifications the appointing authority may extend his probation to enable him to pass the tests or acquire special qualifications prescribed, as the case may be not exceeding one year whether on duty or otherwise in such service, class or category, in which case his increment is postponed until he completes his probation. Such postponement of increment is not a penalty and shall not affect future increments after he completes probations.

b. At any time, before or after the expiry of the period of probation the appointing authority may extend the probation by not more than one year in case it is not extended as stated above (for not passing of tests etc.) or terminate the probation and discharge the probationer from service, after giving him one month's notice or one month's pay in lieu thereof of such notice, on account of unsatisfactory performance of duties or unsatisfactory conduct or for any other sufficient reason to be recorded in writing.(Termination of probation is not considered as a penalty)

c. At any time before the expiry of the prescribed period of probation, the appointing authority may suspend the probation of the probationer and discharge him for want of vacancy.

d. If the special rules prescribe postponement of increments as a penalty for failure to pass a special test or acquire a special qualification and if the person concerned has reached the maximum of the time scale of pay applicable to him, it will render him liable to the penalty of reduction to the next lower stage in the time scale of pay.

e. APPEAL AGAINST DISCHARGE OF PROBATIONER UNDER SUB ITEM (v) (a) above can be made within 30 days from the date of receipt of the order of discharge, to the authority to which an appeal would be against an order of dismissal passed by the competent authority. Such an authority, either on its own motion or otherwise revise any order discharging the probation within one year of the date of such order.

f. When probationer is restored to service on appeal, the period on and from the date of discharge to the date of restoration, shall be treated as laid down in rule 17 (e) (iii) and (iv).

viii. DECLARATION OF PROBATION (Rule 18)

a. At the end of the prescribed period of probation the appointing authority shall consider the probationer's suitability for satisfactory declaration of probation and issue an order to that effect if the service is satisfactory during the period of probation. The decision to declare the satisfactory completion of period of probation or to extend or discharge him should be taken within a period of 8 weeks of the expiry of prescribed period of probation. The appointing or higher authority shall communicate the lapses on the part of the probationer well in advance to the expiry of period of probation so that he may rectify such lapses, (rule 18(b)(i).

b. If the probationer fails to give satisfaction to the appointing authority which should be based on the work and conduct or if he has not made use of the opportunities given to him, the appointing authority can discharge the probationer after giving one month's notice, as already mentioned above.

c. The competent authority shall assess the outlook, character, ability, and aptitude for the work of the probationer before the probation is declared. If no order of satisfactory declaration of probation is issued (when all conditions are satisfied) even after one year of completion of probation or extended period of probation, the probationer shall be deemed to have satisfactorily completed his probation with retrospective effect from the date of expiry of the prescribed or extended period of probation and a formal order to that effect may be issued for purpose of record.

However, this deeming provision will not apply if charges have been communicated to the probationer during the period of probation or the extended period of probation or for failure to pass the prescribed tests or acquire the qualifications required within the period of probation (rule 18(b) (ii)).

ix. The power exercisable by the appointing authority, other than State Government can be exercised by any higher authority to whom such authority is administratively subordinate whether directly or indirectly. (rule20).

13. CONFIRMATION (Rule 21)

i. Soon after a person is declared or deemed to have satisfactorily completed his probation, he shall be confirmed as a member of that service to which he has been appointed initially, i.e., for the first time, by the appointing authority.

There is no need to have vacancy in a permanent post.

ii. During his entire service, a person shall be confirmed only once, i.e. in the initially recruited service irrespective of the fact whether he is promoted within the same service or appointed by transfer to any other service, from time to time.

14. SENIORITY (Rule 33)

i. The seniority of a person in a service, class or category or grade is determined by the date of his first appointment to such service, class or category or grade (rule 33 (a)).

ii. At the time of passing an order appointing two or more persons simultaneously to a service, the appointing authority may fix either for the purpose of rule of reservation in appointment or for any other reason the order of preference among them. When such an order has been fixed seniority among them shall be determined accordingly (rule 33b).

iii. Whenever a notional date for promotion is assigned such date shall be taken into consideration for computing the qualifying length of service in the feeder category for promotion to next higher category. Such notional date should be counted for the purpose of declaration of probation also in the feeder category (Rule 33 c).

iv. Where a member of a service, class or category is reduced to a lower service, class or category for a specific period.

a. If such reduction does not operate to postpone future increments, the seniority of such a person, on re-promotion shall, unless the term of the order of punishment provides otherwise, be fixed in the higher service, class or category at which it would have been fixed but for his reduction.

b. If the reduction operates to postpone future increments, the seniority of such a person on re-promotion shall, unless the terms of the order of punishment provide otherwise, be fixed giving credit for the period of such service earlier rendered by him in the higher service, class or category (Rule33-e).

v. The seniority of a retrenched employee on re-appointment shall be determined in accordance with the date of re-appointment (Rule 33-f).

vi. a. The seniority of person transferred on his own request from one unit of appointment to another unit of appointment on administrative grounds, shall be determined w.r.t. the date of his seniority in the former unit (Rule 35-a).

b. The seniority of a person who is a transferred on his own request from one unit of appointment to another unit of appointment, shall be fixed w.r.t the date of his joining duty in the later unit of appointment (Rule 35 - b).

vii. a. The seniority of the persons selected by the TGPSC or other selection authorities, by direct recruitment, shall be w.r.t. their ranking assigned irrespective of their date of commencement of probation in that category (Rule 36-i)

b. The seniority of the person promoted or appointed by transfer including probationer shall be w.r.t the dates from which they were placed on probation and if the dates of commencement of the probation is the same, whoever is aged shall be senior (Rule 36(ii) and (iii)).

c. In respect of persons appointed by transfer on administrative grounds seniority shall be determined from the date on which he was placed on probation in the original department (rule 36(iv)) and in respect of persons on request transfer seniority shall be determined from the date of his joining in the new department / unit (Rule 36(v)).

viii. Appeal against seniority has to be made within 90 days from the date on which junior was promoted and as regulated by Rule 26.

ix. The candidates recruited directly by the T G PSC who are re-allotted from one unit to another unit in accordance with rule 4(c) (see item No. 19) shall be assigned seniority below the 1st regular candidate in the concerned class or category in the unit to which he is re-allotted (Rule 37).

x. Seniority once fixed cannot be altered subsequently without notifying to the affected person and giving an opportunity to him to represent against the proposed action.

xi. Inter-se seniority between direct recruits and promotees to a category of service has to be regulated as per the Instructions in Para 14 of circular Memo. No. 16 ser A 98-99 GAD dt. 21-4-1999.

15. POSTINGS AND TRANSFERS (Rule 38)

i. Transfer is an incidence of service and the power to transfer need not be traced to any rules. lt is also an implied condition of service and the appointing authority has a wide discretion in the matter. Government is the best judge to decide and to

distribute and utilise the services of its employees.

ii. Postings and transfers may be made to any post borne on the cadre of such service, subject to the provisions of the Presidential Order, as the case may be.

a. If he is of a subordinate service within the unit of appointment, and

b. If he is of state service anywhere in the State (limited to territorial jurisdiction of the local cadres)

iii. Transfers and postings shall be made by the appointing authority or such other authority subordinate to the appointing authority to whom such power had been delegated, within their respective jurisdiction, subject to units of appointment under the Presidential Order.

iv. The Head of the Department may transfer a member of a service from one unit of appointment to another unit of appointment where the Presidential Order is not applicable.

v. In respect of members of the State service where Government are the appointing authority and the Head of the Department is competent to grant leave shall also be competent to issue reposting orders of such person on return from leave.

vi. The State Government on its own motion or on a proposal made by the Head of the Department, order for sufficient reasons, the transfer of members of State or subordinate service from the local cadres organised under the Presidential Order, to office of the concerned Head of the Department and offices notified under the said order as state level offices or special offices or major development projects and vice versa.

vii. The appointing authority or any other authority superior to such appointing authority, requires a member of the state or subordinate service to serve in any post borne on the cadre of anybody wholly or substantially owned or controlled by Government.

viii. Some guidelines issued by Government with regard to postings and transfers:

a. No Government employee may be transferred from one place to another before he serves there for a period of three or two years, as the case may be, except on grounds of promotion or as a measure of penalty or at his own request in very special cases.

b. Where any deviation from the guidelines has to be made, prior sanctions of the superior authority should be obtained before such transfer is affected. A monthly periodical report should be submitted by the competent authority to the Head of the department/ Government. Deviation of these instructions result in disciplinary

action (Govt. Memo. No.864/ Ser.A/85-1GAD dt 3-7-85)

c. With regard to posts identified as focal points employees should not be allowed to continue indefinitely in such posts in order to prevent malpractice and corruption.

d. Posts shall be classified as highly preferred, preferred and normal, depending on the location of the posts in the offices situated in capital city/ district headquarters/ other places, respectively and employees shall be given postings to these places on rotation. (G.o.Ms.No.531, GAD (Ser.A) dept, dt 23-9-1989)

e. If there is a grievance against a transfer ordered, an appeal can be made to the next higher authority (Govt. Memo No.116 GAD (Ser.A) dt.21-2-90).

f. Requests for transfer on medical grounds for self or spouse for cancer, heart operation, neuro surgery, bone TB and kidney transplantation treatment, have to be considered on selective basis for treatment to places where such medical facilities are available and not to be accepted as a matter of course. It should not be for focal posts (GO.Ms.236, GAD (Ser.A) dt.27-5-96)

g. Employees who retire within one year may not be transferred from their places of working except on promotion or on own request or as a measure of penalty. (GO.Ms.379 GAD (Ser.A) dt.29-8-96).

h. First level gazetted officers, except those belonging to Police Dpt. may be allowed to be posted to their native districts but not to local jurisdiction comprising their native Mandal Division (G.O. Ms. No. 418 G.A. (Ser.A) Dt. 24.6.1991).

16. RESIGNATION (Rule 30)

i. An employee can resign his appointment and this resignation shall take effect from the date of relief if he is on duty, after the acceptance of resignation of the competent authority.

ii. If on leave, from the date of communication of order of acceptance or on the expiry of leave as decided by the appointing authority.

iii. In other cases from the date of communication of orders of acceptance or resignations.

iv. The resignation of the member of a service shall not be accepted against whom disciplinary proceedings are instituted under the C.C.A rules or investigation, enquiry or trial is initiated.

v. Withdrawal of resignation after acceptance by the appointing authority is not permissible without the orders of Government.

vi. An employee who resigns his appointment shall forfeit all his previous service under Government.

vii. The person reappointed with the approval of the Government shall be treated as fresh entrant to Government service and the past service shall not be counted for any benefit or concession under any rule or order.

viii. Where a member is selected by direct recruitment to another post, his lien or probationary rights in the original post shall be retained for a period of 3 years or until his probation is declared in that post. If he does not return to original post within 3 years, he shall be deemed to have resigned that post but, however, he is eligible for the benefits accrued to him for the past service.

17. RELINQUISHMENT OF RIGHTS (Rule 28)

Any member of a service may relinquish any right or privilege to which he is entitled to, if in the opinion of the appointing authority such relinquishment is not opposed to public interest. Such relinquishment once made shall be final and irrevocable. However, conditional relinquishment of right for a temporary period is not permitted.

18. RELAXATION OF RULES (Rule 31)

i. Under rule 31, the Governor has the power to relax the rules or special rules in favour of any person or class of persons, in such a manner as may appear to be just and equitable to him where such relaxation is considered necessary in public interest or where the application of rule or rules is likely to cause undue hardship to the person concerned (rule 31).

ii. The Head of the Department also has the power to relax any rule or rules in favour of any person or class or category of persons whose post or posts carry a scale of pay less than that of the junior assistant in his department insofar as it relates to transfer, promotion or the service conditions, in such a manner as may appear to be just and equitable in public interest and where he considers the application of such rule or rules would cause undue hardship to the person or persons concerned. However, such relaxation cannot be granted in regard to appointment by transfer of a person who is not qualified for appointment to the post of junior assistant or equivalent post (rule 32).

iii. The State Government may on their own motion or otherwise review the orders of relaxation issued or cancel such order within a period of six months from the date of such relaxation order, if it is found that the said order was passed under mistake

of fact or law or in ignorance of any material or for any sufficient cause to be recorded in writing. Order cancelling the relaxation should not be issued without giving an opportunity to the person concerned of making representation against the proposed action (rule 32 - b).

19. RE ALLOTMENT OF CANDIDATES SELECTED BY TGPSC

Should be with mutual consent of the appointing authorities concerned and with the consent of the TGPSC. Such reallotment shall be strictly in conformity with the provisions of the TG Public Employment Organisations of Local Cadres and Regulations of Direct Recruitment Order, 2018 (rule 4 - c).

20. LANGUAGE TEST IN TELUGU (Rules 13 & 14)

i. Every person appointed to a service shall, within the period of probation pass the language test in Telugu, failing which his probation shall be extended and increments in the time scale of pay shall be postponed without cumulative effect till he passes the test.

ii. A person who has passed the SSC or its equivalent examination or any order higher examination with Telugu as the medium of instruction and examination or with Telugu as one of the subjects shall be exempted from passing the test. A person who crossed the age of 45 years is also exempted.

21. DEPARTMENTAL TESTS

There is some misconception regarding exemption from passing the departmental tests to those who have completed 45 years of age. This has been clarified in the following adhoc rule issued in G.O.Ms. No. 225 GI.Adm. (Ser-C) Dpt. dt. 18-5-1999:

"Not withstanding anything contained in the State and Subordinate Service Rates 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 ad hoc 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 person who already got a promotion once when 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 a pplicable 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 precondition for declaration of probation.

CHAPTER-II

FUNDAMENTAL RULES AND SUBSIDIARY RULES OF TELANGANA GOVERNMENT

INTRODUCTION

1.1 The Fundamental Rules apply to all Government Servants paid from the consolidated fund of the State. They deal with service aspects relating to Government servants such as the General Conditions of Service, Pay, Pay Fixations, Increments, Additions to Pay, Combinations of Appointment, Dismissal, Removal and Suspension, Retirement, Leave, Joining Time and Foreign Service, etc. The Power of Interpreting these Rules is reserved to the Government.

1.2 Some of the important definitions in these Rules are, as follows (F R. 9).

Duty: Service in a post, joining time, authorised course of training, compulsory wait treated as such by competent authority, periods of enforced halts enroute on tour, CL, etc., are treated as Duty.

Pay: (i) Basic Pay (ii) Special Pay (iii) Personal Pay (iv) Additions to Pay granted under FR 49.

Foreign Service: means service in a post where the Govt. servant draws his pay from a source other than the consolidated fund of the state.

Personal Pay: means additional pay granted to save the employees from loss in substantive pay or on personal grounds like family planning incentive increment.

1.3 The whole time of a Government Servant is at the disposal of Government and he may be employed in any manner required by proper authority without claim for additional remuneration (FR11).

