



**TELANGANA STATE MEDICAL SERVICES
INFRASTRUCTURE DEVELOPMENT CORPORATION**
(An enterprise of Govt. of T.S.)

SERVICE, CONDUCT AND DISCIPLINE & APPEAL RULES
of APMSIDC adopted vide G.O.Ms.No: 43, HM & FW (C2)
Dept., Dt: 01-06-2016

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GOVERNMENT OF TELANGANA
ABSTRACT

Rules: The Andhra Pradesh Reorganisation Act, 2014 – HM&FW Dept. – Service Conduct, Disciplinary and Appeal Rules for the employees of APHMHIDC – Adaptation in the State of Telangana – Notification – Order – Issued.
=====

HEALTH, MEDICAL AND FAMILY WELFARE (C2) DEPARTMENT

G.O.Ms.No. 43

Dated:01/06/2016
Read the following:

- 1) Letter No.24277/N2/94-19, HM & FW (N2) Dept., dt.23.10.1998.
- 2) The Andhra Pradesh Re-organisation Act, 2014 (Central Act No. 6 of 2014)
- 3) From the MD, TSMSIDC, Hyderabad, Lr. No. 56/Estt. TSMSIDC/2015,3046, dt.29-3-2016 & dt.30.3.2016

ORDER:

Whereas, by section 101 of the Andhra Pradesh Re-organisation Act, 2014 (Central Act No. 6 of 2014), the appropriate Government i.e. the State of Telangana is empowered by order, to make such adaptations and modifications of any law (as defined in section 2 (f) of the Act) made before 02/06/2014, whether by way of repeal or amendment as may be necessary or expedient, for the purpose of facilitating the application of such law in the State of Telangana before expiration of two years from 02/06/2014; and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other Competent Authority;

2. And whereas, it has become necessary to adapt the Andhra Pradesh Drugs Control Administration Service Rules, 1996 under for the purpose of facilitating their applications in relation to the State of Telangana;

3. And whereas, after careful examination, the Government have decided to adapt the said Service Conduct, Disciplinary and Appeal Rules for the employees of Andhra Pradesh Health, Medical Housing Infrastructure Development Corporation (APMHIDC), which are in force, as on 01/06/2014, so as to facilitate its application to the State of Telangana.

4. Accordingly, the following notification will be published in an extraordinary issue of Telangana State Gazette, dt. 09-6-2016.

5. A copy of the orders is available in internet and can be accessed at address www.goir.telangana.gov.in.

NOTIFICATION

In exercise of the powers conferred by section 101 of the Andhra Pradesh Re-organisation Act, 2014 (Central Act No. 6 of 2014), the Government of Telangana hereby makes the following order, namely :-

1. (1) This order may be called Service Conduct, Disciplinary and Appeal Rules (Telangana Adaptation) Order, 2016.
- (2) It shall be deemed to have come into force with effect from 02-06-2014.

[P.T.O.]

MP
S.P.
02/06/16



:: 2 ::

2. For the purpose of this order and the Rules adapted herein, the expression 'State' shall have the meaning and area as specified in Section 3 of the Andhra Pradesh Re-Organization Act, 2014.
3. In the said Rules, for the words 'Andhra Pradesh' occurring throughout the Rules otherwise than in a title or citation or description etc., the word 'Telangana' shall be substituted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Printing, Stationary & Stores Purchase (Printing Wing) Dept.
Chanchalaguda, Hyderabad. (With a request to publish the notification in the
Telangana Extra-ordinary Gazette and supply 200 copies of the same to this
Dept.)

The Managing Director, Telangana State Medical Services Infrastructure
Development Corporation, Hyderabad

All Heads of Departments under the Control of HM&FW Department.

Copy to:

The Secretary, Government of India, Ministry of Health and Family Welfare.,
Department of Health, New Delhi.

The P.S. to Spl: Secretary to CM.

The OSD to Minister (M&H)
SF/SCs.

// FORWARDED :: BY ORDER //


SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
HEALTH MEDICAL & FAMILY WELFARE (N2) DEPARTMENT**

Letter No.24277/N2/94-19

Dated 23/10/98

From

The Addl. Secretary to Govt.,
H.M. & F.W. Department,
A.P. Secretariat,
Hyderabad

To

The Managing Director,
A.P.H.M.H.I.D.C.,
Hyderabad.

Sir,

Sub:- Estt. - APMHIDC - Service Regulations, conduct, disciplinary and Appeal Rules - Approved - Regarding.

Ref:- 1. From the M.D. APMHIDC, Hyderabad Lr.No. APMHIDC/F.63/
Vol.VI/94-95/460, dt. 23.8.94.
2. Govt. Lr. No. 24277/N2/94-1, dt. 6.10.94.
3. From M.D., APMHIDC., Hyderabad Lr. No. APMHIDC/F.63/
Vol.VI/94-95/886, dt. 23.11.94
4. Govt. Lr. No. 24277/N2/94-4, dt. 8.2.95
5. From the M.D., APMHIDC., Hyderabad Lr. No. EC1/F.63/Vol.VI/
APMHIDC/94-95/1046 dt. 27.6.97.
6. Govt. Lr. No.24277/N2/94-16, dt. 6.7.98.
7. From the M.D., APMHIDC., Hyderabad Lr. No. S2/EC1/F.16/98-
99/3585, dt. 20.7.98.

I am directed to invite your attention to the reference cited and to inform that, Draft service Regulations, conduct, Disciplinary and appeal Rules for the employees of APMHIDC furnished by the Corporation to Government, are hereby approved.

I am therefore, request you to take necessary further action in the matter and request to furnish the copy of the rules issued in this regard.

Yours faithfully,

for Addl. Secretary to Government



ANDHRA PRADESH HEALTH & MEDICAL HOUSING &
INFRASTRUCTURE DEVELOPMENT CORPORATION

SERVICE, CONDUCT & DISCIPLINE & APPEAL RULES

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ANDHRA PRADESH HEALTH & MEDICAL HOUSING & INFRASTRUCTURE DEVELOPMENT CORPORATION

HYDERABAD

SERVICE RULES

In exercise of the powers conferred under clause 16 of Section 'G' of the memorandum and articles of Association of the A.P.H.M.H.I.D. Corporation, the Managing Committee hereby makes the following Rules.

SECTION - I

PRELIMINARY

Rule 1 : SHORT TITLE AND APPLICATION :

- i) These Rules may be called as "A.P.H.M.H.I.D. Corporation Service Rules.
- ii) These Rules shall come into force with effect from the date of approval of the Government. The relevant rules of A.P. State Government are applicable for the period anterior to application of these rules to the extent of applicability to the Corporation. This shall be without prejudice to any action prior to the promulgation of these orders.
- iii) Except as otherwise provided by or under these Rules, they shall apply to all persons appointed to any post in connection with the affairs of the Corporation.
- iv) These rules shall not apply to an employee whose services are obtained by contract or whose services are lent by a Government except to the extent provided as such.

RULE 2 : DEFINITIONS :

In these Rules unless there is anything repugnant in the subject or context.

- i) Management committee means the Chairman and members of the Managing Committee of the Corporation and in relation to any powers exercisable by it, includes any committee.

SECTION - II

Rule : '3'

3. Classification of Services :

Scales of pay (As per Revised Pay Scale 1993 of Govt. of AP)

L. Gazetted :

1. Managing Director
8140-280-10, 380
2. Superintending Engineer
5770-90- 6150-230-7300-280-9260
3. Finance Officer
5770-90-6150-230-7300-280-9260

4. Executive Engineer 4400-160-5200-190-6150-230-7300-280-8700
8700
5. Sr. Architect 4400-160-5200-190-6150-230-7300-280-8700

6. Dy. Executive Engineer 3640-110-3750-130-4400-160-5200-190-6150-230-7300-280-7580
7. Asst. Exe. Engineer 3110-90-3200-110-3750-130-4400-160-5200-190-6150-230-6380
8. Asst. Account Officer 3110-90-3200-110-3750-130-4400-160-5200-190-6150-230-6380
9. (a) Divisional Accounts Officer : Grade-I 3310-110-3750-130-4400-160-5200-190-6150-230-6840
(b) D.A.O. : Grade-II 2930-90-3200-110-3750-130-4400-160-5200-190-5960

II. Non Gazetted :

1. Asst. Engineer 2600-75-2750-90-3200-110-3750-130-4400-160-5200-190-5580
2. Jr. Architectural Asst. 2600-75-2750-90-3200-110-3750-110-4400-160-5200-190-5580
3. Draughtsman Gr. II 2315-60-2375-75-2750-90-3200-110-3750-130-4400-160-4880
4. Draughtsman Gr. III 1975-50-2075-60-2375-75-2750-90-3200-110-3750-130-4010
5. Tracer 1745-40-1825-50-2075-60-2375-75-2750-90-3200-110-3420

III. Ministerial :

1. P.A. to Chairman 2525-75-2750-90-3200-110-3750-130-4400-160-5200-190-5390
2. Sr. Accountant/Sr. Assistant 2195-60-2375-75-2750-90-3200-110-3750-130-4400-160-4560
3. Jr. Accountant/Jr. Assistant 1745-40-1825-50-2075-60-2375-75-2750-90-3200-110-3420
4. Jr. Steno 1745-40-1825-50-2075-60-2375-75-2750-90-3200-110-3420
5. Typist 1745-40-1825-50-2075-60-2375-75-2750-90-3200-110-3420
IV. Driver (L.V.) 1595-30-1625-40-1825-50-2075-60-2375-75-2750-90-3020

V. Last Grade Services :

1. Attender 1375-25-1475-30-1625-40-1825-50-2075-60-2375
2. Night Watchman 1375-25-1475-30-1625-40-1825-50-2075-60-2375
3. Sweeper 1375-25-1475-30-1625-40-1825-50-2075-60-2375

GENERAL CONDITIONS OF SERVICES

Rule '4'