1.4 **Lien:** The concept of confirmation has been amended in G.O.Ms. No. 633, G.A. (Services) Departments, dt.8-11-89. Confirmation is delinked from availability of permanent post. Confirmation can be done against a temporary post in the initial post after satisfactory completion of probation.

No person can be appointed regularly without a Medical Certificate of health as provided under FR 10.

1.5 Government may transfer a Government servant from one post to another (FR 15).

1.6 A Government servant may be required to subscribe to a provident fund or similar funds (FR 16).

1.7 No Government servant shall be granted leave of any kind for a continuous period exceeding five years. Wilful absence from duty not covered by grant of any leave will be treated as a 'Dies-non' for all purposes, viz., increment, leave and pension.

1.8 Interruption between two or more spells of service shall be treated as automatically condoned without any formal orders of the sanctioning authority, excluding, however, the periods of Interruptions themselves (FR 18).

2.1 PAY FIXATIONS: Following are some of the circumstances under which pay fixation arises:

1. First appointment to a post.
2. Revision of Scales of Pay.
3. Promotion to a post carrying higher responsibilities.
4. Reversion to a lower post.
5. Appointment by Transfer to a post outside the regular line.
6. Repatriation to the parent Department from outside the regular line.
7. Substantive appointment to a post not carrying higher responsibilities or to a new post.
8. Automatic advancement.
9. Re-employment.

2.2 GENERAL PRINCIPLES OF PAY FIXATION

(i) The provisions under FR 19,22,22-B, 23,26 (aa), 30 &31 deal with the principles of pay fixation.

(ii) For purpose of pay fixation only basic pay is taken into consideration.

(ii) In respect of Revision of Pay Scales, the guidelines given by Government for pay fixation each time lay down the principles of pay fixation. In the absence of guidelines pay should be fixed at the same stage in the revised pay scale and if there

is no stage at a next below the stage to the pay drawn in old scale and the difference treated as personal pay to be absorbed in future increments.

FIRST APPOINTMENT:

On first appointment, pay is fixed at the minimum of the pay scale. However, the pay of a regular Govt. Servant when appointed directly to another post, on selection by the T G PSC is protected.

2.2.2 AUTOMATIC ADVANCEMENT SCHEME

JUNIOR ASSISTANT	ON COMPLETION OF 6 YEARS
24280-690-24970-720-27130-750-29380-830-31870-940-34690-1030-37780-1110-41110-1190-44680-1280 48520-1400-52720-1500-57220-1630 62110-1730-67300-1850-72850-1990-78820 (2020)	26410-720-27130-750-29830-830-31870-940-34690-1030-37780-1110-41110-1190-44680-1280-48520-1400-52720-1500-57220-1630-62110-1730-67300-1850-72850-1990-78820 (2020)

Date

1-2-2021 - 31870/-

1 -5-2021 Completed 6 years - 32810/- (FR 22 a (i)) (Pay fixed at the next higher stage)

1-2-2022 - 32810/-	33750/-(FR31(2))
(Date of next increment in the Lower post)	(Pay fixed in the higher post in consequence to notional increase in the lower scale on the date of next increment).

On completion of 12 years of service in the same post the same pattern of pay fixation under FR 22a(i) read with FR 31 (2) should be followed.

Employees drawing pay in Automatic Advancement Scheme of (24) years SPPII/SAPPII, when actually promoted to a higher post are not allowed the pay fixation under FR22(B). The pattern of pay fixations as under FR22a (i) read with FR 31(2) is permissible in such cases.

ON PROMOTION TO POST CARRYING HIGHER RESPONSIBILITIES

Where a Government Servant is promoted to a higher post (when he is in Automatic Advancement Scheme – 6 Years (SG) / 12 Years (SPPIA) / 18 Years (SPPIB)) the pay is fixed under FR 22 (B). The individual is allowed option to have the benefit of this fixation either from the date of increment itself or from the date on which he is entitled to the next increment in the Lower Post.

2.2.3 PAY FIXATION ON PROMOTION

An employee Drawing a Basic Pay of Rs.52720/- w.e.f. 1-4-2021 in time scale of pay of Rs.32810-940-34690-1030-37780-1110-41110-1190-44680-1280-48520-1400-52720-1500-57220-1630-62110-1730-67300-1850-72580-1990-78820-2140-85240-2270-92050-2420-99310 (2020) was promoted to the next higher category of Rs.42300-1110-41110-1190-44680-1280-48520-1400-52720-1500-57220-1630-62110-1730-67300-1850-72580-1990-78820-2140-85240-2270-92050-2420-99310-2560-106990-2760-115270 (2020) on15-9-2021. Fix his pay on the Basis of option from date of Promotion & From date of next increment of Lower Post.

1. If opted from date of promotion itself:

Date	Pay scale of Lower Post Rs.32810 – 99310	of Higher Post Rs.42300 – 115270	Remarks
15-9-2021	+ 1500 Notional Increment added FR 22-B	55720/-	Pay fixed at next higher stage after the addition of notional increment
1-9-2022		57220/-	Increment

2. If opted for promotional scale from date of next increment of lower post instead of from promotion:

Date	Pay Scale of Lower Post (Rs.32810 - 99310)	Of Higher Post (Rs.42300-115270)	Remarks
1-4-2021	52720		
15-9-2021		54220/-	Pay fixed under FR 22a(i) at immediate next higher stage.
1-4-2022	1500 Regular Increment due in Lower Post added		
Date of option	1500 Notional increment added on Promotion	57220/-	Pay Fixed at next higher stage FR 22(B)
Total	55720/-		
1-4-2023		58850/-	Increment

Note: The date of fixation under FR 22 (B) is crucial date for grant of future increments in the higher post.

2.2.4 Fixation of pay of retrenched employees owing to reduction of staff as a measure of economy on their absorption : According to ruling (9) under FR 22 read with G.O 1002, GAD dt.29-11-67, GO 219, Fin. Dt.14-4-72 the pay of those employees absorbed on an identical post or a lower post should be fixed at the minimum of the time scale of the post in which they are absorbed plus grade increments counting the length of previous service in the equivalent and higher grade, provided they have not received any pension or gratuity or if received have returned the same either in lumpsum or in instalments as prescribed by the appointing authority. Otherwise, only the minimum of the time scale should be allowed. If the pension and gratuity already received are refunded, previous service before retrenchment will be counted for pension to the extent admissible. But the leave at credit shall not be allowed to carry over, to the leave account of service after absorption.

3.1 In G.O.Ms.No.65, Fin (HRM.IV) Dept, dt.17-6-2021, Government introduced a new Automatic Advancement Scheme in the Revised Pay Scales of 2020 w.e.f 1-7-98. The scope of applicability of this scheme is limited to the employees drawing pay in the scale of Rs.72850-147310/- (Grade upto and inclusive of Grade XXV in the RPS 2020) and below. The main features of this scheme are as under.

3.2.1. On completion of six years of service which counts for increment an employee shall be eligible for special grade scale which is usually a scale next above the ordinary pay scale of the post.

3.3.2 On completion of 12 years of service which counts for increments and if the employee is fully qualified to be promoted to the higher post he shall be eligible for the pay scale of next promotional post, if there is one. If there is no promotional post under the relevant service rules, the employee is eligible for the scale of pay next above the Special grade post (special Promotion post scale-IA/ special Adhoc Promotion post scale-IA) and on completion of 18 years SPPIB/SAPPIB awarded in the existing scale.

3.4.3 On completion of 24 years of service which counts for increment an employee shall be sanctioned one increment in the next promotion post scale that is SPP-II scale/ SAPP-II as the case may be which is in addition to normal increment. In case of employees whose date of normal increment is different from this date of completion of 24 years of service, the date of next increment will be after completion of one year of service from the date of drawal of increment allowed on completion of 24 years of service.

3.5 The benefit of Automatic Advancement Scheme will be withdrawn if the employee relinquishes his right to promotion. Similarly, persons appointed to lower post at request are also not eligible for the Automatic Advancement Scheme (Memo No.007/375/PRC I/88, dt.26-10-1988).

INCREMENTS

4.1 According to rule 24 increments shall ordinarily be drawn as a matter of course unless it is withheld. Increment can be withheld if the conduct of the employee has not been good or his work was not satisfactory. Presence of orders is necessary for withholding an increment. If no orders withholding increment are received by the drawing officer he should draw the increment by enclosing an increment certificate to the pay bill, unless it is an increment due on declaration of probation or passing of a prescribed test which can be drawn only after issue of orders declaring the satisfactory completion of the period of probation or the passing of that test.

4.2 Rule 26 lays down the conditions under which service counts for increment. According to this rule service in a post including leave counts for increment except the following periods.

1. Periods of suspension treated as not duty. If suspension is for misconduct, service preceding suspension also will not count for increment (Note 5 under rule 24)

2. Periods of EOL taken for reasons other than illness on MC., causes beyond the control of employee or for prosecuting higher studies. Specific orders are necessary for counting EOL taken for the above 3 reasons for increment. Powers delegated to Heads of Departments for a period not exceeding 6 months.

3. Overstayed of leave not regularised (Ruling 2 under rule 26(b)

4. Service in a lower post (Ruling 9 under rule 26 (b)

5. Break in service due to discharge (Ruling 9 Note 2 under rule 26).

6. Periods of leave or deputation during which the employee would not have continued in that post but for leave or deputation (Rule 26 (1)).

Increment will be drawn from the first day of the month in which it falls due (G.O.No.133, Fin. dt. 15-7-74, G.O.192, Fin. dt. 1-8-74 and Memo No. 4964-A/2111/FR-I1174-1, dt. 6-10-74).

4.3 INCENTIVE INCREMENT FOR FAMILY PLANNING

OPERATIONS (G.O. MS. NO.52, M&H DT.23-1-84)

Employees or their spouses who undergo family planning operation are eligible for one advance increment subject to the following conditions.

1. The number of living children should not be more than 2 (G.O.377, HM 7FW dt.25-11-86 from 25-11-86).

2. The rate of increment is the rate of next increment due after operation and this amount is treated as personal pay to be drawn at that rate throughout service as a separate entity.

3. Husband should be below 50 years of age and wife between 20 years and 45 years of age.

4. Sterilization etc., should be in Govt. Hospital. If operated in private hospital, the certificate should be countersigned by a Govt. Doctor not below the rank of Civil Asst. Surgeon within 5 days from the date of operation.

5. Increment should be allowed from the 1st of the month following the date of operation.

6. Operation should be while in service.

7. If both wife and husband are employees only one can draw the P.P at their choice.

8. Personal pay should be withdrawn from the date of recanalisation

9. Personal pay is not admissible for Hysterectomy.
10. The above scheme was discontinued in the PRC 1998. This benefit shall be continued to the employees who got sanctioned prior to PRC 1998.

COMBINATION OF APPOINTMENTS (RULE 49)

The State Government (powers delegated to Head of Departments for a period up to 3 months vide delegation 1. under rule 4 read with G.O.282, Fin & PIg (Fin FR1) Dept, dt.11-8-77 may appoint a Government servant as a temporary measure to officiate in two or more posts. The order should declare whether he officiates, or holds full additional charge or merely to discharge current duties of the additional post. The second post should be distinct or separate and not subordinate to the first post. Additional pay should also be sanctioned by the above authorities.

1. If appointed to officiate in a second post and to hold full additional charge of his own post. The highest pay to which he would be admissible if appointment to one of the posts stood along and in addition 1/5th of his substantive pay or 1/2 the minimum of the scale of the 2nd post whichever is less.
He may draw compensatory allowances, if any of the second post in full and if CA is attached to both the posts larger of the two.

2. If he holds full additional charges of a 2nd post in addition to his own. Additional pay for the additional post @ 1/5 of his substantive pay or 1/2 the minimum of the additional post whichever is less. CA as in the above case.

3. If he discharges only current duties of second post in addition to his one: Additional pay not exceeding @ 1/10th of his substantive pay or 1/4th of the minimum of the 2nd post and CA of his own post.

1. The additional pay at the above rates is admissible for the first 3 months of additional charge and at half those rates for another 3 months and thereafter no additional pay. Heads of Departments can sanction the additional pay for first 3

months and for the period in excess of 3 months sanction of Govt. is necessary (vide instruction 2 under FR 49).

2. Additional pay is admissible if the full additional charge is held for a period exceeding 14 working days excluding optional holidays, and casual leave, if any, and in respect of current duties (vide instruction 2 and rulings 8&9 of FR 49).

PAY ADMISSIBLE IN CASE OF PUNISHMENTS

6.1 Government or any other authority to whom such powers are delegated can impose the punishments detailed in rule 9 of the TG Civil Service Classification, control & appeal) rules in respect of the employees subordinate to them. The effect of these punishment on pay and allowances of the employees are dealt with in FRs 25,29 (i), 29(ii), 29-A, 52,53, 54-A and 54-B.

6.2 Fundamental Rule 24 requires that the punishment of withholding increment should specifically state about the following issues.

1. Period for which it is withheld.

2. Whether the postponement shall have the effect of postponing future increments.

3. Whether the period of stoppage will be exclusive of any interval spent on leave before the period of punishment is completed (Not applicable if the stoppage of increments is with cumulative effect)

4. Whether the stoppage will effect pension.

The effect of the order withholding increment is that the officer remains on the same pay for the period for which stoppage is ordered. If the order withholding increment does not state that it shall have effect of postponing future increments it shall be assumed that the officer ’s pay is restored to what it would have been had his increment not been withheld from the next natural date of increment (without cumulative effect).

An illustration how the pay is regulated during the period of above punishment is given below:

Next increment stopped for a period of one year in the scale of Rs. 24280-690-24970-720-27130-750-29380-830-31870-940-34690-1030-37780-1110-41110-1190-44680-1280-48520-1400-52720-1500-57220-1630-62110-1730-67300-1850-72850 (2020) while drawing a pay of Rs.34690/- from 1.2.2021 (order issued on 1.3.2021)

Date	without cumulative effect	with cumulative effect	Remarks
1.2.2021	24690/-	34690/-	

1.2.2022	34690 (Increment not Released)	34690/-	Increment not released
1.2.2023	36750/-	35720/-	(Since stoppage is with cumulative effect, one increment is permanently not given)

6.3 If the punishment is to reduce the pay to a lower stage in his time scale, the pay is regulated under FR 29(l). This order of punishment shall state.

1. The period and the date for which the punishment is effective.
2. Whether on restoration, the period of reduction shall operate to postpone future increments.

3. The stage to which the pay is reduced.

This order of punishment cannot be for an unspecified period or as permanent measure.

6.4. The pay during and after the period of punishment will be regulated as follows:

Pay reduced by two stages from Rs.34690/- to 32810/- in the scale of Rs. Rs. 24280-690-24970-720-27130-750-29380-830-31870-940-34690-1030-37780-1110-41110-1190-44680-1280-48520-1400-52720-1500-57220-1630-62110-1730-67300-1850-72850 (2020) for a period of 2 years from 01.04.2021.