Sl. No.	Category/Cadre	Qualification	Method of Recruitment	Scale of pay
(1)	(2)	(3)	(4)	(5)
<u>I. GAZETTED :</u>				
1.	MANAGING DIRECTOR	BE/B.Tech.	Appointment by Govt. of A.P.	As shown in rule '3'
2.	SUPERINTENDING ENGINEER	BE/B.Tech.	Deputation/by promotion	-do-
3.	FINANCE OFFICER	CA/ICWA/SAS I.A. & A.D.,	Deputation	-do-
4.	EXECUTIVE ENGINEER	BE/B.Tech.	Deputation/promotion from DY. Executive Engineer Cadre.	-do-
5.	SENIOR ARCHITECT	B.ARCH.	Deputation	-do-
6.	DY. EXECUTIVE ENGINEER	----	Deputation/Promotion from AEE; Cadre/Transfer by appointment from A.E.	-do-
7.	ASST.EXECUTIVE ENGINEER	BE/B.Tech.	Direct recruitment/Deputation/Transfer by appointment from A.E. & D.M. Gr. II Cadres on acquiring B.E./B.Tech. qualification on par with Government Depts.	-do-
8.	ASST. ACCOUNTS OFFICER	CA/ICWA	Direct recruitment/Deputation.	-do-
9a.	DIVISIONAL ACCOUNTS OFFICER : I	DAO Exam	Deputation	-do-
b.	D.A.O. : II	-do-	-do-	-do-

II. NON GAZETTED :

1.	ASST. ENGINEER	D.C.E.	Direct recruitment/ Deputation/Promotion from Draughtsman Gr.II	-do-
2.	JR. ARCHITECTURAL ASST.	DIPLOMA in Arch.	Direct recruitment/ Deputation.	-do-
3.	DRAUGHTSMAN GR.II	D.C.E.	Deputation/Promotion from D.Man Gr.III	-do-
4.	DRAUGHTSMAN GR.III	I.T.I. (Civil)	Direct recruitment/ Deputation/Promotion from Tracer Cadre	-do-
5.	TRACER	I.T.I. (Civil)	Direct recruitment/ Deputation	-do-

III. MINISTERIAL :

1.	P.A. TO CHAIRMAN	Graduate with Typewriting in English Higher and Shorthand Higher in English	Direct recruitment/ Deputation/Pro- motion from Sr.Asst. having the qualifi- cations of Graduation, Type Higher & Short- hand Higher.	As shown in rule '3'
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2.	SR.ACCTT./SR.ASST.	Graduate	Deputation/Promotion from Jr.Acctt./Jr.Asst. Cadre	-do-
3.	JR.ACCTT./JR.ASST.	Graduate	Direct recruitment / Promotion from Atten- der Cadre having the qualification of Gradu- ation & minimum service of five years as Attender.	-do-

4.	JR.STENO	Graduate with Type Higher in English & Shorthand Higher in English	Direct recruitment / Deputation.	-do-
5.	TYPYST	Graduate with Type Higher in both English and Telugu	-do-	-do-

IV. DRIVER

1. Must be able to read & write either Telugu or Urdu. -do- -do-
2. Must possess a current driving licence of a Motor Vehicle issued by competent authority. Under motor vehicle Act 1939 with practical experience in driving motor vehicle for a period of not less than three years.

V. LAST GRADE SERVICES :

- | | | | |
|-------------------|---|--------------------------------|------|
| 1. ATTENDER | Must have passed VIIIth Class Examination | Direct recruitment/ Deputation | -do- |
| 2. NIGHT WATCHMAN | Must have passed Vth Class | | -do- |
| 3. SWEEPER | Must be able to read & write Telugu or Urdu or English or Hindi | | -do- |

NOTE :

- i) The appointments may be made by direct recruitment, promotion, deputation from other sources viz., State or Central Government or Public Sector Undertakings or on Contract basis.
- ii) AGE LIMIT :
Minimum 18 years maximum 28 years A.P. State Govt; Rules inforce from time to time shall be followed.
- iii) SCALES :
Andhra Pradesh State Government Scales inforce from time to time shall be followed.
- iv) RESERVATION :
Andhra Pradesh State Government Rules inforce from time to time shall be followed.

v) MINIMUM SERVICE FOR PROMOTION :

An Employee should have a minimum service of 3 years in the lower cadre for considering promotion to the next higher post.

vi) RATIO OF DIRECT RECRUITMENT/PROMOTION :

A Ratio of 1:3 between direct recruitment and promotion respectively shall be followed.

5) METHOD OF APPOINTMENT / PROMOTION :

Promotions shall be made on the grounds of merit and ability. Seniority being considered only when merit and ability are approximately equal.

i) Draughtsman Grade III shall either be filled by direct recruitment or by promotion of Trace. Assessing TL., (Civil) qualifications.

ii) Draughtsman Grade II shall be filled by promotion of draughtsman Grade III possessing D.C.Er. qualifications.

iii) The post of Assistant Engineer shall be filled by promotion from Draughtsman grade III in the Ratio of 3:1 calculated on the total cadre strength of the said category of post.

iv) The post of Asst. Executive Engineer shall be filled by direct recruitment or by transfer from among the Assistant Engineers who acquire graduate qualifications B.E./B.Sc. (Civil) or its equivalent while in service, subject to availability of vacancies in category of A.E.E. They shall not be entitled for appointment as Asst. Executive Engineer automatically from the date of acquisition of Degree qualification.

An Asst. Engineer who is appointed as Asst. Executive Engineer shall be entitled to treat as Asst. Exe. Engineer from the date of appointment as Asst. Exe. Engineer and shall be entitled to count one third of the service rendered as Asst. Engineer before his appointment as Asst. Exe. Engineer subject to maximum of four years for the purpose of computing the service as Asst. Exe. Engineer which renders him eligible for consideration for promotion as Dy.Exe. Engineer.

An Asst. Engineer who is appointed as Asst. Exe. Engineer shall put in a minimum service of one year as Asst. Exe. Engineer to become eligible for promotion as Dy.Exe. Engineer.

v) Dy.Executive Engineer shall be filled by Asst. Executive Engineer and Asst. Engineer in ratio of 3:1 calculated on the total cadre strength of the said

category of the post. The extent to which a post graduate has to be given preference in the matter of promotion to the post of Dy. Executive Engineers, the 9th vacancy in the vacancies intended for promotion of Dy. Exe. Engineer shall however be earmarked for Asst. Exe. Engineer possessing post graduate qualifications in Civil Engineering.

- vi) The post of Executive Engineer shall be filled by Dy.Exe. Engineers possessing B.E. (Civil) B.Tech; (Civil) degree qualifications or equivalent and by Dy. Exe. Engineer possessing D.C.E; or LCE; diploma in the ratio of 3:1 calculated on the total cadre strength of the said category of post.
- vii) Superintending Engineer shall be filled by promotion from the category of graduate Exe. Engineer.

OR

If no qualified and suitable candidate are available for promotion, by transfer from any other service or on tenure basis.

Rule '6' SELECTION COMMITTEE :

Selection Committee shall be as per the guide lines on P.E.M.B; para 3.03.01 to 3.03.06.

Rule '7' POWERS OF APPOINTMENT :

Managing Committee is competent to make all the appointment for all the posts except that of Managing Director. Appointment of Managing Director will be made by the Government. Managing Director is competent to appoint personnel in the exigencies of administration, temporarily subject to final approval by Managing Committee.

7 A : (i) NO PERSON SHALL BE APPOINTED :

Unless he has been certified by a Medical Officer of the A.P. State Government not below the rank of Civil Surgeon in respect of all direct recruitment to be of sound health and is free from any bodily defect or infirmity, making him unsuitable for the post.

- (ii) If he has been previously dismissed or compulsorily retired from the service of the Corporation or from a department of a State or Central Government or from any Public Sector undertaking.

(iii) If his character and antecedents are such as not to qualify him for such a service ; or

- (iv) If he is less than 18 years of age, on the date of appointment.

Rule 18: APPOINTMENTS BY CONTRACT & RELAXATION OF QUALIFICATIONS:

Not-with-standing any thing contained in these Rules, the Managing Committee may, when it considers that it is necessary in its interest to do so, appoint to a post a person who has retired from service of the Corporation or who was an employee of State Government or Govt. of India or any other State or any State Undertaking or from public or Private Sectors, on contract basis for a specified period as may be deemed necessary.

Rule 19: CREATION OF POSTS:

The authorities specified in column (1) of the following table are empowered to create new or additional posts in the Corporation of description specified in column (2) thereof.

<u>Authority</u>	<u>Category of Post</u>
(1) Administrative Department In the Secretariat.	(2) Any Post.

Rule 10: PREVENTION OF PLURAL MARRIAGES :

(i) No Corporation employee who has a wife living shall contract another marriage without first obtaining the permission of the Chairman & Managing Committee of the Corporation, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

“Provided that where the personal law provides for second or subsequent marriage, the Corporation employee shall while seeking permission to contract another marriage, produce documentary evidence in support of “Divorce or Talaq” in respect of previous marriage and the manner in which the same was secured or pronounced and intimated to the first or former wife”.

(ii) “No female Corporation Servant, whether unmarried or widow or divorced, as the case may be, shall marry any person who has a wife living without first obtaining the permission of the Chairman & Managing Committee of the Corporation, though the parties are governed by the personal law which otherwise permits contracting more than one marriage while the prior marriage is subsisting”.

Rule 10: (a) APPOINTMENTS :

- i) All the appointments of direct recruitment shall be in accordance to Rule 3 & 4. The appointments shall be made only on temporary basis.
- ii) No appointment under sub clause (i) shall be made of a person who does not possess the qualification, prescribed for the said service.
- iii) A person appointed under clause (i) shall not be regarded as a probationer in such service or be entitled by reason only of such appointment to any preferential claims to future appointment to such service.
- iv) The appointing authority shall have the right to terminate the service of any person in the post to which he is appointed under clause (i) or clause (ii) at any time without assigning any reason and without notice.

Rule 10: (b) COMMENCEMENT OF SERVICE :

- i) Except as otherwise provided by or under these rules, the services of an employee shall be deemed to commence from the working day on which an employee reports for duty in an appointment covered by these rules at the place and time intimated to him by the Managing Director PROVIDED THAT. He reports before noon, other wise his service shall commence from the next following working day.

ii) DEFINITION OF SERVICE :

Service include the period during which an employee is on duty as well as on leave duly authorised by the competent authority, but does not include any period during which an employee is absent from duty without permission or overstays his leave or joining time unless specifically ratified by the Competent authority.

Rule 11: APPOINTMENT OF TEMPORARY STAFF :

- a) Notwithstanding any thing contained in these Rules, the Managing Director may employ staff/Officers on a temporary basis, whenever the circumstances so require for a period not exceeding six months at a time.
- b) The terms and conditions of service of the temporary Officers and staff shall be determined by the Managing Director but in no case shall be terms and conditions so determined be more favourable than those laid down in these Rules for an appointment carrying equivalent status or responsibility.

- c) Managing Director is competent to terminate the Services of any of such temporary officers and staff at any time without notice and without assigning any reason.

Rule 12: PERIOD OF PROBATION :

- i) The period of probation in the case of direct recruits shall be a total period of two years on duty within a continuous period of three years. In the case of promotees, the period of probation shall be a total period of one year on duty within a continuous period of two years.
- ii) During the period of probation, they shall have to pass the Telugu Language test conducted by the A.P.P.S.C.; or get exempted from passing the test, if passed Telugu as one of the Language in HSC/SSC/Intermediate or similar public examination. They can also be exempted from passing the test, if their mother tongue is Telugu.
- iii) The appointing authority may prescribe such tests/examinations as deemed necessary to be passed during the period of probation.

Rule 13: DATE OF COMMENCEMENT OF PROBATION OF PERSONS :

- (a) Different service counting for probation :
A probationer in a service or a class or category of a service shall be eligible to count for probation his service, if any, performed otherwise than in a substantive capacity, on regular appointment to another service, in accordance with the rules if the normal method of recruitment to the latter service is, according to the rules, by transfer from the former service or the class or category thereof, as the case may be.

- (b) Service in a higher category counting for probation :
A probationer in any category or service or class of service shall be eligible to count for probation, his service, if any performed otherwise than in a substantive capacity on regular appointment to a higher category of the same service or class or service, as the case may be.
Nothing contained in this sub-rule shall be construed as authorising the promotion of probationer in a category to a higher category in contravention of Rule 19 & 20.

- (c) Temporary service counting for probation :
A probationer in service who is appointed temporarily to another service, under sub-rule (a) of Rule 10 shall be entitled to count towards his probation in the former service the period of duty performed by him in the latter service during which he would have held a post in the former service but for such temporary appointment.

(d) Service on temporary promotion counting for probation:

A probationer in any category of service who is promoted temporarily under the provisions of Rule 20 to a higher category in the same service shall be entitled to count towards his probation, if any, in the former category the period of duty performed by him in the latter category during which he would have held a post in the former category but for such temporary promotion.

Rule'14': SPECIAL PROVISION IN RESPECT OF PROBATION AND SENIORITY IN CERTAIN CASES :

Notwithstanding anything contained in these rules or in the Special Rules for any service, a person promoted or appointed by transfer to a service, class, category or grade shall if he is required to be on probation in that service, class, category or grade be deemed to have commenced his probation in that service, class, category or grade from the date from which he has been continuously on duty in that service, class, category or grade for a period of not less than two months from the date of promotion or appointment by transfer. The seniority of any such person, who is not required to be on probation in that service, class category or grade, shall be determined with reference to the date from which he has been continuously on duty in that service, class category or grade for a period of two months.

Rule'14': (A) : SPECIAL PROVISION IN RESPECT OF CORPORATE EMPLOYEES WHO ON COMPLETION OF 5 YEARS APPOINTED WITH PAY SCALES :

The services of APMHIDC Corpn; employees who have been appointed with Pay Scales under various cadres vide G.O.Ms.No. :582 HM & FW (N2) Dept., dt.9.11.94 with effect from 9.11.94 may be placed on probation in respective cadres w.e.f. 9.11.94 in serial order & cadre wise as ordered in the G.O. subject to following the relevant provisions.

Rule'15': SUSPENSION, TERMINATION OR EXTENSION OF PROBATION :

- a) Where the special rules of any service prescribed a period of probation for appointment as a full member of the service, the appointing authority may at any time before the expiry of such period.
 - i) suspend the probation of a probationer and discharge him from the service for want of vacancy : or
 - ii) at its discretion by order either extend the period of probation of the probationer in case the probation has not been extended under Rule

17 or terminate his probation and discharge him from service after giving him one month's notice or pay in lieu of such notice;

iii) at its discretion by order post the probationer under another officer to make sure that the previous report was not biased one if he is reported upon adversely by a superior officer during the period of probation;

iv) Provided that if the termination of probation and the discharge of the probationer from service is to be made as a measure of punishment on the ground of misconduct, negligence, or any specified fault on the part of the probationer, the procedure prescribed in clause (a) of sub-rule (2) of Rule 19 of the A.P.H.M.H.I.D. Corporation discipline and appeal Rules shall be followed, and it shall not be necessary to give him one month's notice or pay in lieu of such notice.

Explanation :

In case where the discharge of a probationer is made reverting him to his lower officiating or substantive post, the pay in lieu of one month's notice shall be limited to the difference in pay between the officiating post and of the lower officiating or substantive post to which he is reverted.

b) (i) If within the period of probation a probationer fails to acquire the special qualifications or to pass the special tests, if any, prescribed in the special rules, or to acquire such other qualification as may be declared by the appointing authority with the approval of the M.C., to be equivalent to the said special qualifications or special tests, the appointing authority shall by order, discharge him from the service unless the period of probation is extended under Rule 17.

ii) If within the period of probation prescribed in the rules for the service or within the extended period of probation, as the case may be, a probationer has appeared for any such tests or for any examinations in connection with the acquisition of any such qualifications and the results of the tests or examinations for which he has so appeared are not known before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests or examinations for which he has appeared or the first of them in which he fails to pass, as the case may be.

In case the probationer fails to pass any of the tests or examinations for which he has so appeared, the appointing authority shall by order, discharge him from the service.

iii) Any delay in the issue of an order discharging a probationer under clause (i) or clause (ii) shall not entitle him to be deemed to have satisfactorily completed his probation.

c) Notwithstanding anything contained in sub rule (a) and (b) of Rule 18 probationer who does not acquire the said special qualifications or pass the said special tests, within the period of probation or within the period of probation extended under Rule 17 and whose probation is further extended by the Managing Committee by an order till the date of his acquiring such qualifications or passing such tests, shall be deemed to have commenced his probation with effect from the date to be fixed by the Managing Committee, which would be anterior to the date of his acquiring the special qualifications or passing the tests, so however that the interval between the two dates shall be equivalent to the prescribed period of probation, whether on duty or otherwise, and the seniority of such probationer shall be determined with reference to the date so fixed.

Rule 16: PROBATIONER'S SUITABILITY FOR FULL MEMBERSHIP :

- a) i) At the end of the prescribed or extended period of probation, as the case may be the appointing authority shall consider the probationer's suitability for full membership of the service, class or category for which he was selected.
- ii) The decision whether a probationer is suitable for such membership or his probation be extended shall be taken soon after the expiry of the prescribed period of probation i.e., within a period of 8 weeks and communicated to him. The appointing authority shall communicate lapses on the part of the probationer well in advance on the expiry of the prescribed period of probation so that he may rectify such lapses;

Provided that the suitability for full membership of the service, class or category of a probationer holding initial gazetted post also shall be considered by the appointing authority.

- (b) If the appointing authority, decides that a probationer is suitable for such membership, it shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed his probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his probation on the date of expiry of the prescribed / extended period of probation;

Provided that the Managing Director shall issue an order declaring the probationer holding initial gazetted post, to have satisfactorily completed his probation.

(c) If, at the end of the prescribed or extended period of probation, as the case may be, the appointing authority decides that the probationer has failed to give satisfaction or that the probationer has not made sufficient use-of-his-opportunities, ~~the said authority shall, by order, discharge him from service after giving him one month's notice or pay in lieu of such notice :~~

Provided that if the discharge of the probationer is as a measure of punishment on the ground of misconduct, negligence, or any specific fault on the part of the probationer, the procedure prescribed in sub-rule (2) of Rule 19 of the A.P.H.M.H.I.D. Corporation Discipline and appeal Rules shall be followed and it shall not be necessary to give him one month's notice or pay in lieu of such notice;

EXPLANATION I :

The decision of the appointing authority that the probationer has failed to give satisfaction or that the probationer has not made sufficient use of his opportunities may be based also on his work and conduct till the date of the decision, inclusive of the period subsequent to the prescribed or extended period of probation.

EXPLANATION II :

The appointing authority shall assess the outlook character, ability and aptitude of the probationer for the work before he is declared suitable for full membership and only those persons who possess quantities of mind and character needed in the service and the constructive outlook and human sympathy needed in the services generally, shall be declared as approved probationers.