Reduction shall not operate to postpone future increments Ruling (1)(b)(i)	**Reduction shall operate to postpone future increments Ruling 1 (b) (ii)**	**Remarks**
34690/-	34690/-	
32810/-	32810/-	Date or order of punishment
32810/-	32810/-	
32810/-	32810/-	
36750/-	34690/-	On completion of the period

7.1 In case of suspension pending enquiry the employee is eligible (FR 53) for subsistence allowance equal to leave salary on half pay, plus dearness allowance on the basis of such leave salary. Other compensatory allowances on the basis of pay which the employees is in receipt on the date of suspension subject to furnishing of a certificate that he is not engaged in any other employment, business, profession or vocation.

7.2 If the period of suspension exceeds 3 months the authority is competent to increase the subsistence allowance, for any period subsequent to the period of 3 months, suitably by an amount not exceeding 50% of such allowance if the suspension has been prolonged fop, the reason not directly attributable to the employee and may reduce it by 50% of the reasons directly attributable to the employee. The rate of dearness allowance will be based on such increase or decrease in subsistence allowance. A second or subsequent review can be made at any time at the discretion of the competent authority and the subsistence allowance can be increased or reduced by 50% of the allowance originally granted based on the reasons already explained

8.1 FR 54,54-A and 54-B deal with the regulation in case the orders of dismissal, removal, compulsory retirement and suspension are set aside and the employee is reinstated on appeal or review. In cases where the reinstatement is ordered on appeal or review, the competent authority should first decide whether the employee is fully exonerated or not of the charges which resulted in his dismissal, removal orcompulsory retirement/ whether the suspension is justified or unjustified. The Competent authority should also state whether the period of absence is treated as duty or not duty. The period treated as not duty cannot be treated as leave to which the employee is entitled without the request of the employee. If the employee is fully exonerated or suspension is unjustified the period of absence should be treated as duty and in other case as ‘not duty. In case where the period is treated as duty, the employee is entitled for full pay and allowances which he would have received had the punishment not been imposed. However, if the competent authority is of the opinion that the delay in reinstatement is due to the reasons directly attributable to the employee, payment of a portion of pay and allowances not less than subsistence allowance and other allowance can be ordered after giving opportunity or representation to the employee and after considering such representation.

8.2 If the period of absence is treated as ‘not duty the employee is eligible for subsistence allowance. However, where the competent authority is of the opinion that the delay in reinstatement is not for the reasons directly attributable to the employee, he can order for the payment of a portion of pay and allowance not less than subsistence’s allowances and other allowances after giving opportunity for representation and after considering such representation.

8.3 Where the dismissal, removal, compulsory retirement or suspension is set aside by a court of law on merits of the case and the employee is reinstated without further enquiry the period of absence should be treated as duty for all purposes and he shall be paid full pay and allowances which he would have drawn had the

punishment not been imposed.

8.4 If the case is set aside for non-compliance of the provisions of clause (2) of article 311 of the Constitution of India or the employee is not exonerated on merits, the period of absence should be treated as " not duty" and the payment of pay and allowances for the period of absence, not less than subsistence allowance and other allowances, should be specially ordered by the competent authority.

8.5 Where an employee under suspension dies before the disciplinary or court proceedings are concluded, the period of suspension immediately preceding death shall be treated as duty for all purposes and his family paid the fully pay and allowances after deducting the subsistence allowance etc, already paid.

Though the suspension is for imposition of a major penalty, but if it ultimately results in a minor penalty, still the period of suspension is to be treated as not duty.

8.6 Where the period of absence which is treated as 'not duty' is converted as leave at the request of the employee the amount of subsistence allowance etc., already paid should be adjusted from the leave salary and the excess, if any, should be recovered (instruction 2 under FR 54).

9. PAY DURING JOINING TIME (RULE 107)

1. Joining time is treated as duty and the employee is entitled to pay drawn by him in the old post before handing over charge and in addition DA, HRA & CCA as applicable at old station. Conveyance allowance, FTA are not admissible during joining time (Clause (a) of FR 107 as amended in G.O. 84, Finance dt 15-4-81)

2. During joining time after leave with allowances, joining time pay equal to leave salary (Clause (b) (ii) of rule 107)

3. Where transfer of charge consists of inspection of several stores or scattered works by both the officers, the relieving officer is treated as on duty (Ruling (1) under FR 107)

9.1 JOINING TIME IS COMPUTED AS FOLLOWS

i) a) For preparation 6 days

b) For journeys: By rail - 500 Km
By Motor Vehicle 150 km } one day

Besides the above one Sunday is permissible.

(ii) When there is no change of Residence as a sequel to the Transfer, only one day is allowed (FR 106)

10. FOREIGN SERVICE

While a Govt. Servant is in Foreign Service (FR 115), contributions towards the cost of his pension and leave salary should be collected from the foreign employer as per the scale prescribed under for 115. If there is delay in payment of the contributions interest at 7.3% should be collected on the contributions from the foreign employer.

11. SERVICE REGISTERS

The detailed instructions relating to maintenance of Serving Registers as per Annexure II, part III of Fundamental Rules should be followed. Every Govt. servant should be shown his Service Register every year and in token, his signature obtained in the service book. A periodical to this effect should be sent to the immediate superior by the end of every September.

Service Register should contain every step in a Govt Servant's official life, including temporary and officiating appointment, promotion of all kinds, regularisation and completion of probation, increments, transfers and leave. Annual Services Verification certificate should be recorded in April each year. The service register should contain all events in the career of the employee. Mention about character should not be made. They should be kept in the personal custody of the Head of the Office.

HEREIN LIES THE TRAGEDY OF THE AGE,

NOT THAT MEN ARE POOR -

ALL MEN KNOW SOMETHING OF

POVERTY; NOT THAT MEN ARE WICKED -

WHO IS GOOD ?

NOT THAT MEN ARE IGNORANT -

WHAT IS TRUTH?

NAY, BUT THAT MEN

KNOW SO LITTLE OF OTHER MEN.

-WEB DOUBOIS

Chapter - III
ETHICS AND SOCIAL RESPONSIBILITY

THE MALAISE

Max Weber, a German sociologist, described for the first time to the history of Bureaucracy, its institutional qualities, characteristics and suggested an ideal rational organization for this institution.

BRIEFLY STATED

1. Bureaucracy is a hierarchically organized body of human beings who are operating under set codes, rules and regulations and paid for their work, who are subject to constant internecine problems; who are neutral, rulebound (precedent-bound often) and secretive (therein lies its power).

2. It has a rational objective for its existence and a rational manner for its performance.

3. The members of this organization are aiming constantly to improve themselves, their status and emoluments.

DYS-FUNCTIONAL

Prof. Robert Merton calls dys-functionalism a characteristics of Bureaucratic organization. By that he means that a function performed by a Bureaucrat becomes counter productive or produces bad results which are the antithesis of their objective. Complicatedness, corruption, dilatoriness, beating about the bush are now an accepted way of life with Bureaucracy all the world over. It is a question of degree in most countries, more so in developing economies.

THE NEED: SOCIAL RESPONSIBILITY

Every Bureaucrat has a responsibility to society. The Directive Principles of State Policy in our Constitution clearly give a purpose and directions to both Central

and State Governments. Hence, the need for commitment to service of common man and development of the country. An ideal servant is one who:

a. Understands the weakness of himself and his system and works in order to overcome it in the most effective manner for which he has at his command both ancient and modern tools (concepts and techniques).

b. Acts as 'change-agent' to help the people of the country who are often steeped in old and useless (often dangerous) traditions in agriculture, social behaviour (bonded labour for eg.) etc.

c. Optimizes the scarce resources that are at his command and allocates them towards long, medium, and short-range betterment of people's lot (for eg. Education is a long range input, employment is a short range input) by reducing inequalities.

d. Innovates and finds solutions rather than complains.

e. Brings in a climate of cooperation and goodwill through a helpful attitude and achieves his objectives through quick decisions.

THE SOLUTION

The Bureaucrat must aim at

a. Better training of himself and his staff.

b. Developing a sense of social and ethical responsibility.

c. Managing laws, rules and regulations to enable him to perform tasks legally.

d. Developing enormous patience and affection for the down trodden and even anger at those evil sections of society which keep at check Government's efforts to reduce social inequalities (Black-moneyed man, Hoarders, Smugglers and like).

Ethical behaviour goes beyond a normatively moral behaviour (which no doubt is very important). It involves an extra over way of life where a bit of preaching is added to a lot of practicing of the 'brotherly spirit' so that his authority helps him to implement in practice what the concepts preach.

SOCIAL RESPONSIBILITY OF CIVIL SERVANT IN INDIA

Mahatma Gandhi once said that all the Industrialists were to regard themselves as holders of trust for the nation. A civil servant also must adopt this maxim for his existence. Civil Services help Governments to make laws and implement them:

a. For preventing concentration of wealth and monopolistic and restrictive trade practices (M & RTP Act).

b. For setting up controls in vital sectors of the economy such as Industry (Eg. Industry Regulation Act), Food and Civil Supplies (Essential Commodities Act, Agriculture, Fertilizers, seeds and pesticides quality control measures).

c. For a better and equitable distribution of assets through measures like (i) Land Reforms (ii) Subsidised Infrastructure building and subsidies for weaker sections and areas of society (iii) Reservation quotas, scholarships in educational institutions and employment (iv) Minimum wages laws.

All these objectives and tasks need a committed civil service.

I

When the last great scorer comes to write against your name, He writes not that you had won or lost, but how you conducted yourself in a just and equitable way the game of life....

- Rig Veda

CHAPTER - IV

MAXIMS FOR PUBLIC SERVANTS

I. YOU AND YOUR JOB

1. You are a public servant.
2. Effect of any action on the people should never be overlooked.
3. Do not forget the human aspects of administration
4. Be action minded.
5. Be constructive.
6. Collect and master the details and the facts without being their slave.
7. Take scrupulous care of accounting for public funds.
8. Take adequate care in using of government property.
9. Follow rules but do not become their slave.
10. Value official reports, informal discussions and personal visits.
11. Make regular and thorough inspections.
12. Note the importance of following up of orders or actions.
13. Pick the right man for the right job.
14. Do not neglect uninteresting, unimportant or routine work.
15. Recognise the importance of arriving at quick decisions.
16. Give a patient hearing to all the parties.
17. Not merely do justice, but people should know that justice is done.

II. YOU AND YOUR CO-WORKERS

1. Pick the right man for the right job.
2. Maintain the dignity and self confidence of your subordinate.
3. Commend freely and openly, but rebuke sparingly and secretly.
4. Be objective, responsible and just in confidential reports.
5. Do not let down your colleagues.
6. Put yourself in the other persons shoes.
7. Do your own job and let your subordinates do their own.

III. YOU AND THE PUBLIC

1. You are the servant of the people
2. Always visualize what impression your actions and orders will make on the people.
3. Administration deals with human beings.
4. Seek public esteem, not cheap popularity.
5. Public are interested in your achievements, not in your difficulties.
6. Anonymity, an essential virtue.
7. Public esteem is a tremendous moral booster.
8. Justice and duty before popularity.
9. You are a servant of the people, not of any party.
10. Both your justice and integrity should be demonstrable and provable before the public.
11. There is always room for honest differences of opinion.
12. Accessibility, a great virtue in a public servant.
13. Public impression a useful corrective to official reports.

IV. YOU AND THE PEOPLE'S REPRESENTATIVES

1. Find your way through advised selfishly.
2. Remember facts are more important than advice.
3. Loyally carry out proper orders and instructions of the political executive.
4. Self interest has a place in public life.
5. Take advice and co-operation from all parties but make your own decisions.

V. YOU AND YOURSELF

1. Efficiency in action is yoga.
2. Your health is a must for your job.
3. Develop a healthy and cheerful personality.
4. Keep abreast of the times.
5. Your job, worthy of choice by the very best.
6. Just rewards shall not by pass you.
7. To thine own self true.
8. A sense of humor is essential

VI. FINAL MAXIMS

1. Not merely follow and practice these maxims yourself but train and encourage your colleagues, subordinates or co-workers to do the same.
2. Example is better than precept.

NONE OF US IS AS STRONG AS ALL OF US

CHAPTER-V

TELANGANA CIVIL SERVICES (CONDUCT) RULES 1964

GENERAL

SCOPE

2. Government employee is defined as any person who is a member of Civil Service of the State of Telangana or holds any civil posts under the State or in connection with the affairs of the State, whether he is on duty or under suspension or on leave or on foreign service, either within or outside the State.

FAMILY

3. These rules are also applicable to the members of the Family of the Government employee. “Member of the Family” includes the spouse, son, daughter, step-son or step-daughter of such employee whether residing with such employee or not and any other person related to and residing with, such employee and wholly dependent on such employee; but does not include a spouse legally separated from such employee or a son, daughter, step-son or; step-daughter who is no longer in any way dependent upon such employee or of whose custody such employee is deprived by law.

4. FUNDAMENTAL RIGHTS OF INDIAN CONSTITUTION

4.1 ARTICLE: 14 Equality before law.

4.2 ARTICLE : 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

4.3 Article : 16 Equality of opportunity in matters of Public Employment.

4.4 Article : 19 Rights to freedom.

4.4.1 Freedom of speech and expression.

4.4.2 Freedom of assembly.

4.4.3 Freedom of association.

4.4.4 Freedom of movement.

4.4.5 Freedom of residence and settlement.

4.4.6 Freedom of Profession, Occupation, trade or Business.

5. RESTRICTIVE PROVISIONS OF CONDUCT RULES

5.1 Restriction on constitutional rights.

5.1.1 Taking part in politics and elections.

5.1.2 Joining of and Forming Associations.

5.1.3 Demonstrations and Strikes.

5.1.4 Connection with Press and Radio, Criticism of Government.

5.1.5 Acquisition and Disposal of Property.

5.2 Restriction on personal Rights.

5.2.1 Private Trade and Employment.

5.2.2 Investing, Lending and Borrowing.

5.2.3 Collection of Subscription.

5.2.4 Acceptance of Gifts.

5.2.5 Public Demonstrations.

5.2.6 Vindication of Acts and Character.

5.2.7 Canvassing of outside influence.

5.2.8 More than one marriage.

5.2.9 Consumption of Intoxication drinks.

5.3 The ultimate aim of such restrictions which forbid the Government servant to do certain acts is mainly intended to improve the tone of Public Service. The relationship between the Government and the Government servant is governed by the Law of Master and Servant relationship.

5.4 A Government servant is expected to maintain a reasonable and decent standard of conduct and not bring discredit to his service by his misdemeanour.

5.5 Thus, neglect by a Government servant of his wife and his children in a manner unbecoming of a Government servant, may be regarded as a good and sufficient reason to justify action being taken against him.

5.6 If the Government were to sit back and permit its officials to commit any outrage in their Private Life, provided it falls short of criminal offence, the result may very well be catastrophic fall in the moral prestige of the Administration.

5.7 The State could demand a certain standard of conduct from the Government servant not only while performing their official duties but in their private life as well.