EXPLANATION III:

In case where the discharge of the probationer is made by reverting him to his lower officiating or substantive post, the pay in lieu of one month's notice shall be limited to the difference in pay between the officiating post and that of the lower officiating or substantive post to which he is reverted.

d) In respect of probationer, if no such order, as referred to in sub-rule (b) or sub-rule (c), is issued with in one year from the date of expiration of the prescribed or extended period of probation, the probationer shall, subject to the other provisions of these rules, be deemed to have satisfactorily completed his probation with retrospective effect from the date of expiration of the prescribed or extended period of probation; and a formal order to that effect may be issued for the purpose of record:

Provided that nothing in this sub-rule shall apply to a probationer who has been communicated a memorandum of charges during the prescribed or the extended period of probation or who has failed to acquire the special qualifications or to pass the special tests, if any, prescribed in the rules, or to acquire such other qualifications, as may be declared by Managing committee or by the appointing authority with the approval of the Managing Committee to be equivalent to the said special qualifications or special tests, within the said period of probation;

Rule'17': Extension of probation : In the case of any probationer falling under sub-rule (b) of rule 15 or sub-rule (c) of Rule 16 the appointing authority may extend his probation to enable him to acquire the special qualifications or pass the prescribed tests, or as the case may be, to enable the appointing authority to decide whether the probationer is suitable for full membership or not. Such extended period of probation shall terminate at the latest.

i) In the case of any probationer falling under sub-rule (b) of Rule 15 when he has, after the date of expiry of the period of probation prescribed for the service, class or category in which he is on probation, completed one year whether on duty or otherwise in such service class or category; and

ii) In the case of any probationer falling under clause ii) of sub-rule a) of Rule 15 or sub-rule c) of Rule 16 when he has, after the date of expiry of the period of probation prescribed for the service, class or category in which he is on probation, completed one year of duty in such service, class or category.

In case where the probation of a probationer is extended his increment shall be postponed until he completes his probation satisfactorily and by the period for which his probation is extended such postponement of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he has passed the prescribed tests or examinations or after he completes his probation satisfactorily.

However in the case of a probationer whose period of probation is one year on duty the increment shall be postponed until he completes his probation. It shall not however be postponed if it falls due after he completes his probation satisfactorily.

Rule'18': Exercise of certain powers of appointing authority By higher authorities

The Power conferred on the appointing authority may be exercised also by any higher authority to whom the appointing authority is administratively subordinate whether directly or indirectly in the following Cases:-

- i) Termination of probation of a probationer under Rule 15 (a) (ii).
- ii) Discharge of a probationer under Rule 16 (c)
- iii) Extension of probation under Rule 15 (a) (ii) or Rule 17.

Rule 19: APPEAL AGAINST DISCHARGE :

- a) A probationer who is discharged under clause (ii) of sub-rule (a) of Rule 15 or under sub-rule (c) of Rule 16 shall be entitled to appeal against the order of discharge passed by the Managing Director within the period of limitation within which an appeal would lie against an order of dismissal passed by the Managing Director against a full member of his service class or category as the case may be;
Provided that in the case of a probationer of all Corporation employees who are discharged from service by Managing Director an appeal shall lie to the Managing Committee.
- b) The authority competent to entertain an appeal under sub-rule (a) may, either of its own motion or otherwise, revise any order discharging a probationer under any of the provisions referred to in the said sub-rule, within one year of the date of such order.
- c) i) Where an order discharging a probationer is set aside on appeal under sub-rule (a) or on revision under sub-rule (b), and probationer is restored to the service, the period on and from the date of discharge to the date of such restoration shall be treated.
 - ii) In the case where the authority passing the order under sub-rule (a) or (b) is of the opinion that the probationer has been fully exonerated, as on duty except for purposes of probation;
 - iii) in any other case, not as on duty, unless the said authority directs that it shall be so treated for any specified purpose.
 - iv) Such probationer shall be given for the period such order or discharge that has been in force-
 - v) in the case where the probationer has been fully exonerated, the full pay and allowances to which he would have been entitled had the order of discharge not been made;
 - vi) in any other case, such pay and allowances as the authority passing the order under sub-rule (a) or (b) may determine.
 - vii) The period of probation under gone by a probationer discharged under clause (ii) of sub-rule (a) of Rule 15 or under sub-clause (c) of

Rule 16 before his discharge shall, upon such restoration, count towards the period of probation prescribed by the rules applicable to him.

Rule '20': MEMBERSHIP OF MORE THAN ONE SERVICE :

No person shall at the same time be a full member of more than one service.

A probationer, approved probationer or full member of one service who is appointed to be full member of another service shall cease to be a member of the former service.

Rule '21': TERMINATION OF SERVICE BY NOTICE :

- i) In case falling under rule 4 probationers & approved probationers against the temporary posts shall be discharged for want of vacancies in the following Order. First the probationers in order of juniority and 2nd, the approved probationers in order of juniority.
- ii) In other cases in order of juniority .
- iii) An employee on his being certified by a Medical Officer of the State Govt; not below the rank of Civil Surgeon to be permanently incapacitated for further continuance in the service of the Corporation shall be terminated from service, without notice or pay in lieu thereof.

Rule'22': INCREMENTS :

Every employee shall be eligible to draw increment in the time scale of pay of the post he is holding after one year of service in that category of post, subject to the condition that the work of employee is found to be satisfactory. This certificate shall be from the next higher authority under whom he works.

All duty in a post on a time scale of pay counts for increment in that time scale. The following periods also count for increments.

- i) Service in other posts other than the posts carrying less pay
- ii) Service on deputation to other organizations whether in India or out of India, if during such period he would have continued to officiate but for his deputation.
- iii) Period of leave other than extraordinary leave during which period an employee would have continued to officiate but for his going on leave.
- iv) Joining time.

- v) If any charges are pending against an employee, the increment will be with held duly following procedure prescribed in APCS (CC&A) Rules 91.
- vi) The period of training which is treated as on duty.
- vii) If the increments falls due in the middle of the month, the same may be released with effect from the 1st of the month.
- viii) If the probation is prescribed as one year, then the 1st increment after commencement of probation shall be released only on satisfactory completion of probation and passing of test/examination if any prescribed during the period of probation. The increment will be released only after passing the test/examination. The monetary benefit will, however, accrue from the following date of last examination of the test. Subsequent increments will be restored on the due date.
- ix) If probation is two years then the first increments shall be released on the due date of accrual but the next increment shall be released from the date of declaration of completion of probation. However, subsequent increments will be restored on the due date.

Rule 23: SENIORITY :

- a) The seniority of a person in a service shall, unless he has been reduced to a lower rank as a punishment be determined by the date of his first appointment i.e. date of proceedings to such service. If any portion of the service of the service of such person does not count towards probation, his seniority shall be determined by the date of commencement of his service which counts towards probation.
- b) The appointing authority may, at the time of passing an order appointing two or more persons simultaneously to a service fix the order of preference among them; and where such order has been fixed, seniority shall be determined in accordance with it.
- c) The transfer of a person from one category or grade of service to another category or grade carrying the same pay or scale of pay shall not be treated as a first appointment to the latter for purposes of seniority and the seniority of a person so transferred shall be determined with reference to the date of his first appointment to the category or grade from which he was transferred. Where any difficulty or doubt arises in applying this rule, seniority shall be determined by the appointing authority. The option for

an employee for transfer from one category of service to another shall be exercised by an employee only once during his service.

- d) Where a member of any service is reduced to a lower service he shall be placed at the top of the later unless the authority ordering such reduction directs that he shall take rank in such lower service, next below any specified member thereof.

Rule '24': PROMOTION :

- a) No member of service shall be eligible for promotion unless he has satisfactorily completed his probation & has passed account test for PWD; Officers & subordinates paper I & II conducted by the A.P.P.S.C., and such other tests if any subsequently prescribed. An employee should have a minimum service of 3 years in the lower cadre for considering for promotion to the next higher cadres.
- b) When all other things are equal, seniority can be given due weightage in promotion to all categories.

Rule '25': (A) TEMPORARY PROMOTION :

- i) Where it is necessary in the administrative interest to fill emergently a vacancy in a post borne on the cadre of higher category in a service by promotion from a lower category and if the filling of such vacancy in accordance with these rules is likely to result in undue delay, the appointing authority may promote a person temporarily other wise than in accordance with said rules. This however does not, confer any rights to the employees so promoted.
- ii) A person promoted under clause (1) of rule 25 (A) shall not be regarded as a probationer in the higher category or be entitled by reason only of such promotion to any preferential claim to future promotion to such higher category.
- iii) The appointing authority shall have the right to revert to the lower category or grade any person promoted under clause (1) or rule 25 (A) at any time without assigning any reason and without notice.
- iv) No person appointed under sub rule (i) or sub rule (ii) shall be eligible to an increment in time scale of pay applicable to him unless he passes the test, completes the training or acquires the qualification prescribed as a condition for the grant of the first the second or any subsequent increment to a member of the service, class or category.

(B) Posting & Transfers:

A member of a service may be required to serve anywhere and in any post borne on the cadre of such service in the Corporation.

All transfers and postings shall be made by the Managing Director.

Rule'26': REVERSION :

i) An employee transferred from one post to another or appointed in a grade higher than his substantive grade or appointment shall be liable to be reverted without notice at any time within one year of such transfer or appointment.

ii) An employee who has been appointed to officiate in a higher grade or appointment or whose confirmation in a higher grade or appointment is subject to his undergoing probation for any specified period or otherwise, shall be liable to be reverted without notice at any time when he is so officiating or undergoing probation.

iii) Nothing in sub-rule (i) & (ii) shall be affected by the provisions governing conduct, discipline and appeals.

Rule'27': SUPERANNUATION & RETIREMENT :

i) Every employee of the Corporation shall retire on completion of 58 years of age. In case of the class IV Employee they shall retire on completion of 60 years of age.

ii) An employee may retire from service at any time after completion of 25 years of qualifying service, provided that he shall give in this behalf, a notice in writing to the Managing Director atleast three months before the date on which he wishes to retire. The appointing authority may also require any employee to retire at any time after he has completed 25 years of qualifying service, provided that the Managing Director shall arrange to give in this behalf, a notice in writing to the employee atleast three months before the date which he is required to retire or pay in lieu thereof.

EXPLANATION :

Not-with-standing any thing contained in this rules where an employee has earned leave but not availed of it as on the date of retirement as prescribed by this rule, he may be paid leave salary subject to a maximum of 240 days.