5.8. Arguments are often raised to the effect that in view of the complexities of modern life, the consideration of expediency should outweigh the considerations of Honesty. Consideration of expediency may be irresistible at times but their evils are merely to be put up with and not to be extolled or prescribed as standards of life and work.

5.9 A Public Officer is not at liberty to amass fortune by taking illegal gratification even though willingly given.

6.1 EVERY GOVERNMENT SERVANT SHOULD AT ALL TIMES :

6.1.1 Maintain devotion to duty.

6.1.2 Maintain absolute integrity, discipline, impartiality and a sense of propriety.

6.1.3 Do nothing which is unbecoming of such employee or derogatory to the prestige of Government.

6.1.4 Not act in a manner which will place his official position under any kind of embarrassment.

6.1.5 Exercise his best judgement in the performance of his official duties except when he is acting under a direction from his official superior.

6.2 Integrity is uprightness, honesty or purity.

6.3 Devotion to duty is faithful service.

6.4 Unbecoming of a Government servant is unmannerly attitude, insubordination, lack of decorum, laziness, corrupt habits, shirking of responsibility and other things which are normally branded as unworthy of a Government servant.

6.5 The dictionary meaning of misconduct is given as bad management, mismanagement, culpable neglect of an official in regard to his office. It is a transgression of some established and definite law or a forbidden act. It implies a wrongful intention and not a mere error of judgement. Misconduct is something more than mere negligence. It is the intentional doing of something when the doer knows to be wrong or which he doer recklessly, not caring what the result may be. It is a sufficiently wide expression and covers any conduct which in any way renders a person unfit for his office or is likely to tamper or embarrass the administration. In this sense, grossly improper or unbecoming conduct in public life may also become misconduct and may render an officer liable to disciplinary action.

6.6 Moral is concerned with right and wrong or duty which one owes to one's fellow beings or to the society in general.

6.6.1 Moral turpitude is a reprehensible act contrary to the accepted notions of right and customary rule or code of conduct accepted by the society. It would mean anything done contrary to justice, honesty, modesty or good morals.

6.7 Corruption includes all improper and selfish exercise of power and influence attached to a Public Officer.

7. No Government employee can associate himself with an association, the object or activities of which are prejudicial to the interests of the Sovereignty and Integrity of India or Public Order.

8. He should not participate in strike or absent from duty or work without permission, or neglect his duties with the object compelling any superior officer or Government to take or omit to take official action or indulge in demonstrative fast like hunger strike or refuse to receive his pay.

9. No gifts can be accepted, the prominent exception being a gift of a value of less than Rs. two hundred from personal friends on ceremonial occasions such as weddings.

10. Every Government employee (other than members of last grade service) should, on first appointment to the Government service, submit to Government a statement of all immovable properties whose value exceeds Rs. 20,000/- in the forms prescribed in

Annexure-l and II to Sub-Rule 9.

11. He should also submit before 15th January of every year, a declaration in the forms given in Annexure I and II of Rule 9 (7) of all immovable/movable property owned, acquired or inherited by him or held by him on lease/or on mortgage, either in his own name or in the name of any member of his family.

12. No Government employee should except after previous intimation to the Head of the Department acquire or dispose of or permit any of his family member to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise either by himself or through others. If such a transaction is conducted from a private dealer (not a regular or reputed dealer), the previous sanction of the Head of the Department Appointing authority/ Regional Officer/District Collectors/Other District Officers, as the case may be, as specified in sub-rule (10) of rule 9 should be obtained. Same is the case with the movable property exceeding Rs. 20,000/- in value.

13. The violation of above and or any of the following rules of conduct, would be treated as negligence/misconduct and is required to be dealt with under the TG Civil Service (CCA) Rules 1991.

RULE NO. & NATURE OF PROHIBITION IN THE CONDUCT RULES

4 - Strikes.

5 - Demonstrations.

6 - Acceptance of gifts, services, entertainments, address and other forms of felicitations.

7 - Collection of subscriptions or other pecuniary assistance in pursuance of any object.

8 - Lending, borrowing and insolvency.

9 - Acquiring or disposing of immovable or movable property.

10 - Indulging in private trade, business and investment.

11 - Promotion and management of companies in private capacity.

12 - Private employment.

13 - Publication of books.

14 - Communications of official documents or information.

15 - Connection with press.

16 - Participation in radio broadcast and contribution to newspapers and periodicals.

17 - Criticism of the policy or action of Government or any other state govt. or Central Government.

18 - Evidence before any committee, commission or other authority.

19 - Taking part in politics and elections.

20 - Vindication of acts and character of Government employee.

21 - Working with or under relatives in Government service.

22 - Employment of a member of the family in a private firm.

23 - Government employee not to deal in his official capacity with matters concerning himself, his relatives or dependants.

24 - Influencing authorities for furtherance of interests.

25 - Bigamous marriages.

26 - Dowry.

27 - Drinking.



Here is the written explanation you wanted for my coming late yesterday, sir!

CHAPTER - VI

TELANGANA CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES 1991

(As Adapted by Telangana Govt)

PART -1 : GENERAL (RULES 1-3)

1.1 The TGCS (CCA) Rules 1991 (G.O.Ms. No. 487 GA (Scr. C)Dept, dt 14.9.92) were published in the A.P. Gazette on 1st July 1992. These rules came into force with effect from 1 October 1992. These rules are intended to be applicable to every Government servant who is a member of the Civil Service of the State, whether permanent or temporary, a Government Servant whose services are temporarily placed at the disposal of the Govt. of India, the Government of another state or a company, corporation or organization owned or controlled by Government, or a local or other authority and a Central Government employee, employee of other state Government and Employee of a Local Government of TG who is temporarily working with the State Government. These rules define Disciplinary authority as one who is competent to impose any of the penalties specified in rule 9 or rule10.

PART-II : CLASSIFICATION (RULES 5-7)

2.1 The Civil services of the state are classified into :

i) The State service-included in schedule I (Gazetted officers), and

ii) The subordinate services-included in schedule II (Non Gazetted employees).

PART-II : SUSPENSION (RULE-8)

3.1 A member of the service may be placed under suspension from service:

3.1.1 Where a disciplinary proceedings against him is contemplated or is pending, or

3.1.2 Whether in the opinion of the component authority, he has engaged himself in activities prejudicial to the interest of the security of the state, or

3.1.3 Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

3.2 The authorities competent to suspend members of state and subordinate services are laid down in rules 12-15.

3.3 A Government servant shall be deemed to have been placed under suspension by an order of the authority competent to place him under suspension:

3.3.1 With effect from the date of his detention if he is detained in custody whether on a criminal charge or otherwise for a period exceeding forty-eight hours.

3.3.2 With effect from the date of his conviction if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not immediately dismissed or removed or compulsorily retired consequent to such conviction.

3.4 An order or suspension, may at anytime, be modified or revoked by the authority which made the order or by any authority to which that authority is subordinate.

3.5 The State Government have prescribed proforma for issuing the orders of suspension in G.O. Ms. No. 411 GA (Ser. C) Dept. dt. 28.7.93 for the guidance of the competent authorities. Similar proforma for continuance under suspension after review, in intervals of six months has been prescribed in Govt., memo No. 904/Ser. C/67-1 GAD dt. 29-5-1967. The checklist prescribed in Govt. Circular Memo No. 56183/ Ser-c/99 GAD dated 15-10-99. should be kept in view.

3.6 The object of placing an officer under suspension is generally to facilitate easy collection of evidence from witnesses who may hesitate to depose against an officer so long as he is in office, or to prevent an officer from tampering with witnesses or records. In many cases it is not quite necessary to keep the officers under suspension after a certain period.

3.7 The circumstances in which a disciplinary authority may consider it appropriate to place a Government servant under suspension as indicated by the Government, are detailed below. These are only intended for guidance and shall not be taken as mandatory.

3.7.1 Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (eg. apprehended tampering with witness or documents).

3.7.2 Where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working.

3.7.3 Where the continuance in office of the Government servant will be against the wider public interest other than those covered by (1) and (2) above, such as, there is

a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals particularly corruption.

3.7.4 Where allegations have been made against the Government servant and the preliminary inquiry has revealed that a prima facie case is made out which would justify, his prosecution or his being proceeded against the departmental proceedings and where the proceedings are likely to end in his conviction and/ or dismissal, removal or compulsory retirement from service.

3.7.5 In the first three circumstances, the disciplinary authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prima facie case has been established.

3.7.6 Certain types of misdemeanours or where suspension may be desirable in the four circumstances mentioned are indicated below:

3.7.7 Any offence or conduct involving moral turpitude.

3.7.8 Corruption, embezzlement or misappropriation of government money, possession of disproportionate assets, misuse of official powers for personal gain.

3.7.9 Serious negligence and dereliction of duty resulting in considerable loss to Government.

3.7.10 Desertion of duty

3.7.11 Refusal or deliberate failure to carry out written orders of superior officers.

3.7.12 In respect of the types of misdemeanour specified in (9) (10) & (11) above, discretion has to be exercised with care.

3.8 It should also be considered at an early stage whether sending the officer on leave (if he is willing to take it) will not be suitable step to take. This of course, will not apply in all serious cases where there is good prima facie case.

3.9 The authority competent to suspend the Government servant, while issuing the orders of suspension should invariably mention in the said order the subsistence allowance which should be paid to the Government servant concerned. The order of suspension cannot be given with retrospective effect. Every order, notice and the other process made or issued under these rules (Vide rule 42) should take effect only from the date of:

3.9.1 Service of that order on the delinquent by delivering or tendering it in person,

if he is on duty.

3.9.2 Communication of that order to the delinquent by registered post to the address given by him, if any or of his usual place of residence.

3.9.3 Publication in the TG Gazette, if it cannot be so served or communicated.

3.10 Where a Government servant is suspended, he is free to go wherever he likes, but he must leave address with the head of the office, or if he is himself the Head of the office, with his Immediate superior. He must also leave his address with the officer, if any, holding an inquiry into his conduct. He must obey all orders to attend any inquiry into his conduct and if he fails to do so, the inquiry can be held in his absence.

3.11 A member of a service who is deemed to have been suspended by an order of the competent authority if he is detained in custody on a criminal charge or otherwise, for a period exceeding forty- eight hours, and if such a Government servant is released on bail, the competent authority may revoke the orders of suspension and admit him to duty or grant him leave during the period, if applied for by him, if the said authority thinks fit to do so having regard to the nature of the charge and other circumstances of the case. The mere fact that the member of the service has been granted bail, does not give him a right to be restored to duty.

3.12 When a penalty of dismissal, removal or compulsory retirement imposed on a member of a service who has been placed under suspension is set aside in appeal or review or by a decision of a court of law and further inquiry or action is contemplated shall be deemed to have continued under suspension from the date of the original order of dismissal, removal or compulsory retirement until further orders.

4.1 The authorities which are empowered to suspend certain members of state services are specified in rule 13. Where no such specific provision is made the concerned regional authority if any is competent to suspend members holding initial Gazetted Posts. The Head of the Department is competent to suspend members holding second level Gazetted posts. If there is no Regional authority, the Head of the Department can exercise his power in respect of both the initial and second level Gazetted Officers. In the absence of specific provision, the immediate superior Gazetted officer vide 14 (1) (a) or higher authority including appointing authority or any highest authority (including Government) is competent to exercise this power of suspension in respect

of Subordinate Services.

4.2 In trap cases, the Government servant should be suspended immediately after the trap basing on the preliminary report of the Anti Corruption Bureau. If there is likely to be any interregnum between the trap and the actual relief of the trapped officer after being placed under suspension, the competent authorities should consider whether the officer could be transferred immediately so that material evidence is not destroyed and the arrangements should be made to relieve trapped officer forth with.

4.3 In disproportionate assets cases, the accused officer need not be suspended immediately following the registration of the cases. But he may be transferred to a far off non-local post to avoid likelihood of his tampering with the records and influencing the witness.

4.4 If, however, the Anti-Corruption Bureau finds during investigation that there is reasonable ground for believing the accused officer has deliberately failed to co-operate with the investigating agency or that he is trying to tamper with the official records or influencing the witnesses or bringing pressure on the investigating officers, it is open to the disciplinary authority to place the accused officer under suspension, at that stage, based on the recommendation of the Anti-Corruption Bureau to that effect.

4.5 In cases other than those mentioned above, the disciplinary authority should consider and decide the desirability of placing the accused officer under suspension, if he is not already under suspension as and when charge sheet is filed against him in the court or where after investigation, it is decided to initiate regular departmental action for imposing any of the major penalties and a charge memorandum is served in this regard.

4.6 The cases of loss and fraud are usually reported to the police and officials involved who are placed under suspension continue to be under suspension till they surrender or are apprehended by the police and prosecuted, resulting in either the case dragging on for a long time or if and when the absconding officials are apprehended and proceeded against, they are required to be paid the subsistence allowance, if they produce a certificate of non-employment.

4.7 In such cases, the disciplinary authorities shall take the following action.

4.7.1 A certificate should be obtained from the local police authorities to the effect

that whereabouts of the officials concerned are not known. This certificate should be placed on record in the connected file.

4.7.2 A brief statement of the allegations should be prepared and kept on the file.

4.7.3 The disciplinary authority should himself record on the file the fact that the whereabouts of the officials concerned are not known and that the police authorities have also certified to that effect and, therefore, it is not reasonably practicable to hold the inquiry contemplated under Rule 20. The disciplinary authority can then take recourse to rule 25 where there is provision to dispense with the enquiry. Reasons for not holding inquiry should then be recorded in writing and the disciplinary authority issue orders imposing such penalty, as it deems fit. The allegations and charges have to be briefly discussed in the punishment orders. Normally in such cases, the punishment that could be meted out would be either removal or dismissal from service.

4.8 A reference to the report/recommendation made by the higherauthority, Anti Corruption Bureau and Vigilance & Enforcement dept. should be avoided in the orders of suspension issued by the competent authority in order to establish that the competent authority has exercised his power independently.

4.9 Where the work and conduct of an emergency employee are not satisfactory he should not be placed under suspension pending inquiry as it involves financial loss to Government nor should disciplinary action be initiated against them but he should be discharged from service in terms of his appointment by an innocuous order so far to avoid complication.

5.1 Review of the orders of suspension after a period of every six months should be undertaken as specified below:

5.1.1 In the case of Gazetted officers, if the suspension order is issued by the Regional authority the first review after six months will be done by him only. The second and subsequent reviews will be done by the Head of the Department at six monthly intervals. When no Regional authority exists and the Head of the Department ordered suspension of first and second level Gazetted officers such order shall be reviewed every six months by him only.

5.1.2 If the original order of suspension is issued by Government all the review including first review shall be undertaken by the Government themselves and orders for continuance of the officer under suspension until further orders will be issued by the Government.

5.2 In the case of non-gazetted officers first review of the orders of suspension beyond a period of six months shall be undertaken either by the authority next above the appointing authority or by the Head of the Department, as the case may be, and orders issued if so decided, to continue the officer under suspension until further orders.