Rule'28': RESIGNATION :

(a) A member of a service may resign his appointment and the acceptance of his resignation by the appointing authority shall take effect ;

- i) in case he is on duty, from the date on which he is relieved of his duties in pursuance of such acceptance;
- ii) in case he is on leave, from the date of communication of such acceptance to the member or if the said authority so directs from the date of expiry of leaves; and
- iii) in any other case, from the date of communication of such acceptance to the member or from such other date, not being earlier than the date on which he was last on duty, as the said authority may, having regard to administrative exigencies, specify. Provided that a resignation of 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 9 of A.P.H.M.H.I.D. Corporation discipline & appeal rules shall not be accepted during the period of such suspension; and
- "Provided further that no withdrawal of resignation shall be permitted except with the sanction of the Government after the date of its actual acceptance by the appointing authority. The re-appointment of a person after sanction of withdrawal shall be subject to the provisions laid down in sub rule (b) of the said rule".
- b) A member of a service shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of resignation but all the previous service under the Corporation.
- The re-appointment of such person to any service shall be treated in the same way as a first appointment to such service by direct recruitment and all rules governing such appointment shall apply; and on such re-appointment he shall not be entitled to count any portion of his previous service for any benefit or concession admissible under any rule or order.
- Provided that nothing contained in this rule shall affect the operation of clause (b) of Article 418 or of Article 422 of the Civil Service Regulations, or of any of other rule similar thereto for the time being in force.
- c) Where a member of a service or services is selected for appointment by direct recruitment to another post, category or class in the same or different service and is appointed to it, has lien on a permanent post or probationary right, if any, in the original post of the service under this Corporation shall be retained for a period of three years or until he is confirmed in that post, category or class in the same or different service of this Corporation,

whichever is earlier; and if, before the expiry of three years he is not confirmed in the post to which he was selected for appointment by direct recruitment in the same or different service of this Corpn; unless he repatriates to the parent Corpn; he shall be deemed to have resigned therefrom.

Provided that nothing in this sub rule shall affect the benefits accrued to such member of a service or service or services in the previous post or posts, except the lien or probationary right, as the case may be, on such post or posts;

Provided further that where a member of service is selected for appointment by direct recruitment to a post under the service of the Government of India or of Govt. of Andhra Pradesh or any other State Government or of Public Sector Undertaking or Autonomous bodies his lien on a permanent post or probationary right, if any in the service under the Corporation shall be retained for a period of three years or until he is confirmed in the service of the Govt. of India or any other of the Autonomous bodies as the case may be, whichever is earlier, and if, before the expiry of three years, he is not confirmed in any post under the service of that other Government or Public Sector Undertaking or Autonomous bodies as the case may be, unless he reverts to the service of this Corporation he shall be deemed to have resigned therefore.

Rule 29: BENEFIT OF PAST SERVICE TO EMPLOYEES IN THE SERVICE OF THE CORPORATION SELECTED BY DIRECT RECRUITMENT :

- Notwithstanding anything contrary in these or any other rules for the time being in force, an employee in the service of the Corporation who is selected for appointment by direct recruitment to another post in the service of the Corporation, whether in the same or any other class shall be eligible :
- a) to carry forward the leave to his credit on the date of such appointment;
 - b) to reckon his service in the new post as a continuation of his services in the former post for the purpose of calculating the gratuity due to him as per the gratuity rules in force.
 - c) to continue as a member of the provident fund established by the Corporation without being required to put in a fresh term of qualifying service or if he is not already such a member to count his service in the former post/service to qualify himself for becoming a member of the provident fund in the next post;

- d) to joining time and transfer travelling allowance to join his new post, and
- e) the pay shall be fixed in the new post at the stage next below the pay protecting the short fall, if any, as personal pay to be absorbed in future rise in pay on account of grant of increment or otherwise.

Rule'30': RELINQUISHMENT OF RIGHTS BY MEMBERS :

Any person may, in writing, relinquish any right or privilege to which he may be entitled under these or any other rules, if in the opinion of the appointing authority, such relinquishment is not opposed to the interest of the Corporation and nothing contained in these rules shall be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.

"Provided that no conditional relinquishment of right for a temporary period may be permitted."

Rule'31': OVER RIDING POWERS OF THE CORPORATION :

- a) Nothing contained in these rules shall be construed to limit or abridge the powers of the Managing Committee or to relax the rules provided that where any provision contained in these rules is applicable to the case of any person, the case shall not be dealt in any manner, less favourable to the said person that in accordance with these rules.
- b) Unless in any case it be otherwise distinctly provided the whole time of an employee shall be at the disposal of the Corporation and he may be employed in any manner required by the proper authority, without any claim for additional remuneration.

Rule'32': JOINING TIME :

- i) Joining time may be granted to an employee to enable him;
 - (a) to join a new post to which he is appointed while on duty in his old post; or
 - (b) to join a new post, on return from earned leave not exceeding 4 months (including period of vacation if any)
- ii) on return from leave on average pay of not more than four months duration; or
- iii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i).

iv) "A candidate selected for appointment by direct recruitment through the specified agency, shall be required by the appointing authority to join in the post for which he has been selected within a period of 45 days taking the date of despatch (RPAD) of the appointment order as crucial date for reckoning the time limit. If he does not join post within the stipulated period of 45 days, the order of appointment shall be treated as automatically cancelled and the name of the candidate shall be deemed to have been omitted from the list of approved candidates."

v) The joining time which may be allowed to an employee shall not exceed seven days, exclusive of number of days spent on travelling. During joining time, an employee shall draw pay and allowances of the old or new post, whichever is less. An employee who does not join his post within his joining time is not entitled to any pay or leave salary after the end of joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour, for the purpose of provisions governing conduct, discipline and appeals.

Rule 33: DATE OF BIRTH :

The relevant provisions of Fundamental and Subsidiary rules of the Government of Andhra Pradesh shall apply.

Rule 34: PROVIDENT FUND :

Every employee of the Corporation, other than an employee on deputation or an employee on temporary basis, who has put in the minimum qualifying service as per the employees provident fund Act, 1952 shall contribute to the Provident Fund at the prescribed rates. The Corporation shall contribute to the fund every month an amount equal to the actual contribution of each member subject to the maximum prescribed under the Employees Provident Fund Act, 1952. The contribution of the employer and employees shall be remitted to the Regional Provident Fund Commissioner every month as per the provisions of the Act.

Rule 35: PAY AND ALLOWANCES :

Every employee shall be eligible for pay as determined by the Corporation from time to time and the allowances shall be at the rates applicable to State Government employees from time to time.

Rule 36: APPLICATION OF THE FUNDAMENTAL RULES :

F.R. Provides the General conditions applicable to Govt. servants regarding every matter including punishment of employees and their retirement. Hence, it has suggested in Rule 36.

Rule'37': LEAVE RULES :

The employees shall be governed by the Andhra Pradesh leave rules, 1933 as amended from time to time.

Rule'38': L.T.C. & MEDICAL BENEFITS :

- (a) L.T.C. BENEFIT :- The employees shall be eligible for availment of L.T.C; in accordance to the A.P., State Govt; rules in force & amended from time to time.
- (b) MEDICAL BENEFIT :- The employees shall be entitled for the medical reimbursement or allowance Rs.75/- per month.

Rule'39': CONDUCT, DISCIPLINE & APPEALS :

In respect of conduct, discipline & appeals, the Corporation employees shall be governed by the conduct, discipline and appeal rules of the Corporation.

Rule'40': POWERS TO ISSUE SUBSIDIARY INSTRUCTIONS :

The Managing Director may issue such instructions not in-consistent with the provisions of these rules as he may consider necessary to give effect to and carry out the purpose of the provisions of these rules or otherwise to secure effective control over employees to whom these rules apply and may also authorise any of his subordinates to do so, subject to such conditions and limitations, if any, as may be specified by him in this behalf.

Rule'41': RECORD OF SERVICE:

- (a) A record of service shall be maintained in respect of each employee in such form as may be prescribed.
- (b) ANNUAL CONFIDENTIAL RECORD : Confidential reports about the work and conduct of the employees shall be written annually. In respect of officers under probation, the confidential reports shall be written half-yearly. The immediate superior officer shall initiate the confidential reports.

REMOVAL OF DOUBTS :

Rule'42': Where any doubt arises as to the interpretation of any of these service rules, the matter shall be referred to the Managing Committee of the Corpn; whose decision shall be final.

**ANDHRA PRADESH HEALTH AND MEDICAL HOUSING &
INFRASTRUCTURE DEVELOPMENT CORPORATION**

HYDERABAD

CONDUCT RULES

PART - 1

GENERAL

In exercise of the powers conferred under Clause-16 under Section-G of the Memorandum and Articles of Association of the Andhra Pradesh Health & Medical Housing & Infrastructure Development Corporation the Managing Committee hereby makes the following conduct rules.

1. SHORT TITLE, COMMENCEMENT AND APPLICATION.

- (i) These Rules may be called as the Andhra Pradesh Health & Medical Housing & Infrastructure Development Corporation conduct, rules.
- (ii) They shall be deemed to have come into force with effect from the date of approval of the Government. the relevantant conduct Rules of A.P. State Government are applicable for the period anterior to application of these rules to the extent of applicability to the Corporation.
- (iii) They shall apply to all employees of the Corporation whose conditions of service may be regulated by the Corporation except to the extent otherwise expressly provided for by a regulation or order of the Managing Committee or by a contract or agreement subsisting between such employee and the Corporation.

Rule'2': DEFINITIONS :

In these Rules unless the context otherwise requires.

- (i) Managing Committee means the Chairman and Members of Managing Committee of the Corporation and in relation to any powers exercisable by it, includes any Committee.
- (ii) "EMPLOYEE" means any person employee by the Corporation but does not include a person who is employed on daily wages.
- (iii) "MEMBER OF THE FAMILY" in relation to an employee, includes the spouse, son daughter, stepson or stepdaughter 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 whose custody such employee is deprived by law.

- (iv) Words imparting the masculine in general shall be taken to include the feminine, if circumstance so require.
- (v) "COMPETENT AUTHORITY" in relation to the exercise of any of the powers conferred by these rules means the managing committee or the Managing Director.