5.2.1 The next review beyond a period of one year from the date of suspension shall be undertaken by the Head of the Department and orders issued by him, if so decided to continue the officer under suspension until further orders.

5.2.2 Any further review for continuing or otherwise of an officer under suspension beyond a period of one and half years from the date of suspension at intervals of six months shall be undertaken by the Government and orders for continuance of the officer under suspension until further orders will be issued.

5.3 At the end of the review as laid down above, if it is decided by the competent authority / Head of Department / Government as the case may be, that the member of the service need no longer be kept under suspension, orders should be issued forthwith revoking the order of suspension reinstating him to service.

5.4 It may not be desirable to place an officer under suspension for a long period or indefinitely. Therefore, in all cases where a member of service is placed under suspension, action regarding investigation or inquiry as the case may be, should be undertaken on priority basis with utmost speed at all levels keeping in view the limits fixed for the inquiries at all stages and disciplinary proceedings should be finalised and orders issued as early as possible. Even in respect of criminal cases filed in the special courts for SPE and ACS cases, efforts should be made by authorities concerned that the trial is completed at the earliest possible period so that the member of service is not continued under suspension for longer period.

5.5 However an outer limit of two years has been prescribed from the date of suspension, failing which the Govt. servant may be reinstated without prejudice to the proceedings being pursued. In exceptional cases, especially where there is deliberate delay caused due to non co-operation of the employee concerned suspension beyond two years can be continued.

5.5 Payment of subsistence allowance should not be withheld pending review of suspension.

PART-IV : CONTROL (RULES 9-10)

6.1 Control is sought to be achieved by providing for the imposition of the following penalties on Government servants for their acts of negligence and misconduct. These penalties may be imposed on members of the state and subordinate services for good and sufficient reasons

MINOR PENALTIES

i) Censure.

ii) Withholding of promotion.

iii) Recovery from pay of the whole or any part of the pecuniary loss caused to the state Government or local authority or corporation, by negligence or breach of orders.

iv) Withholding of increments without cumulative effect.

v) Suspension (as a specific penalty) where a person has already been suspended under rule 8.

MAJOR PENALTIES

vi) Withholding of increments with cumulative effect.

vii) Reduction to a lower rank in the seniority list, or to a lower post, not or being lower than to which he was directly recruited, or to a lower time scale not being lower than to which he was directly recruited or to a lower stage in a time-scale.

viii) Compulsory retirement.

ix) Removal.

x) Dismissal.

6.2 It is misnomer to consider the minor penalty as of little or no significance. According to G.O. Ms. No. 342 GAD (Ser) dt. 4-8-97, any minor penalty debars promotion for a minimum period of one year. Withholding of increments with cumulative effect bars promotion for twice the period of stoppage.

6.3 The penalty of fine vide rule 10 (i) may be imposed only on a member of last grade service and holders of other posts specified in Appendix I to the rules.

6.4 The penalty of suspension for a period not exceeding 15 days may be imposed on Forest Guards, directly recruited members of TG Police Subordinate Service, TG Special Armed Police service and certain categories of TG Fire Subordinate Service, vide rule 10 (ii).

6.5 “Censure” is a formal penalty which in the form of reprimand imposed on a person who is guilty of a blame worthy act of omission or negligence.

6.6 A warning is not a formal penalty and is administered when no formal penalty is warranted for the negligence or commission. But a warning administered on a Government servant as a terminal action of the disciplinary proceedings, is an indication that he has not been fully exonerated. It is likely to adversely affect the Government servant concerned in the selection process for selection posts.

6.7 Removal of a person does not disqualify him from future employment, but dismissal shall ordinarily disqualify him from future employment.

6.7 In every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing of forbearing to do any official act, is established, the penalty of removal or dismissal shall be imposed.

AUTHORITIES COMPETENT TO IMPOSE PENALTIES ON GAZETTED OFFICERS

7.1 The authorities which are competent to impose certain penalties on some members of the state service are given in rule 11. In the absence of such specific provision in rule II, the general rule is that every Head of the Department declared to be the appointing authority may impose on any member of the state service holding an initial or second level gazetted post under his control, any of the penalties specified in clauses i to viii of rule 9 (GO Ms. No.428 GA (Ser. C) dept. dt. 13.10.99. Government alone have the power to remove or dismiss Gazetted officers. Government being a higher authority to the Head of the department can impose any penalty on Gazetted officers after consultation with the TGPSC wherever necessary.

COMPETENT AUTHORITIES TO IMPOSE PENALTIES ON SUBORDINATE SERVICES (RULE 14)

7.2 The authorities competent to impose certain penalties on members of some subordinates service (Non-Gazetted) are specified in rule 14 and in appendices, II, III & IV. In the absence of such specific provision, the general rule is that the penalties of (i) Censure (ii) Fine (Clause (i) of rule 10) (iii) withholding of increments (Clauses (i) and (iv) or rule 9) can be imposed on a Government servant by his immediate superior gazetted officer or where the appointing authority for such member is a non gazetted officer, such officer or any higher authority. The officer next above the immediate superior Gazetted officer or appointing authority or any higher officer may impose the penalty or recovery from pay.

7.3 The appointing authority or any higher authority may impose on a member of the subordinate service the penalties of withholding of promotion for any specific fault or misconduct, suspension to the extent considered necessary, reduction, compulsory retirement, removal and dismissal.

7.4 Where in any case a higher authority has imposed or declined to impose a penalty, a lower authority shall have no jurisdiction and where in any case a lower authority has imposed penalty or exonerated a member, it shall not debar a higher authority from exercising his powers. His orders shall supersede any order passed by a lower authority (Rule 18)

PERSONS LENT (Rule 30)

7.5 Where the service of a person has been lent by one department to another, the power to impose the penalty of compulsory retirement or removal or dismissal shall lie with the lending authority. The borrowing authority shall where it considers the imposition of the above penalties necessary appoint an inquiry officer or itself hold an inquiry and forward the record to the lending authority. The borrowing authority may impose the other penalties after consulting the lending authority.

7.6 Where the services of a person are lent to a company or corporation or an authority subordinate to the state Government, the borrowing authority may, subject to the terms of deputation suspend him pending inquiry or impose the penalties (i) to (iv) of rule 9 or clause (i) of rule 10 except in the case of posts where Government alone are empowered to suspend or impose such penalties.

7.7 Where the borrowing authority suspend a member of service lent to it, it shall report the circumstances to the lending authority and in case the lending authority does not agree, replace his services at the disposal of the lending authority.

7.8 Same procedure as above shall be followed in respect of officers borrowed by in the Government of TG from the Government of India, other state Government, a company, a corporation, organisation, Local or other authority (Rule 31).

PART-V : PROCEDURE FOR IMPOSING PENALTIES (RULES 20, 21, 22 & 23)MINOR PENALTIES (RULE 22)

8.1 No order imposing the penalties I to V of rule 9 or 10 shall be passed by the authority competent to impose the penalty except after the member of the service is informed in writing of the imputations of misconduct or misbehaviour and the proposal to take action against him and given an opportunity to make representation in the standard form VI or VII prescribed in Go. Ms. No. 82 GAD. (Ser-c) dt. 1-3-96, depending on the gravity of the charge(s). Representation, if any, is taken into consideration and examined. When an inquiry is conducted under Rule. 20, there is no need to give further opportunity to the charged officer and a minor penalty may be imposed on the basis of evidence adduced during the inquiry.

8.2 The record of proceedings in such cases of minor penalty should contain :

8.2.1 A copy of the intimation to the Government servant of the proposal to take action against him.

8.2.2 A copy of the statement of imputations of misconduct ormisbehaviour delivered to him.

8.2.3 His representation, if any.

8.2.4 The evidence produced during the inquiry, if any.

8.2.5 The advice of the APPSC, if any.

8.2.6 The findings on each imputation of misconduct or misbehaviour.

8.2.7 The orders on the case together with the reason therefor.

8.3 A disciplinary authority competent to impose any of the penalties specified in clauses (i) to (v) of rule 9 or in rule 10, may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (vi) to (ix) of rule 9, not withstanding that such disciplinary authority is not competent to impose any of the latter penalties.

MAJOR PENALTIES (RULE 20)

9.1 An elaborate procedure is prescribed in Rule 20 for imposing major penalties. Under Art. 311 of the constitution no civil servant can be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges and given a reasonable opportunity of being heard in respect of those charges.

9.1.1 Under clause (4) of rule 20, it is the responsibility of the disciplinary authority to undertake the work of framing charges and to deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of imputations of misconduct or misbehaviour and a list of documents and witnesses by which each articles of charge is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

9.1.2 On receipt of the written statement of defence, or if no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into such of the articles of charges as are not admitted in the former case and into all charges in the later case, Ex parte or appoint an Enquiry Officer under Rule 20(2).

9.1.3 A presenting officer to present the case on behalf of the Government in support of the articles of charge may be appointed by the Disciplinary authority, vide clause 5(c) of Rule 20.

9.1.4 The government servant may either appear himself in person before the Inquiring authority or may take the assistance of any other Government servant or retired Govt. servant to present the case on his behalf subject to the conditions laid down in clause (8) of rule 20.

9.2 The manner in which such an inquiry officer has to conduct the inquiry and

submit his report to the competent authority is dealt within rule 20 (23). He may also recommend penalty proposed to be imposed on the delinquent officer.

10.1 on receipt of inquiry report, disciplinary authority shall first furnish a copy of inquiry officer's report to the person charged and allow a reasonable time not exceeding one month, to submit his further representation, if any, on inquiry officer's report, vide Rule 21(4).

10.2 There is no need to give any opportunity to the charged officer to make a representation against the penalty proposed to be imposed, in view of Art. 311 (2) of the Constitution as amended by the 42nd amendment Act 1976 to the constitution of India.

10.3 Where the authority to impose the punishment is the State Government, it is necessary, before passing an order, to consult the TG Public Service Commission. With a view to hastening the process of finalization of cases, Government ordered that the department should forward the proposals to the TGPSC in complete shape including information on all the items referred to in the check list appended to Govt. Memo No. 655/ Ser. C/99-1 GAD dt. 17.8.90. A copy of the letter of the Public Service Commission containing its advice, may, if applied, be supplied to the accused Government servant. Where such advice has not been accepted, a brief statement or the reasons for such non-acceptance shall be furnished to the Government servant concerned along with a copy of the case, vide rule 44.

10.4 The final order containing the decision of the authority competent to impose the penalty, should be a self - contained speaking order. Even where the order is passed by the Government, the order should set out briefly the relevant facts, findings, advice of the Commission and Government's decision thereon. It should be signed by an officer authorized to sign orders on behalf of the Government. Such an order should be communicated to the accused Government servant and his acknowledgment in token of having received it, should be obtained and kept on record.

10.5 The following types of cases may merit action for imposing one of the major penalties. These are meant for guidance and not to be treated as yard stick for imposing a major penalty.

10.5.1 Cases in which there is a reasonable ground to believe that a penal offence has been committed by a Government servant but the evidence forthcoming is not

sufficient for prosecution in a court of law eg.,

10.5.2 Possession of Disproportionate assets.

10.5.3 Obtaining or attempting to obtain illegal gratification.

10.5.4 Misappropriation of Government property, money, stores.

10.5.5 Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate.

10.5.6 Falsification of Governments records.

10.5.7 Gross irregularity or negligence in the discharge of official duties with a dishonest motive.

10.5.8 Misuse of official position or power for personal gain.

10.5.9 Disclosure of secret or confidential information even though it does not fall strictly within the scope of Official Secrets Act.

10.5.10 False claim on the Government like T.A. claims, reimbursement claims etc.,

11.1 The procedure laid down in Rule 20 of the AP Civil Service (CCA Rules) in regard to the imposition of major penalties, need not be followed in certain exceptional cases, as mentioned in rule 25, viz:

11.1.1 When a person is punished on the ground of conduct which has led to his conviction on a criminal charge.

11.1.2 Where an authority competent to impose penalty is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

11.1.3 Where the Governor is satisfied that in the interest of security of the state it is not expedient to give to that person such an opportunity or to hold such inquiry.

11.1.4 Where it is proposed to impose any of the penalties specified, on the basis of the report of the Lokayukta or Upalokayukta, the disciplinary authority shall take action on the basis of the recommendation contained in that report (rule 27).

COMMON PROCEEDING (RULE 24)

12.1 According to rule 24 where two or more members of the same service or different

services are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such members may make an order directing that disciplinary action against all of them may be taken in a common proceeding. If the authorities competent to impose the penalty of dismissal on such members are different, such authorities not being the Government, an order for holding such inquiry in a common proceeding may be made by the highest of such authorities with the consent of the other authorities competent to impose the said penalty on others.

12.2 It is for the highest authority who orders joint inquiry to see that the penalty imposed is proportionate to the seriousness of the charges held proved, keeping in view their degree of culpability/seriousness of lapses held, proved, while imposing the penalty in such cases.

12.3 When two or more persons are involved in one case, the magnitude of involvement of all the delinquent officers may not be the same and the degree of culpability may also vary from person to person. As such it may not be possible to impose the same penalty uniformly on all the charged officers, irrespective of the degree of their involvement. If the same penalty is imposed on all such delinquent and maligned officers involved in a case, ignoring their degree of culpability and involvement, such action is liable to be questioned. As such, it may not be legally valid to prescribe any guidelines or yardsticks for imposing penalty in such cases. The competent authority who orders such a joint inquiry should ensure that the members of service involved in disciplinary cases are imposed the penalties keeping in view their degree of culpability/seriousness of lapses/charges held proved.

12.4 The disciplinary authority should take a comprehensive view by taking into account the totality of the circumstances and the extent of involvement of each of delinquent officers while inflicting the punishment.

ACQUITTAL BY COURTS

13.1 The Supreme Court of India in Corporation of Nagpur Vs Ramachandra (1981) (2 Sec714-AIR 1984 SC. 626) has made the following observations:

13.1.1 “The other question that remains is if the respondents are acquitted in the criminal cases whether or not, the departmental inquiry pending against the respondents would have to continue. This is a matter which is to be decided by the Department after considering the nature of the findings given by the criminal court. Normally where the accused is acquitted honourably and completely it would not be expedient to continue a departmental inquiry on the very same charges or grounds or

evidence, but the fact remains, however, that merely because the accused is acquitted, the power of the authority concerned to continue the departmental inquiry is not taken away or its discretion in any way fettered. However, as quite some time has elapsed since the departmental inquiry has started, the authority concerned will take into consideration this factor in coming to the conclusion if it is really worthwhile to continue the departmental inquiry in the event of the acquittal of the respondents. If, however, the authority feels that there is sufficient evidence and good grounds to proceed with the inquiry, it can certainly do so".

13.1.2 In the light of the above judgement of the Supreme Court of India it is clear that the acquittal of the accused officer by the competent court, is no bar to initiate departmental inquiry against the delinquent officer.

13.1.3 The disciplinary authority may, if it comes to the conclusion that an order imposing a penalty on a Government servant on the ground of conduct which had led to his conviction on a criminal charge should be issued, pass such an order without waiting for the period of filing an appeal, or, if an appeal, has been filed, without waiting for the decision in the first court of appeal. Standard form for such an order is annexed to Government Memo No. 169/Ser.C/77-8 GAD dt.10.2.78.

13.1.4 Whether, despite the acquittal, the facts and the circumstances of the case are such as to call for a departmental action against the Government servant on the basis of the misconduct on which he was previously convicted, departmental inquiry may be ordered, in standard form No. II annexed to the Government memo.

13.1.5 In case where Government employee is removed or dismissed or reduced in rank after complying with the requirement of article 311 (2) of the Constitution of India or of the provisions of rule 20 of the TG Civil Service (Classification, Control and Appeal) Rules, then the order of removal, dismissal or reduction in rank, is not affected by his acquittal in a criminal court, if he is prosecuted in addition to the departmental action taken against him. If however, a Government employee is removed or dismissed or reduced in rank, solely on the ground of conduct which led to his conviction on a criminal charge, without complying with the requirements of the aforesaid article or rule and if his conviction is eventually set aside by the appellate court, or by the High court, in revision, then the order of removal, dismissal, or reduction in rank as the case may be cannot stand, and that order will have to be reviewed.

UNAUTHORIZED ABSENCE-WILFUL AND PROLONGED ABSENCE FROM DUTY WITHOUT PROPER LEAVE

14.1 In circular Memo No. 4481/A/128/FR.I/88, Fin & Pig. (Fin. Wing F.R.I) dept., dt. 7.7.88 Government have issued instructions ordering concerned departmental authorities to initiate disciplinary action against those employees who remained absent from duty without proper leave and pass appropriate orders on the basis of the disciplinary proceedings by following the procedure laid down in TGCS (CCA) Rules.

Inspite of these instructions the following questions arise for consideration :

14.1.1 Whether a member of service who remained absent from duty with proper leave can be permitted to join duty if he gives joining report pending further action to determine or regulate the period of absence by taking disciplinary action or otherwise.

14.1.2 Whether the resignation tendered or request for voluntary retirement made by a member of service who has remained absent without proper leave can be accepted without determination of the period of unauthorised absence.

14.2 According to F.R 18 and rule 5-A of the TG Leave Rules, 1993 and the Note-l thereunder, no Government servant should be granted leave of any kind for a period exceeding five years and that wilful absence from duty not covered by grant of any leave shall be treated as “dies-non” for all purposes, viz, increments, leave and pension.

14.3 Neither F.R 18 and rule 5-A of the T G Leave Rules, can be construed to mean:

14.3.1 That the member of service who remains absent from duty without proper leave cannot be permitted to join duty if he gives a joining report,

or

14.3.2 That such member of service ceases to be in service by such absence so as to discharge him from service in terms of FR. 18.

14.4 What, therefore, follows from this is that if a member of service who remains absent without any leave gives a joining report it should be ensured by the competent authority that he is permitted to join immediately pending initiation of the disciplinary action for unauthorised absence, in case such action has already not been initiated against him and in all such cases the period of unauthorised absence

has to be treated as dies-non in accordance with the Note-l under FR 18 and Rule 5-A aforesaid. This treatment of unauthorised absence as dies-non is distinct from disciplinary action taken or to be taken against the employee concerned.

14.5 What F.R 18 and rule 5-A of the TG Leave Rules mandates is that no member of service shall be granted leave of any kind for continuous period exceeding five years without the specific approval of Government. No inference can be drawn from these rules that disciplinary action against a member of service cannot be taken unless he is continuously absent for more than five years without any leave. It is not at all necessary for the authority competent to wait for a period of five years to initiate disciplinary action against the member of service for his absence from duty wilfully or unauthorisedly. In all such cases the disciplinary proceedings can be initiated against such member of service who remained absent without any leave straight way by following the procedure laid down in Rule 20 of the TGCS (CCA) Rules, 1991 for unauthorised absence without leave which constitutes good and sufficient reasons for initiating disciplinary action under the said rules and such other misconduct as having secured gainful employment elsewhere during his absence from duty without leave. In all such cases the inquiry officer has to be directed to complete the inquiry within a fixed time, say within a period of 2 months. The charges framed against the employee concerned should be communicated by Registered Post with acknowledgment due. If, however, the employee is not available at the last address given by him the charge memo should be got published in the TG Gazette and inquiry should be conducted ex-parte for taking necessary action against him. Even in such cases where an employee reports back to duty, he should be permitted to join duty without prejudice to the action contemplated or pending against him. If employee applies for leave on medical grounds along with the joining report and extends leave on the same grounds beyond three months he should be referred to Medical board for examination and necessary action may be taken against him on the basis of the medical report.

14.6 According to the note under Rule 6-A of TG Leave Rules read with proviso to FR 73, a temporary Government servant working under emergency provisions, who remains absent from duty after applying for leave or extension of leave to which he is not entitled to under the Rules shall be deemed to have been discharged from duty with effect from the date from which he is not entitled to any leave unless the leave applied for is granted in relaxation of relevant rules. Where such a temporary employee

absents himself unauthorisedly or without sufficient justification, action should be taken immediately for discharging him from service invoking this rule, by issuing an innocuous order indicating the provisions under which the employee stands discharged.

REQUEST FOR "RESIGNATION" WHILE ABSENT

14.7.1 Resignation by a member of a service, who is placed under suspension from service pending investigation or inquiry into grave charges or who is deemed to have been suspended under rule 8 of the TG.C.S. (Classification, Control and Appeal) Rules 1991 shall not be accepted during the period of suspension.

14.7.2 The consequence of the resignation as laid down in General rule 30 is that not only the service rendered by the member of service in a particular post held by him at the time of resignation but also all his previous service under the Government will stand forfeited. In view of this consequence the regulation of the period of unauthorised absence would be of no consequence and the acceptance of such resignation tendered by the member of service who remained absent from duty without leave need not wait the determination of unauthorised absence.

14.8 Where Government servants, while being unauthorisedly absent or where their leave was refused, have sought for voluntary retirement on completion of 20/33 years of qualifying service in accordance with Rules 43 and 44 of Revised Pension Rules, 1980, respectively, the competent authorities concerned have failed to take action to accept them promptly, resulting in unintended benefit to the employees concerned. In case of retirement on completion of 20 years of qualifying service as provided under Rule 43 of Revised Pension Rules 1980, a Government servant who gives a notice in writing of his intention to retire voluntarily shall not retire unless the notice given by him is accepted by the competent authority, provided that the competent authority shall issue an order before the expiry of the notice period accepting or rejecting the notice. In case of voluntary retirement on completion of 33 years of qualifying service as provided under Rule 44 of Revised Pension Rules, 1980, the appointing authority has to issue orders permitting the government servant to retire from service. In normal course, in either case, the voluntary retirement can be accepted/permitted as the case may be, pending determination of the period of unauthorised absence. In cases where it is contemplated to take disciplinary action against the employee concerned, it would be appropriate to frame charges against him before he retires from service so that further action may be pursued in accordance with Rule 9 of Revised Pension Rules unless the charges are grave and acceptance of such notice would not be in public interest. As such, acceptance of notice of voluntary retirement need not await the determination of the period of absence, provided the Government servant concerned has rendered 20/33 years of qualifying service. Even in cases where an employee is permitted to retire voluntarily, departmental

proceedings can be instituted with the sanction of Government in respect of a cause of action which arose or an event which took place not more than four years before such institution, in terms of Rule 9 of Revised Pension Rules.

14.9 Whenever official continues to remain absent from duty or overstays leave without permission and his whereabouts are not known, or fails to reply to official communications, the disciplinary authority may initiate action under Rule 20 of CCA. Rules. In all such cases, the competent authority should, by a registered acknowledgment due letter addressed to the official at his last known address, issue a charge-sheet in the form prescribed for the purpose and call upon the official to submit a written statement of defence within a reasonable period to be specified by that authority. If the letter is received undelivered or if the letter having been delivered, the official does not submit a written statement of defence on or before the specified date or at a subsequent stage does not appear in person before the inquiry officer, or otherwise fails or refuses to comply with the provisions of TGCS (CCA) Rules, the inquiring authority may hold an ex-parte inquiry. The notices of all hearing should be served on the accused or communicated to him unless the first notices says that the inquiry will continue from day to day.

PART-VI: APPEALS (RULE 32-39)

15.1 No appeal lies against any order passed by the Governor under clause (iii) of rule 25, any order of an inter locutory nature in and of the final disposal of a disciplinary proceedings and any order passed by an inquiring authority in the course of an inquiry under rule 20, vide rule 32.

15.2 A Government servant may prefer an appeal against the order of suspension made under rule 8, an order imposing any of the penalties specified in rule 9 or rule 10 by the disciplinary authority, or appellate or revising authority, an order enhancing the penalty imposed under rule 9 or rule 10, an order of discharge for a contract appointment exceeding a period of five years and an order reducing or with holding pension, vide rule 33.

15.3 An appeal from an order of High Court shall lie to the Governor and from any other authority including Heads of Departments shall lie to the Government and an appeal from an order passed by a lower authority shall lie to the Head of the Department.

15.4 No appeal shall be entertained unless it is preferred within 3 months of receipt of the order by the appellant. The appellate authority, if satisfied, may entertain an appeal after expiry of the above period (Rule 35 & 43). Every appeal shall be complete in itself and presented to the appellate authority. A copy thereof shall be sent to the authority, which made the order appealed against, who shall offer his comments on the appeal and furnish relevant records to the appellate authority (Rule 36).

15.5 A member of a subordinate service shall be entitled to appeal from an order passed by an authority, imposing on him any of the penalties, to next higher authority vide Rule 34 (1) (iii).

15.6 The appellate authority is under obligation to consider (i) Whether the procedure has been complied with and if not whether such non compliance has resulted in violation of any Constitutional provision or in the failure of Justice; (ii) whether the findings are warranted by the evidence on record; and (iii) whether the penalty is adequate, inadequate or severe, he can confirm, enhance or reduce or set aside the penalty or remit the case with any direction he deems fit.

15.7 The appellate authority, thus, has power to enhance the penalty in an appeal submitted by the affected employee for relief. While enhancing the penalty, the appellant should be given opportunity to make a representation against such enhancement and in case of enhancement to a major penalty, an inquiry should be conducted if not already held, vide rule 37.

15.8 The power of Revision/Review vesting in certain specified authorities under rules 40 & 41 can be exercised broadly, in the same manner as in an appeal. A time limit of six months is laid down for this purpose in clause (iv) of rule 40 (1) unless this time limit is relaxed under rule 43.



High-level inquiry? Please, sir, appoint a low-level inquiry to look into my irregularities in view of my seniority!

CHAPTER-VII

TELANGANA LEAVE RULES

Leave is a permission granted to a Government servant to be absent from actual duty. The general rules for the grant of leave are as follows:

The authorities competent to grant other than special disability leave to the Government servants working in each department are detailed in F.R. 66.

Under F.R.67, leave cannot be claimed as a matter of right. When exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved with the sanctioning authority. But at the same time the competent authority cannot compel a Government servant to take leave on half pay when leave on full pay is permissible to him. Further under rule 6 of TG Leave Rules any kind of leave admissible may be granted in continuation with any other kind of leave (other than casual leave) so admissible or in continuation of leave already taken whether of the same or any other kind.

Similarly vacation may be availed in combination or in continuation of any other kind of leave.

Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day on which charge is resumed. Holidays can be prefixed or suffixed to leave subject to the conditions under F.R. 68.

A Government servant on leave cannot take up any service or setting up of private practice, etc, except with the permission of competent authority (F.R.69).

A Government servant who remains absent after the end of his leave is entitled to no leave salary for the period of such absence, and that period will be debited against his leave account as though it is leave on half pay unless extension of leave is granted by the competent authority (FR 73).

The application for grant of leave should specify the period of leave, nature of leave, leave address and in the case of leave on Medical certificate, the Medical certificates should be enclosed.

Vacation department means a department where vacation exceeds 15 days (FR 82

SR(2)). Vacation is treated as duty for all purposes (FR 82(d). If earned leave is taken in combination of vacation, the total period of leave & vacation should not exceed 180 days (Ruling 11 under FR.82).

An employee transferred from vacation to non-vacation department is treated as in non-vacation department from the close of last vacation enjoyed and on transfer from non-vacation to vacation department is treated as in vacation department from the date of expiry of last vacation previous to such transfer (SR7ofFR82).

Leave at credit will lapse if interruption in service other than leave occurs (TGLR 24). Leave at credit shall lapse on the date of retirement, death or resignation. However, earned leave at credit not exceeding 300 days can be encashed in case of retirement or death (TGLR 7 & G.O.Ms.NO. 232 Fin (FR.I) dt.16.9.2005).

While in service all regular employees both superior and class IV are eligible to surrender earned leave of 15 days in each financial year and receive cash benefit in lieu thereof equal to leave salary on full pay of 15/30 days.

Temporary and emergency employees are eligible to surrender 15 days of earned leave after completing 24 months of service in the first instance and thereafter 15 days during the alternate financial year.

EARNED LEAVE FROM 1.1.78 (RULE 8,10,17 AND 20)

Type of employees	**Earning capacity**	**Accumulation**	**Availment**
1. Regular including (LGGSFROM 1.1.88)	Advance credit of 15 Days for every Half year on lst Jan&1st July	180 days upto 30-6-83 240 days from 1-7-83 300 days from 16.9.2005	180 days at a time 180 days of India, Pakistan, Burma & Nepal
2. Others (Non Permanent)	Advance credited of 8 days Per half year on 1st Jan & 1st July	30 days	Lev at Credit

In respect of employees who join service in the middle of the half year, the advance credit will be as follows for each completed months of service.

Regular joined on 15-2-891st half year completed months -4 months

@ 2^{1}/ 2=10 days; other joined on 15-2-89 -1st half year -4 months 1+1+2+1=5 days. Similarly, for those retiring in the middle of the half year.

If the employee is on E.O.L. during the preceding half year, the advance credit for the present half year will be reduced by 1/10 of the period of EOL taken during the preceding half year subject to a maximum of 15/8 days.

VACATION DEPARTMENT (RULES 8,9 AND 10)

Regular employees in superior Services	1/11 of duty minus 30 days or a portion of 30 days equal to the vacation taken And full period of vacation. From 1-11-89 the reduction is 28 days instead of 30 days in respect of teachers. (G.O.Ms. No.354, Edn., Dt. 20.11.89)	As in non-vacation dept.	As in non-vacation dept.
Non-permanent in Superior services And permanent And regular Employees in LGGS	1/22 of duty minus 15 days or a portion of 15 days equal to the vacation taken and full period of vacation.	30 Days	Leave at credit
Non-permanent	Not eligible for earned leaves		

HALF PAY LEAVE (both non-vacation and vacations -Regular and Temporary Rules 13, 18 and 23)

20 days for each completed year of service. There is no limit for accumulation and leave to the extent admissible can be granted at a time. However, in respect of temporary employees half day leave can be granted on M.C only after 2 years of service and 10 (a) (i) candidates are not eligible for half pay leave.