Rule'3': INTERPRETATION

Where any doubt arises as to the interpretation of any of these rules the matter shall be referred to the Managing Committee of the Corporation whose decision shall be final.

Rule'4': DELEGATION OF POWERS:

All the disciplinary powers are vested with the Managing Director. The Managing Director may delegate the powers to other authorities of the Corporation based on the resolution of Managing Committee.

Rule'5': ALTERATION OR INTRODUCTION OF NEW RULE:

Any new Rule or alteration in the existing Rules shall be issued in the form of a circular for circulation among the Staff.

Rule'6': SCOPE OF AN EMPLOYEE'S SERVICE:

- (i) Unless in any case it is otherwise provided, the whole time of an employee shall be at the disposal of the Corporation in its business in such capacity and at such places as he may from time to time be directed.
- (ii) Every employee shall at all times.
- a) Serve the Corporation loyally, honestly and faithfully,
 - b) Use his utmost endeavour to promote the interest of the Corporation.
 - c) Comply with the provisions of all Rules or resolutions made by the Managing Committee
 - d) Show Courtesy in all transactions, and
 - g) Obey all orders and directions which may, from time to time given to him by any person or persons under whose jurisdiction, superintendence or control he may, for the time being, be placed.

PART - II

CONDUCT RULES

Rule 7: GENERAL:

- i) Every Employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety.
- ii) No Employee shall behave in a manner which is unbecoming of such employee or derogatory to the prestige of the Corporation.
- iii) No Employee shall act in a manner which will place his official position under any kind of embarrassment.
- iv) Every Employee shall in the performance of his official duties or in the exercise of powers conferred on him, use proper judgement and act in the best interests of the Corporation.
- v) Every Employees shall at all times comply with the lawful instructions issued by his superior Officers.

Rule 8: ATTENDANCE:

- i). Save under circumstances beyond his control, of which he is required to furnish explanation to the satisfaction of the Authority Competent to grant him leave, no employee may absent himself from duty without obtaining prior permission or over stay his leave unless it has been extended.
- ii). Every Employee shall be at work punctually at the time fixed and notified in that behalf by the Managing Director unless permitted to do otherwise by his immediate superior Officer. At present it is 10.30 AM to 5.00 PM with half- an-hour lunch break from 1.30 PM to 2 PM.
- iii). No Employee shall after reporting for work be found absent from his proper place or work during the period of work assigned to him without obtaining the permission of his immediate superior Officer and without signing in the movement Register.

Rule 9: ABSENCE FROM HEADQUARTERS:

No Employee shall absent himself from his headquarters except on duty without obtaining prior permission of the competent authority. If the employee himself is the head of the Office he shall not, save in exceptional circumstances, leave his headquarters without prior permission of his immediate Superior Officer. However when an Employee is on leave or availing a holiday, he shall leave the headquarters only after intimation to the Head of the Office.

Rule'10': JOINT REPRESENTATION :

No joint representation from Employees is permissible.

Rule'11': JOINING OF ASSOCIATION BY EMPLOYEES :

No Employee shall join or continue to be a member of an association prejudicial to the interest of the sovereignty and integrity of India or Public Order.

Rule'12': STRIKES:

No Employee shall participate in any Strike or similar activities or incitement thereto.

EXPLANATION :

The expression similar activities shall be deemed to include.

- i) absence from duty or work without permission,
- ii) neglect of duty with the object of compelling any superior Officer to take or omit to take any Official action,
- iii) any demonstrative fast, like hunger strike or slogan shouting with the object mentioned in item (ii) ; or
- iv) concerted or organised refusal on the part of Employees to receive their pay.

Rule'13': DEMONSTRATIONS:

No Employee shall participate in any demonstration which is against the interest of the sovereignty and integrity of India or Public Order.

Rule'14': GIFTS, SERVICES, ENTERTAINMENTS AND ADDRESSES AND OTHER: FORMS OR FELICITATIONS:

No Employee shall.

- i) Accept, or permit any member of his family to accept from any person any gift, the receipt of which, or any service the performance of which, will place such employee under any kind of Official obligation or embarrassment in relation to any person: if, however the offer of a gift cannot be refused without giving undue offence to the donor, it may be accepted and the matter reported to the Managing Director for decision as to its disposal :
or
- ii) Receive any address or accept any felicitation or entertainment held in his honour;

Provided that nothing in this sub-rule shall apply to -

- iii) Gift of flowers or fruits or articles of trifling value;
- iv) ~~Gift of value, reasonable in all circumstance of the case, from relations and from personal friends presented to an employee or to any member of his family on ceremonial occasions such as weddings;~~
- v) The performance of an occasional service of a trifling character ;
- vi) The sitting for a group photo with Officers and the members of the Staff of his Office.
- vii) If any question arises whether the receipt of a gift or the performance of a service places the employee under any kind of Official obligation or embarrassment, whether the gift is of reasonable or trifling value the decision of the Managing Director there on shall be final.

Rule'15' : SUBSCRIPTION :

No employee shall, ~~except with the previous sanction of Managing Director~~ ask for, or accept, or in any way participate in the raising of, any subscription or other pecuniary assistance in pursuance of any object whatsoever.

Rule'16' : LENDING, BORROWING AND INSOLVENCY :

- i) No employee shall save in the ordinary course of business with a Bank or Limited Company, himself or through any member of his family or any person acting on his behalf;
 - ii) Lend or borrow or deposit money as a principal or Agent, to or from or with, any person or firm or private limited company within the local limit of his authority or with who he is likely to have of official dealings or otherwise place himself, under pecuniary obligation with such person or firm, or
 - iii) Lend money to any person at interest or in any manner whereby return in money or kind is charged or paid;
- Provided that an employee may give to, or accept from a relative or a personal friend a purely temporary loan of small amount free of interest or operate a credit account with a bonafied tradesman or make an advance of pay to his private employee.

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by an employee with the previous sanction of the Managing Director.

- iv) When an employee is appointed or transferred to a post of such nature as would embarrass or influence him in the discharge of his official duties or involve him in the breach of any of the provisions of sub-rule (i) he shall forthwith report the circumstances to the ~~Managing Director~~ and shall thereafter act in accordance with such orders as may be made by the Managing Director.
- v) The prohibition in sub-rule (1) shall not apply to (1) any transaction of an employee with a co-operative society registered or deemed to have been registered under the law relating to co-operative societies for the time being in force in the State.
- vi) An employee who belongs to a joint Hindu family carrying on the business of money lending as an ancestral profession provided he takes no active share in that business and is not employed in the district in which the said business of the family is carried on.
- vii) An employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency. An employee who is involved in a legal proceedings for insolvency shall forthwith report the full facts to the Managing Director

Rule'17: ACQUIRING OR DISPOSING OF IMMOVABLE OR MOVABLE PROPERTY:

- i) No employee shall, except after previous intimation to the Managing Director, acquire or dispose off or permit any member of his family to acquire or dispose off any immovable property by exchange, purchase, sale, gift or otherwise, either by himself or through others;
Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall be with the previous sanction of the Managing Director.
- ii) An Employee who enters into any transaction concerning any movable property exceeding Rs. 20000/- (rupees twenty thousand) in value, whether by way of purchase, sale or otherwise shall forthwith report such transaction to the Managing Director.
Provided that any such transaction conducted otherwise than through a regular or reputed dealer shall be with the previous sanction of the Managing Director.
- iii) Every employee other than Attenders shall, on first appointment in the Corporation and thereafter before 15th January of each year, submit to the Managing Director through the proper channel, a declaration in the

forms given in the Annexures of all immovable & movable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person. The declaration shall contain such further information as the Corporation may, by a general or special order, require.

If in any year an employee has not acquired or disposed of any immovable property or any interest therein, he shall submit a declaration to that effect:

- iv) The Managing Director may, at any time, by general or special order, require an employee to submit, within a specified period, a full and complete statement of all movable and immovable property and by any member of his family. Such statement shall, if so required by the Managing Director by the authority so empowered, include particulars of the means by which, or the sources from which such property was acquired.

Rule 18: PRIVATE TRADE, BUSINESS AND INVESTMENT:

- i) No employee shall engage directly or indirectly in any trade or business in the course of his official duties and while in service.

EXPLANATION : Canvassing by an employee in support of the business of insurance agency, commission agency, and the like, owned or managed by his wife or any other member of his family shall be deemed to be a breach of this sub-rule.

- ii) Every employee shall report to the Managing Director if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- iii) No employee shall speculate in any investments.
- iv) No employee shall make, or permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.
- v) The decision of the Managing Director shall be final in respect of any question arising under this rule.

Rule 19: PROMOTION AND MANAGEMENT OF COMPANIES IN PRIVATE CAPACITY:

No employee shall in his private capacity, except with the previous sanction of the Managing Director take part in the promotion, registration or management of any Bank or other company registered under the relevant law for the time being in force.

Provided that an employee may, in accordance with the provisions of any general or special order of the Managing Director take part in the promotion, registration or management of a co-operative societies for the time being in force in the state.

Rule'20': PRIVATE EMPLOYMENT :

No employee shall, except with the previous sanction of the Managing Director, undertake any employment of work other than that connected with his official duties.

Provided that an employee may, without such sanction, undertake honorary work of a social or charitable nature, or occasional work of a literary, artistic or scientific character, or any examinership on remuneration, offered there for by the Union Public Service Commission, Institute of Secretariat Training and Management of Government of India, the Andhra Pradesh Public Service Commission, the State Board of Technical Education and training, or the Board of Secondary Education Andhra Pradesh, or by any or the four Universities in the State of Andhra Pradesh subject to the conditions that examinationship does not interfere with his official duties; but he shall not undertake or shall discontinue examinership, if so directed by the Managing Director.

Rule'21': PUBLICATION OF BOOKS:

No employee shall, without the previous permission of the Managing Director, publish any book, which is not purely of literary, artistic or scientific character, while applying for permission to publish a book, he shall submit to the Managing Director a manuscript copy thereof;

Provided that an employee who publishes a book with or without the previous permission of the Managing Director shall not canvass for its sale in any manner and it shall also be open to the Managing Director to insist on the sale of the copy-right in any such book.