COMMUTED LEAVE: Sanctioned on MC only: Half of half pay leave at credit can be commuted to leave on full pay to an extent of 240 days in entire service. The debit in the half pay leave account will be double the period of commuted leave taken (Rules 15-B and 18-B).

LEAVE NOT DUE : When half pay leave is not at credit, leave not due to an extent of 180 days during entire service can be granted on MC only. The debit will be in the half pay leave account to be set off against further credit. If any employee resigns or retires voluntarily after availing this leave and before wiping off the minus balance, the leave salary paid for the minus balance should be recovered. However, if it is on medical invalidation or death, recovery will not be insisted (Rule 15-C and 18-C).

EXTRAORDINARY LEAVE (RULES 5-A, 16,19 AND 23)

Permanent and approved probationers : Not exceeding 5 years including other kinds of leave.

Probationers 23 (a) (ii): The duration of EOL on any one occasion shall not exceed the following limits:

a) Three months ordinarily

b) Six months if it is supported by medical certificate and the employee has completed 3 years of service.

c) 18 months for treatment of T.B. or leprosy either as inpatient and or outpatient on a certificate issued by the authorised medical officer and the employee has put in a service extending one year.

d) 12 months for treatment of cancer, mental illness on the certificate from the recognised Institute or doctor, and

e) 24 months for prosecuting studies certified to be in public interest and to employees of S.C & ST to join examination, training course at the centre notified by Government to the extent necessary, provided the Government servant has completed not less than one year of continuous service before proceeding on leave. The grant of EOL in item (b) to (e) is by Government.

LEAVE SALARY

1. **Earned leave:** Equal to full pay drawn before proceeding on leave.

2. **Leave on half pay :** Equal to half of the pay drawn before proceeding on leave

and full pay for a period of 6 months in entire service, if the leave is on MC for treatment of TB, Leprosy, Cancer, mental illness, or heart diseases and Renal (kidney) failure (GOMs No. 268 Fin & Pig (FWFR I) dt. 28-10-91)

3. Leave not due : Equal to half pay.

4. Commuted leave : Twice the amount admissible under (2) above.

5. EOL : No leave salary. However ,in respect of NGOs whose pay does not exceed Rs. 2600/- p.m. (2015 scales) if the leave is for treatment of T.B., Leprosy, Cancer, Mental illness- Eligible to ex-gratia equal to half the pay drawn before proceeding on leave subject to a minimum of Rs.9460/- P.M and a maximum of Rs.13008/- P.M and employees of last grade service ex-gratia equal to half pay subject to a minimum of Rs.10508 P.M and minimum of Rs.6500/- (G.O.Ms.No.111, Fin (HRN.III) Dept, dt 17.8.2015, w.e.f 17.8.2015).

Other laves under F.R. allowed to employees covered by TGLR 1933 vide ruling 1(ii) thereunder:

1. SPECIAL DISABILITY LEAVE - RULES 83, 83-A :

Grant by Government only. This leave is admissible to a permanent and temporary Government servant who is disabled by injury intentionally inflicted or caused or inconsequence of due performance of official duties or in consequence of his official position. This leave is granted on M.C. issued by the competent medical authority for a period not exceeding 24 months for any one disability. Leave salary equal to leave on full pay is payable for the first 120 days in respect of permanent employees and 30 days in respect of the temporary employees and half pay for the remaining period without debit to any leave account. If the employee requests for payment of leave salary on full pay, full pay will be paid for the period of earned leave admissible (120 days maximum) and half of the period will be debited in the earned leave account.

Ruling : The disability does not include the disability caused in the road accidents while going to office from residence and vice versa, but includes road accident while proceeding on official duty from office to office, or court or a work spot on the filed (G.O.133, Fin & Pig dt, 10-6-81).

2 STUDY LEAVE : RR. 84 (NOT DEBITABLE TO LEAVE ACCOUNT)

This leave is granted by Government only for the study of scientific, technical and other similar problems for a period not exceeding 2 years in entire service after a service of 5 years. If it is combined with leave with allowances this period should not exceed 28 months (Rule 2 of study leave rules). EOI may be taken in conjunction of this leave without any limit (Note under Rule 13 of study leave rules). He will draw during leave, leave salary on half pay (rule 12).

3. MATERNITY LEAVE (RULE 101 (A)): (Not debitable to leave account)

This leave is admissible to married women employees on the basis of medical certificate issued by the competent medical officer for a period not exceeding 180 days for each confinement and not exceeding 6 weeks in case of abortions, including miscarriage and termination of pregnancy under M.T.D. Act of 1971. Maternity leave for confinement is to be sanctioned to female Government servant with less than two surviving children (G.O.Ms .No.152, Fin (FR.I) dept. dt.04.5.2010).This leave can be combined with other kinds of leave. If this leave falls during vacation, the residue of 180 days only will be sanctioned as maternity leave. Leave salary payable is equal to leave salary on full pay.

HOSPITAL LEAVE (F.R101b) : (Not debitable to leave account)

Applicable to all last grade service employees and certain subordinate service staff detailed in SR(2) under FR 101(b). This leave is on half pay for a period not exceeding 6 months in every 3 years of service when detained in hospital and receiving medical aid as out-patient. It is not admissible when the treatment is necessitated by intemperance an irregular habit.

Out of the above 6 months, 3 months can be on full pay if the detention in hospital is due to injury received or disease constructed in the course of duty (Ruling 4).

CASUAL LEAVE

Casual leave is a concession to enable Government servant in special circumstances to be absent from duty for short period, without such absence being treated as leave.

Maximum period of casual leave that can be availed of in a calendar year is only 15 days. The non-availed part of leave will lapse at the close of the calendar year.

Casual leave may be combined with optional holidays of Sundays or other authorised public holidays provided the resulting period of absence does not exceed 10 days.

In the case of Casual leave to a purely temporary and emergency Government servants the sanctioning authority will use its discretion having regard to the length of service put in by such Government servant. A Government servant may be granted casual leave for half a day either from 10-30 to 1-30 pm. or from 2-OOpm to 5-OOpm.

SPECIAL CASUAL LEAVE

The following are the purposes for which special casual leave may be granted to a Government servant.

1 . When he is detained in a plague camp on the way to rejoin duty.

2. When he is ordered by the Head of the Department to absent himself from duty on the certificate of medical officer and other purposes detailed below special casual leave can be granted for period not exceeding the period noted against each.

Occasion	**Amount of leave**
Summons to give witness in a Court in which private interests are not in issue	As per the certificate of attendance
For family planning operations:	
Male -Vasectomy	6 working days
2nd - operation	-do-
Female - Tubectomy	14 days
Male - for tubectomy of wife	7 days
2nd operation	7days
Insertion of intrauterine contraceptive	- 1day on the day of IUD insertion

Leave for 2nd operation is permissible when the doctor certifies that the first operation was a failure.

Additional special CL beyond above limits can be given on account of post operation complications subject to production of MC.

Recanalization (Both): 21 days or the actual period as per the certificate whichever is less plus to and fro journey days, if the operation is necessary as he is having less than 2 children or lost all his male children after operation.

The special CL for FP operation can be prefixed or suffixed to regular leave /CL.

Sports

1. For participating in sporting events of national or international Importance when selected by the All India Sporting Federation and also as Manager of the team.	Not exceeding 30 days in a calendar year. Excess to be treated as regular leave.
2. Elected as President or Secretary of National sports bodies.	15 days in a Calendar year
3. TS Secretariat Cultural Association Member for dramas enacted in mufassil.	6 days in a calendar year
4. Office bearers and members on the Purchasing Committee of the Govt. Employees Consumers Co.op Stores to go to districts for making bulk purchase of various commodities for stores.	12 days in a calendar year + 2 days for each trip of journey
5. Principal office bearers of the regional association and two office bearers from each in the districts / city for representation in TS Civil Services Joint Staff Council.	7 days in a calendar year
Employees of vacation department in case of dire necessity or under the pressing family circumstances.	- Do -
Employees who participate in the rallies, Camps, etc., of the TS Bharat Scouts & Guides.	10- days in a Calendar year
Members of Institution of Engineers	
a) for attending annual meeting, HYd.	7 days in a calendar years
b) for attending annual convention to any part of the country	10 days in a calendar year

GENERAL INSTRUCTIONS

CL cannot be combined with the regular leave/joining time vacation. Special casual leave can intervene between two spells of leave if certified by doctor.

WE JUDGE OURSELVES BY WHAT WE FEEL CAPABLE OF DOING, WHILE OTHERS JUDGE US BY WHAT WE HAVE ALREADY DONE.

- Henry Wadsworth Longfellow

CHAPTER-VIII

PENSION RULES

1. TYPES OF PENSIONS

a. Service pensions comprises

i. Superannuation Pension

ii. Retiring Pension

iii. Compensation Pension

iv Invalid Pension

v. Family Pension

1.1 SUPERANNUATION PENSION

Superannuation permission is granted to Government servant entitled or compelled to retire at a particular age. For this purpose an employee in superior service has to retire compulsorily on attaining the age of 61 years and an employee in the last grade service on the date on which he attains the age of 61 years (Rule 33). If he attains the prescribed age on the first day of the calendar month he will retire on the last date of the preceding month. If it is after the first day, he will retire on the last day of the month.

COMPENSATION PENSION

If a Government servant is selected or discharged owing to the abolition of his permanent post, unless he is appointed to another post the conditions of which are equal to that of the post held by him earlier, has an option to retire from service and for taking compensation pension to which he may be entitled for the service he has rendered.

COMPULSORY RETIREMENT PENSION

A Government servant compulsorily retired from service as a penalty may be granted pension or gratuity or both at a rate not less than two thirds and not more than full invalid pension or gratuity or both admissible to him on the date of his compulsory retirement.

1.4 RETIREMENT ON COMPLETION OF 20 YEARS OF QUALIFYING SERVICE

Government servant may opt to retire from service voluntarily after he has put in not less than twenty years of qualifying service by giving a notice in writing of at least three months to the authority which has power to make a substantive appointment to the post from which he retires. In case of voluntary retirement, the Government servant is entitled to a service weightage of five years or the service whichever is less.

1.4.1 RETIREMENT ON COMPLETION OF 33 YEARS OF QUALIFYING SERVICE

Government servant who has completed thirty-three years of qualifying service may retire from service or may be required by the appointing authority to retire in public interest.

1.5 INVALID PENSION

A Government servant who is declared by the appropriate medical authority to be permanently incapacitated for further service is granted invalid pension (subject to the restriction in Rule 37 of the RP Rules 1980)

1.6 PRO RATA PENSION

Government servant opting for permanent absorption in public enterprises on or after 16-6-1967 is allowed Pro Rata Pension or gratuity with reference to the pension rules by which he is governed by his absorption in the autonomous body. The pension will be calculated on the basis of average emoluments for ten months preceding the date of his absorption and the retirement gratuity based on the emoluments drawn immediately before absorption.

1.7 COMPASSIONATE ALLOWANCE

Government servant who is dismissed or removed from service shall forfeit his pension and gratuity. The authority competent to dismiss or remove him from service, may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two thirds of pension or gratuity or both which would have been admissible to him if he had retired on Invalid Pension.

2. CERTAIN IMPROTANT ASPECTS RELATING TO CALCULATION OF PENSION

2.1 DATE OF BIRTH OF THE EMPLOYEE

Date of birth of the employee should be taken as recorded in the service book based on the Educational records. If the Educational records are not available and where year is only known and the month is not known 1st July has to be taken as the date of birth. If the year and month are known but not the exact date, 16th of the month should be taken as the date of birth.

2.1.2 QUALIFYING SERVICE

The qualifying service of a Government servant commences from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity.

a. In the case of a Government servant in a Class -IV service in a pensionable post prior to 19-11-60, service rendered before attaining the age of sixteen years shall not count, for any purpose.

b. In the case of a Government servant not covered by clause (a) above, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity.

2.1.3 CONDITIONS SUBJECT TO WHICH SERVICE QUALITIES

The service of a Government servant shall not qualify unless his duties and pay are regulated by the Government, or under conditions determined by the Government.

2.1.4 COUNTING OF PERIOD SPENT ON LEAVE

i) All leave during service for which leave salary is payable and all extraordinary leave granted on medical certificate shall count as qualifying service.

In the case of extraordinary leave other than extraordinary leave granted on medical certificate the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a government servant.

a. Due to his inability to join or rejoin duty on account of civil commotion, or

b. for prosecuting higher scientific & technical studies

ii) Extraordinary leave granted for other reasons than those mentioned above will count as qualifying service up to a maximum extent of 36 months in the entire service period. In the case of Government servant taking employment elsewhere, extraordinary leave will count as qualifying service subject to payment of pension contribution and leave contribution, as may be prescribed.

2.1.5 COUNTING OF PERIODS SPENT ON TRAINING

The Government may by order, decide whether the time spent by the Government servant under training immediately before appointment to service under that Government shall count as qualifying service.

The service of a trainee shall count for pension provided that he is selected for the post as direct recruit and is appointed to it prior to being sent on training and is paid during the period of such training the initial pay of the scale of the post.

2.1.6 COUNTING OF PERIODS OF SUSPENSION

Time passed by a Government servant under suspension pending enquiry into conduct shall count as qualifying service where, on conclusion of such inquiry he has been fully exonerated or the suspension is held to be wholly unjustified; in other cases, the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the competent authority may declare.

2.1.7 FORFEITURE OF SERVICE ON DISMISSAL OR REMOVAL

Dismissal or removal of Government servant from a service or post entails forfeiture of his past service.

2.1.8 COUNTING OF PAST SERVICE ON REINSTATEMENT

i) A Government servant who is dismissed, removed or compulsorily retired from service, but is reinstated on appeal or review, is entitled to count his past service as qualifying service.

ii) The period of interruption is service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement and the period of suspension, if any, shall not count as qualifying service unless regularised as duty or leave by a specific order of the authority which passed the order of reinstatement.

2.1.9 FORFEITURE OF SERVICE ON RESIGNATION

i) Resignation from a service or post entails forfeiture of past service. If it has been submitted to take up, with proper permission another appointment, whether temporary or permanent under the Government where service qualifies.

ii) Interrupting in service due to the appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

Under provision to rule 26, resignation of an appointment to take up with proper permission another appointment whether permanent or temporary, service which counts in full or in part, is not resignation from public service. A question has been raised whether in such cases a separate sanction should be issued indicating that the resignation has been accepted under the above provisions, in order to enable the audit/ administrative officer to regulate the consequential benefits in the matter of pay fixation, carry forward of leave, pension, etc. In case of the above type the order accepting the resignation should clearly indicate that the employee is resigning to join another appointment with proper permission and that the benefits

under provision to rule 26 will be admissible to him. The contents of such order should also be noted in the service book of the individual concerned under proper attestation. No separate order sanctioning these benefits in such case each time would be necessary.