Rule'22': COMMUNICATION OF OFFICIAL DOCUMENTS OR INFORMATION :

No employee shall, except in accordance with any general or special order of Managing Director, communicate directly, or indirectly any official document or any of its contents or any official information, to any employee not authorised to receive the same, or to any non-official person or the press.

Rule'23': CONNECTION WITH PRESS:

No employee shall, except with the previous sanction of the Managing Director, own wholly or in part, or conduct or participate in the editing or the management of any newspaper or non-Government publication.

Rule 24: PARTICIPATION IN RADIO BROADCAST AND CONTRIBUTION TO NEWS PAPERS AND PERIODICALS:

No employee shall, except with the previous sanction of Managing Director or any authority empowered by him in his behalf or in the course of discharge of his official duties, participate in a Radio broadcast or contribute any article or write any letter either in his own name or anonymously, pseudonymously or in the name of any other person, to any newspaper or periodicals.

Provided that no such sanction is necessary if such broadcast article, or letter is of a purely literary, article or scientific character or if such broadcast relates to a talk arranged under the general or special order of the Managing Director and the employee may accept the remuneration prescribed for such broadcast, articles or letters.

Rule 25: CRITICISM OF THE POLICY OR ACTION OF GOVERNMENT OR THE CORPORATION :

No employee shall, by any public utterance, written or otherwise, criticise any policy or action of the Government or the Corporation nor shall participate in any such criticism.

Rule 26: EVIDENCE BEFORE ANY COMMITTEE, COMMISSION OR OTHER AUTHORITY.

- i) No employee shall give evidence in connection with any inquiry conducted by any committee, commission or other authority.
 - a) In India, except with previous permission of the Managing Director.
 - b) Outside India, except with the previous sanction of the Central Government.
- ii) Where any sanction is accorded under sub.rule (1) Rule 26, no employee giving such evidence shall criticise the policy of the Corporation or Central Government or of a State Government.
- iii) Nothing in Sub-Rule (1) Rule 26 shall apply to
 - a) evidence given before a statutory committee, commission or other authority which has power to compel attendance and giving of answers ;
 - b) Evidence given in judicial inquiries;
 - c) Evidence given at any departmental inquiry ordered by the Managing Director.

Rule'27': TAKING PART IN POLITICS AND ELECTIONS :

- i) No employee shall be member of, or be otherwise associated with any political party or any organisation which takes part in politics nor shall he participate in, subscribe in aid of, or assist in any other manner any political movement or activity.
- ii) It shall be the duty of every employee to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any manner, any movement or activity which is, or tends directly or indirectly to be subversive of Central Government or a state Government, being prejudicial to national security, and where an employee is unable to prevent a member of his family from taking part in or subscribing in aid of, assisting in any such movement or activity, he shall make a report to the effect, to the Managing Director.
- iii) Nothing in sub-rule (2) Rule 27 shall apply in respect of any member of family of an employee standing for an election to parliament or any house or State Legislature or Local Authority or body or canvassing for other candidates in any such election.
- iv) If any question arises as to whether any movement or activity falls in scope of this rule, the decision of the Managing Director thereon shall be final.
- v) No employee shall canvas or otherwise interfere or use his influence in connection with or take part in, an election to parliament or any house of State Legislature or any local authority or body;
- vi) Provided that - An employee qualifies to vote at such election may cost his vote but, where he does so, he shall not give any indication of the manner in which he proposes to vote or has voted.
- vii) An employee shall not be deemed to have contravened the provisions of this rule by reason only that he assisted in the conduct of election in the due performance of a duty imposed on him by or under any law for the time being in force.
- viii) The display by an employee on his person, vehicle, residence or any of his property, of any election symbol shall amount to using his influence in connection with an election within the meaning of sub-rule (5).

Rule'28': VINDICATION OF ACTS AND CHARACTER OF AN EMPLOYEE AS SUCH

- i) No employee shall, except with the previous sanction of the Managing Director have recourse to the press for the vindication of his official act which has been the subject matter of adverse criticism or any attack or a defamatory character in public.

ii) Nothing in sub-rule (1) shall be deemed to prohibit an employee from vindicating his private character or an act done by him in his private capacity.

iii) No employee shall except with the previous sanction of the Managing Director accept from any person or body compensation of any kind for malicious prosecution or detamatory attack in respect of competent court of law.

Rule'29': WORKING WITH OR UNDER NEAR RELATIVES IN CORPORATION:

1. Every member of the Corporation shall inform his immediate superior officer if a member of the Corporation who is his near relative working under him.
2. Every member of the Corporation shall inform the Managing Director if he is to work under his near relative.

Rule'30': CORPORATION EMPLOYEE NOT TO DEAL IN HIS OFFICIAL CAPACITY WITH MATTERS CONCERNING HIMSELF HIS RELATIVES OR DEPENDENTS:

No employee shall deal, in his official capacity with any matter which directly or indirectly concerns himself or any of his relatives or dependents.

Rule'31': EMPLOYMENT OF A MEMBER OF THE FAMILY IN A PRIVATE FIRM

Whenever a member of the family of an employee who is solely dependent on him wishes to accept employment under any person, or with any firm or company, having official connection with such employee or Corporation, the employee shall obtain the prior sanction of the Managing Director for such employment.

Rule'32': INFLUENCING AUTHORITIES FOR FURTHERANCE OF INTEREST :

- i) No employee shall bring or attempt to bring any extraneous influence to bear upon any authority for the furtherance of his interests.
- ii) An employee causing his own case to be made the subject of an interpellation in either houses of Parliament or State legislature shall be deemed to have contravened the provisions of sub rule (1).
- iii) It will be improper for an employee who makes any representation to the competent authority through the proper channel to bother the higher authorities with advance copies thereof:

Provided that an employee may send a copy of any representation to the competent authority through the proper channel direct to the higher

authorities if the representation is made after exhausting such of the statutory remedies as were open to him and after receiving intimation that his representation has been with held.

Rule'33': BIGAMOUS MARRIAGES:

1. No employee who has a wife living shall contract another marriage without obtaining the permission of the Managing Director notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.
2. No female employee shall marry any person who has a wife living without first obtaining the permission of the Managing Director.

DOWRY :

Rule'34': No Employee shall :

- i. Give or take or abet in giving or taking of dowry; or
- ii Demand, directly or indirectly, from the parents or Guardians of a bride or bride groom, as the case may be, any dowry.

EXPLANATION :

For the purpose of this rule" Dowry" has the same meaning as in the Dowry prohibition Act. 1961

Rule'35': DRINKING:

Subject to the provisions of any law relating to intoxicating drinks or drugs for the time being in force in any area, no employee shall:-

- a. While on duty be under the influence of such drinks or drugs as to render him incapable of discharging his duty properly and efficiently ; or
- b. Appear in a public place in a State of intoxication;

Rule'36': APPLICATION OF CONDUCT RULES OF A.P. STATE GOVERNMENT

To the extent any matter relating to the terms & conditions and any other rule of APMHIDC conduct rules is not covered by the above rules, the relevant conduct rules of Government of A.P. amended from time to time shall apply.

All relevant modifications shall be made applicable with the approval of Management Committee and Government.

CONDUCT RULES

ANNEXURE - I

(Clause 3 of Rule 17)

Statement of immovable property possessed, acquired and disposed of by Sri _____ or any other person on his behalf or by any member of his Family during year ending.....

	1.	2.	3.	4.	5.	6.	7.	8.
NATURE OF PROPERTY								
		Situation of Property (Survey/Municipal Number with extent)	Held in whose name	Date and mode of acquisition/disposal	Price paid/obtained	Source of payment	Whether information given or sanction obtained (with reference No. and Date)	Annual income from property
1. House								
2. Flat								
3. Shop								
4. House plot								
5. Agril. land (dry or wet)								
6. Any other immovable property								

NOTE : Details of acquisition of properties standing in the name of Hindu undivided family or partnership in which the officer hold a claim or share should be separately shown in the statement.

CONDUCT RULES

ANNEXURE - II

(Clause 3 of Rule 17)

Statement of movable property possessed, acquired and disposed of by Sri _____ or any other person on his behalf or by any member of his Family during year ending.....

NAME OF PROPERTY	2. Held in whose name	3. Date and mode of acquisition/disposal.	4. Name & Address of person from whom acquired/to whom disposed of.	5. Whether transaction done within the limits of jurisdiction.	6. Price paid/obtained	7. Source of payment
1.						
Movable (whose value exceeds (rupees twenty thousand)						
<u>Vehicles :</u> Motor Car Motor Cycle/Scooter Any other vehicle						
<u>Electrical Goods</u> Air Conditioner V.C.R./Television Refrigerator Any other goods						
<u>Jewellery</u> Ornaments Vessels etc.						
<u>Investment & Cash</u> Bank deposits/ Debentures/Shares, Bank balance etc. Furniture : Livestocks : Any other goods.						

Note : Details of acquisition of properties standing in the name of Hindu undivided family or partnership in which the officer holds a claim or share should be separately shown in the statement.

**ANDHRA PRADESH HEALTH & MEDICAL HOUSING &
INFRASTRUCTURE DEVELOPMENT CORPORATION**

DISCIPLINE AND APPEAL RULES

PART - 1

GENERAL

SHORT TITLE COMMENCEMENT AND APPLICATION :

1. These rules may be called the A.P.H.M.H.I.D. Corporation discipline and appeal rules.
2. They shall be deemed to have come into force with effect from the date of the Government's approval. The relevant rules of A.P. State Government are applicable for the period anterior to application of these rules.
3. They shall apply to all employees of the Corporation whose conditions of service are regulated by the Corporation except to the extent other-wise expressly, provided for by a regulation or order of the Managing Committee or by a contract or agreement subsisting between such employee and the Corporation.
4. Appointing authority in relation to a Corporation servant means.
 - (i) the authority actually made the temporary or officiating or substantive appointments as the case may be, of the Corporation servant to the post held by him at the time of initiation of disciplinary proceedings or
 - (ii) the authority which is, under the rules regulating the recruitment to the post which the Corporation servant for the time being holds, competent to make an appointment, whichever authority is higher.
 - (iii) Disciplinary authority means the authority competent under these rules to impose on a Corporation servant any of the penalties specified in rule '10'.
 - (iv) Corporation servant means a person who ;
 - a) is a member of a Civil service of the Corpn; whether temporary or permanent, appointed and includes such corporation servant whose services are temporarily placed at the disposal of the Govt. of India, the Govt. of Andhra Pradesh, the Government of any other state, or a Company, or any other Corpn; or Organisation owned or controlled by Govt. or a local or other authority.