Note: A member of a service or services, who is selected for appointment by direct recruitment to another post, category or class in the same or different service and is appointed to it shall, as soon as he has been selected by direct recruitment, be deemed to have resigned from the service or services of which he is a member prior to his appointment as aforesaid.

2.1.10 EFFECTS OF INTERRUPTION IN SERVICE

As interruption in the service of a Government servant entails forfeiture of his past service except in the following cases : (a) authorised leave of absence (b) unauthorised absence in continuation of authorised leave if the post of the absentee is not filled substatively (c) suspension where it is immediately followed by reinstatement or where the Government servant dies or is permitted to retire on attaining the age of compulsory retirement while under suspension (d) abolition of post owing to reduction of establishment (e) transfer to non qualifying service in an establishment under the control of Government under orders of competent authority in public interest (f) joining time on transfer.

2.1.11 ADDITION TO QUALIFYING SERVICE

Every Government servant who at the time of retirement on superannuation, has put in a qualifying service of less than 33 years, shall be entitled to add to the qualifying service for the purpose of pensionary benefits the difference between 33 years and the qualifying service at the time of superannuation, such difference not exceeding five years.

The benefit under this rule shall not be admissible in cases where the Government servant is eligible for the benefit under the rules19 and 20 of these relating to counting of military service and war service.

3.1 EMOLUMENTS

The expression “emoluments” means “pay” as defined in rule 9(21) of the Fundamental Rule which a Government servant was receiving immediately before his retirement or on the date of his death, (from 30-6-88, pay for the purpose of pension is only basic pay).

If Government servant immediately, before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspension shall be the emoluments.

Any increase in pay (other than the increment referred to in Note 4) which is not actually drawn shall not form part of his emoluments.

If a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher post whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given for pension calculation only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

If a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period of which does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall be the emoluments for the purpose of calculating pension.

If a Government servant immediately before his retirement or death while in service was on earned leave on average pay, as the case may be, and earned an increment, which was not withheld.

a) During the current of the earned leave not exceeding on hundred and twenty days, or during the first one hundred and twenty days of earned leave exceeding on hundred and twenty days, or

b) During the currency of leave on average pay not exceeding four months, or during the first four months of leave on average pay exceeding four months such increment, though not actually drawn, shall form part of his emoluments for purpose of pension calculations.

Pay drawn by a Government servant in a tenure appointment shall not be treated as emoluments .

Fees or Commission, if they are authorised emoluments of an appointment and are in addition to pay. In this case," emoluments" means the average earning for the last

six months of service.

3.2 AVERAGE EMOLUMENTS

Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last ten months of his service. For the purpose of working out average emoluments in order to compute the pension admissible if during the last ten months of his service a Government servant had been absent from duty on leave for which leave salary is payable or having been suspended have been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments. The increase in pay other than the increment referred to in the provision under emoluments which is not actually drawn shall not form part of his emoluments.

If during the last ten months of his service, a Government servant had been absent from duty on extraordinary leave or had been under suspension the period thereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included.

As per provisions contained in the GOMs No .87 Fin & Pig. dt.25-5-98 the last pay is treated as emoluments for fixation of pension instead of last ten months emoluments provided officiation in a promoted post during last two months preceding the retirement, is in a regular vacancy.

AMOUNT OF PENSION

i) In the case of a Government servant retiring before completing qualifying service of 10 years, the amount of service gratuity shall be appropriate amount as set out in the table under Rule 45.

ii) After completing qualifying service of not less than ten years, the amount of pension shall be the appropriate amount as set out below, namely the Pension formula is :

$$\frac{\text{Last Pay drawn} \times \text{Number of Years of qualifying service}}{66}$$

The minimum Pension payable is Rs.9500/- P.M

iii) Fraction of a year equal to 3 months or more be treated one half year for the purpose of calculation of qualifying service for purpose of pension applies to persons who retire on or after 10-9-1988.

iv) The amount of pension shall be fixed at monthly rates and be expressed in whole rupees and where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee.

3.4 RETIREMENT GRATUITY

i(a) A Government servant who has completed 5 years of qualifying service is eligible for service gratuity or pension, shall on his retirement be granted retirement gratuity equal to 1/3 of his emoluments for each completed 6 months period of qualifying service subject to a maximum of 20 times the emoluments or Rs.50,000/- whichever is less. In G.O.Ms No. 242 Finance & Planning dt.4-5-90, Government have raised the above ceiling to Rs. 1 lakh. However, the mode of calculation is at 1/*4* of pay last drawn for every six monthly period of service subject to the limit of Rs 16 ½ months pay last drawn or Rs 1.00,000 whichever is less.

Government employees who are in service as on 4-5-90 are allowed option either to receive gratuity under the Pre Revised formula or the new formula introduced above at any time one year prior to date of retirement.

If the emoluments of a Government servant have been reduced during the last 10 months of his service otherwise than as penalty the average emoluments may be treated as emoluments for the purpose of calculation of gratuity.

If a Government servant dies while in service after completing 5 years qualifying service, the amount of retirement gratuity shall be equal to 12 times his emoluments or the amount determined by the service rendered whichever is higher. If the death occurs after one year of qualifying service but before completing five years of service, the amount of gratuity shall be equal to six times of his emoluments. If a Government servant dies in the first year of qualifying service, gratuity equal to two times of his emoluments at the time of his death is payable to his family w.e.f 01.02.2010.

The Formula for Gratuity is <u>Last Pay drawn + DA X No. of Half years of Q.S</u>

FAMILY

Family for the purpose of gratuity is divided into two categories. In the 1st category the wife or wives in the case of a male Government servant, husband in the case of a female Government servant, sons including step sons, posthumous son adopted sons and unmarried daughters included in the 2nd category, the widowed daughters including step daughters and adopted daughters, father, mother, brothers below the age of 18 years, unmarried sisters and widowed sisters, married daughters and children of predeceased sons are included.

NOMINATION

A Government servant shall in his appointment, make a nomination concurring on one or more persons to receive the retirement gratuity. If there is nomination or if the nomination made by the Government employee does not subsist, in the event of death of the employee, the gratuity shall be paid in the manner indicated below:

If there are one or more surviving members of the family as in the first category described above the gratuity is payable to all members in equal shares.

If there are no such surviving members of the family in the first category but there are one or more members in category two or all such members in equal shares.

3.5 FAMILY PENSION

Family pension is payable to the survivors of a Government servant in the event of death of the Government servant while in service and also after retirement from public service.(vide Rule 50).

It is payable at the rate of 30% of the pay last drawn by the deceased employee. If the Government servant had rendered not less than seven years of continuous service, the rate of family pension payable to the family shall be equal to 50% of the pay last drawn and the amount so admissible shall be payable from the date of death of the Government servant for a period of seven years or till the date on which the Government servant would have reached the age of 65 years had he been alive whichever is earlier.

In the event of death of a retired Government servant Family Pension at 50% of last pay drawn immediately before the retirement shall be payable for a period of seven years or for a period of up to the date on which the retired deceased Government servant would have attained the age of 65 years had he survived whichever is less. But the enhanced family pension should not exceed the service pension drawn by the employee. After the expiry

of the period specified above, the family is entitled to family pension at the rate of 30% of last pay drawn.

Family for the purpose of Family pension include wife in the case of a male Government servant or husband in the case of a female Government servant, sons and unmarried daughters also form part of family. As per orders contained in the GOMs No.27 Finance & Planning dt. 19-10-87, Family pension is payable in the case of a son until he attains the age of 25 years or starts earning livelihood whichever is earlier, in the case of unmarried daughter until she attains the age of 25 years or until she gets married or starts earning her livelihood whichever is earlier. Family pension is payable to the widow or the widower

as the case may be. If the sons and unmarried daughters are among the survivors, unmarried daughters are not eligible for family pension unless the sons get the age of 25 years and thereby becomes ineligible for the grant of family pension.

Only one member of the family as per eligibility is entitled to receive family pension (vide Rule 50).

In the GOMs No.22 Finance & Planning Department dt.16-1-1971 the benefit of family pension was extended to the survivors of Government servants who died while in service on or after 1-11- 1956 but before 31-3-1961 and also those who retired during that period. This benefit was subsequently extended to the survivors of Government servants/ pensioners who served the Telangana State on its formation on 1 -10-1953 and retired before 1-11-1956 or died while in service during that period. In the GOMs No.83 Finance & Planning Department dt 5-3-1983, Government have ordered that the widows of Government servants who at the time of retirement or death while in service before 1-10-1953 served in areas which now form part of TG State shall be eligible for family pension of Rs 100 p.m. subject to the other circumstances stipulated in the Government order.

Procedure for claiming family pension after the demise of the spouse or other members of family laid down in G.O.Ms.No.353, Fin (PSC) Dept, dt.04.12.2010 and G.O.Ms.No.315, Fin (Pen.I) Dept, dt.07.10.2010.

3.6 ANTICIPATORY PENSION

After the pension papers of a Government servant have been sent to the Audit Officer concerned, the Head of the Office shall draw and disburse anticipatory pension not exceeding 4/10th of the last drawn emoluments which counts towards pension, if the Government servant has put in 33 years of qualifying service, or reduce the anticipatory pension correspondingly, if the Government servant has put in less than 33years of qualifying service.

The payment of anticipatory pension is adjustable from the pension.

The amount of anticipatory pension is 90% of eligible pension w.e.f 01.02.2010 shall be given vide G.O.Ms.No.186, Fin Dept, dt.24.5.2010.

3.7 ANTICIPATORY FAMILY PENSION

After the Family Pension papers of the family of a Deceased Government servant have been sent to the Audit, the Head of the Office shall draw and disburse family pension not exceeding 75% of the family pension admissible under the rules. It is adjusted in full from the family pension.

3.8 ANTICIPATORY GRATUITY

Where there is likely to be delay in releasing pensionary benefits due to the pensioners, anticipatory gratuity should be released to the extent of 80% of the amount worked out by the Department authorities with reference to the records available and the qualifying service verified pending verifications and authorities of the full gratuity of by the AG after adjusting all the dues known to the Department up to the date of release of the anticipatory gratuity. No anticipatory gratuity should be released to the pensioner if there are any departmental or judicial proceedings pending or are contemplated against the pensioner until the conclusion of the departmental or judicial proceedings and issue of final orders thereon (GOMs No 230 Finance & Planning) Department dt 18-6-1985.

3.9 INTEREST ON DELAYED PAYMENT OF GRAUTITY

As per Govt.Cir.Memo.No.16077/135/A2/Pen.I/2004, dt.20.2.2006 of Finance Dept, interest may be allowed on delayed payments of retirement gratuity at the rate of 4.5% per annum for the period beyond three months and up to one year and beyond one year 5% per the month preceding the month in which the payment is actually made. Sanction of the Government in the administrative department with the concurrence of Finance is necessary in every case of payment of interest. Where disciplinary or Judicial proceedings against a Government servant are pending on the date of his retirement, the date of reckoning the 'payment' of gratuity is the date of issue of orders by the competent authority in conclusion of the proceedings.

4. PREPARTATION OF PENSION PAPERS

4.1 STEPS TO ACCELERATE PROCESS OF PENSION PAPERS

i) A list of all Government servants due to retire during the next 18 months should

be prepared every six months on the first January and first July of each year by the Heads of Offices and Heads of Departments,

ii) Every Government servant should submit a formal application for pension in Form No.5 to his Head of the office 18 months in advance of the date of his retirement.

iii) Every Head of Office should forward the service book of Government servant who have completed 25 years of service, to the Accountant General for verification of service particulars.

4.2 PREPARATION OF PENSION PAPERS

The work of preparation of pension should begin at least 6 months before the date of retirements of the Government servant after verifying the service particulars, dues positions, etc.

4.2.1 In GOMs No 263 Finance & Planning dt. 23-11-1998 the existing pension forms have been simplified. The following are salient features of this GO.

SERVICE PENSION

The pension application form Part-I is the common application form for pension, family pension, gratuity, service gratuity and commuted value of pension to be submitted to the Head of the office in duplicate by the retiring employee. The employee is required to fill up only his personal data like Name, post held permanent address, address after retirement, communication particulars, name of Pension office and Bank. The application should contains: - List of family members. The head of the office should endorse on this application.

i) Declaration : The retiring employee has to furnish a declaration as to whether he is in receipt of any other pension.

ii) Descriptive rolls : For identification of the pensioner by the Pension Disbursing officer, the retired employee has to furnish descriptive rolls like photo, specimen signature and identification marks duly attested by a Gazetted Officer. 4 copies of descriptive rolls are required to be furnished.

iii) Joint Photo : The retired employee has also to submit 4 copies of joint photo of himself and his spouse for authorisation of family pension simultaneously with service pension. According to the existing forms, the history of service is required to be furnished by the head of the office along with the pension papers. As

the service register invariably accompanies the pension forms, the submission of history of services is modified and simple assessment form has to be furnished by the head of the office for the processing of the case. This is not required to be filled in by the retired employee.

This is meant for recording the sanction of pension sanctioning authority for payment of pension under the rules.

The forwarding form is prescribed and it should be accompanied by the following described earlier under Parts i, ii & iii. namely, the following.

1. Application form for pension
2. Nomination
3. List of family members
4. Declaration of non receipt of other pension
5. Descriptive rolls
6. Joint Photo of family
7. Part - II indicating calculation of pension and gratuity
8. Service Register of the pensioner

FAMILY PENSION

In respect of death while in service, the family of the deceased Government servant has to submit the application form in Part -I for Family Pension and DCRG along with the following :

i) Copy of death certificate

ii) List of family members

iii) Declaration regarding non-receipt of other pensions

iv) Descriptive rolls

The head of the office will furnish particulars for assessing the family pension/ gratuity in form prescribed in Part – II.

The family pension papers are required to be forwarded to the Accountant General, in the prescribed Forwarding Form in Part III. The following are the documents to follow along with the Forwarding Form.

1. The application for sanction of family pension from the survivor in Part I
2. List of family members
3. Declaration
4. Descriptive rolls
5. Form for assessing family pension, gratuity and DCRG along with no demand certificate in duplicate
6. Nomination for gratuity
7. Guardianship certificate in respect of minors
8. Service Register of deceased government servant
9. Last Pay Certificate
10. Death Certificate

4.3 The Heads of offices are required to maintain registers of pension cases and conduct review regarding the progress of settlement.



In early life, people give up their health to gain wealth...



Then, in later life, they give up some wealth to regain health

Duty performed with Knowledge, Faith and Devotion, becomes real & effective

यदेव विद्यया करोति श्रद्धयोपनिषदा तदेव वीर्यवत्तरं भवति

Duty performed with Knowledge, Faith and Devotion, becomes really effective

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