- b) is a member of a Civil service of, or holds a Civil post under the Government of India or the Govt. of any state and whose services are temporarily placed at the disposal of Corporation.
- c) is in the services of a local or other authority and whose services are temporarily placed at the disposal of Corporation.
- d) Managing Director means Managing Director of APMHIDC.
- e) Managing Committee means the Chairman and members of the Managing Committee of APMHID Corporation, Hyderabad.
- (v) 'Minor penalties' means any of the penalties specified in clauses (l) to (v) (both inclusive) of rule '10'.
- (vi) 'Major penalties' means any of the penalties specified in clauses (vi) to (ix) (both inclusive) of rule '10'.

5. Application :

- (i) These rules shall apply to every Corporation servant except.
 - (ii) Persons in casual employment.
 - (iii) Persons subject to discharge from service on less than one month's notice.
 - (iv) Persons for whom special provisions is made, in respect of matters covered by these rules, by or under any law for the time being in force in any rule or by or under any Contract or agreement entered into by or with the previous approval of the Corporation before or after the commencement of these rules, in regard to matters covered by such special provisions.
- 5A. (i) Whether these rules apply to any persons or ;
- (ii) Whether a person to whom these rules apply belongs to a particular service, or as to which of the two or more services is the service to which such person belongs the matter shall be referred to the "Managing Committee of the Corporation" whose decision shall be final.

POWER TO EXCLUDE FROM OPERATION :

- 5B. Not-with-standing any thing in rule 5 and 5A, the Managing Committee by resolution exclude, wholly or in part, from the operation of these rules, the holder of any post or, the holders of any class of posts, in respect whom the Corporation declares that the rules cannot suitably be applied and these rules shall there upon to the extent of such exclusion, ceases to apply, to them accordingly.

6. DEFINITIONS:- In these rules unless the context other-wise requires.

- (i) Managing Committee means Chairman & Members of Managing Committee of the Corporation and in relation to any powers exercisable by it, includes any committee.
 - (ii) "Managing Director" in relation to any powers exercisable by him includes any member of officer who is authorised to exercise the powers and functions of the Managing Director during the temporary absence of the Managing Director.
 - (iii) "Employee/Corporation servant means any person employed by the Corporation but does not include a person who is employed on daily wages.
 - (iv) "Competent Authority" in relation to the exercise of any of the powers conferred by these regulations means the Managing Committee or the Managing Director or any other authority authorised in that behalf by a regulation or by a resolution of the Managing Committee.
7. Power to interpret and implement rules & Regulations :
- The power to interpret the rules and regulations vests with the Managing Director who is also empowered to issue such administrative instructions as may be necessary to give effect to and carryout the purpose of the provisions of these rules or generally to secure effective control of the staff.

8. Part 'II' : Classification :

CLASSIFICATIONS OF SERVICE :

- i) Service means civil service of the Corporation consisting Gazetted, Non-Gazetted, Ministerial, Driver & Last Grade service as indicated in General Conditions of services rule (4) and if any cadre/post subsequently created whether temporary or substantive.

9. Part 'III' : Suspension :

- (1) A member of a service may be placed under suspension from service;
 - a) Where a disciplinary proceeding against him is contemplated or is pending or
 - b) Where in the opinion of the authority competent to place the Corporation servant under suspension, he has engaged himself in activities prejudicial to the interest of the security of the State, or

c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial :

Provided that, where the order of suspension is made by an authority lower than the appointing authority, such authority shall forth with report to the appointing authority the circumstances in which the order was made.

(2) A corporation servant shall be deemed to have been placed under suspension by an order of the authority competent to place him under suspension.

a) with effect from the date of his detention, if he is detained in custody, whether on a Criminal charge or other-wise for a period exceeding forty eight hours.

b) 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 forth with dismissed or removed or compulsorily retired consequent to such conviction.

Explanation :

The period of forty eight hours referred to in clause (b) of this sub rule shall be computed from the commencement of the imprisonment after the conviction and or for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(a) Where the Accused Officer is caught red handed in the act of accepting bribe and where the phenolphthalein test has yielded positive result and such cases can be classified as successful trap and the charged officer has to be placed under suspension based on the preliminary report received from the Anti-corruption Bureau.

(b) The other cases where the Accused Officer is not caught red-handed and where the phenolphthalein test has not yielded positive result and the case depends mostly on circumstantial evidence leaving room for benefit of doubt, the charged officer may not be placed under suspension on receipt of preliminary report from the Anti-Corruption Bureau. Instead, he may be transferred to a far off place or to an innocuous post (Non focal post). However, in such cases, if it is decided ultimately based on the final report of the Anti-Corruption Bureau to prosecute the charged officer or to take disciplinary action for inflicting a major penalty, the charged Officer may be placed under suspension

after filling a charge sheet in a Criminal court or a charge memo is served on him, as the case may be.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Corporation servant under suspension is set aside in appeal or on revision or review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued inforce on and from the date of the original order of dismissal, removal, or compulsory retirement and shall remain inforce until further orders.

(5) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Corporation servant is set aside or declared or rendered void, in consequence of or by a decision of a court of law and the authority competent to impose the penalty, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal, or compulsory retirement was originally imposed, the Corporation servant shall be deemed to have been placed under suspension by the authority competent to impose the suspension from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

- 6
- a. An order of suspension made or deemed to have been made under this rule shall continue to remain inforce until it is modified or revoked by the authority which made or is deemed to have made the order or by an authority to which that authority is subordinate.
 - b. Where Corporation servant is suspended or is deemed to have been suspended, whether in connection with any disciplinary proceeding or other-wise and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that Corporation servant shall continue to be under suspension until the termination of all or any of such proceedings.
 - c. An order of suspension made or deemed to have been made under this rule may, at any time, be modified or revoked by the authority

which made or is deemed to have made the order or by any authority to which that authority is sub-ordinate.

7. That the competent authority should issue order of suspension after due consideration in the relevant proforma annexed as indicated below :
- a) where charge sheet has been issued, the form in annexure 1 to this rule may be considered for adoption.
 - b) Where disciplinary proceedings are contemplated, the form in annexure II to this rule may be considered for adoption.
 - c) where a case has been registered and it is under investigation the form in Annexure III to this order may be considered for adoption.
 - d) While in suspension for payment of subsistence allowance and on re-statement the regularisation of period of suspension and for payment of pay & allowances, the provisions of A.P. Fundamental rules shall apply (F.R. 53 to 55).

PART 'IV' PENALTIES & DISCIPLINARY AUTHORITIES :

PENALTIES :

10. The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Corporation servant, namely,

MINOR PENALTIES :

- (i) censure :
- (ii) with holding of Promotion ;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the A.P.H.M.H.I.D. Corporation or to the State Government or the Central Government or to a local authority or to a Corporation owned or controlled by the State or the Central Government, by negligence or breach of orders, while working in A.P.H.M.H.I.D. Corporation or in any department of the State or the Central Government, local authority or Corporation concerned.
- (iv) with holding of increments of pay;
- (v) suspension, where a person has already been suspended under rule 9 to the extent considered necessary.

MAJOR PENALTIES:

- (vi) reduction to a lower rank in the seniority list or to a lower stage in the time scale of pay or to a lower time-scale of pay not being lower than that to which he was directly recruited or to a lower grade or post not being lower than that to which he was directly recruited, whether in the same service or in another service,
- (vii) compulsory retirement.
- (viii) Removal from service which shall not be disqualification for future employment under the Corporation/Government.
- (ix) Dismissal from service which shall ordinarily be a dis-qualification for future employment under the Corporation/Government.

Provided that, 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 or fore-bearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed.

Provided further that in any exceptional case and for special reasons to be recorded in writing, any other penalty may be imposed.

EXPLANATION: The following shall not amount to a Penalty within the meaning of this rule, namely.

- (i) non-promotion whether in a substantive or officiating capacity, of a Corporation servant in a class, category or grade of the service, after consideration of his case on merit, to a higher class, category or grade in the same service to which he is eligible.
- (ii) Reversion of a Corporation servant from the department in which he is on deputation to his parent Corporation or to a post not lower than the post on which he holds a lien or a suspended lien, for administrative reasons unconnected with his work or conduct.
- (iii) Replacement of the services of a Corporation/Govt. servant, whose services had been borrowed from the other Corporations Govt. of Andhra Pradesh or of another State or the Central Government or an authority under the control of the Govt. of another State or the Central Govt. or the authority from which the services of such Government / Corporation servant had been borrowed.
- (iv) Stoppage or postponement of increment of a Corporation servant on account of extension of probation under section – 11 rule 14 of A.P.H.M.H.I.D. Corporation services rules.

- (v) reversion of a Corporation servant, appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of the appointment or the rules and order governing such probation.
- (vi) reversion of a Corporation servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct.
- (vii) With holding of increments of pay of a Corporation servant for his failure to pass any departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointment.
- (viii) Termination of the services of a Corporation servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation.
- (ix) Discharge of Corporation servant engaged under contract, in accordance with the terms of his contract.
- (x) Discharge of a Corporation servant appointed otherwise than under contract, to hold a temporary appointment, on the expiration of the period of the appointment.
- (xi) Compulsory retirement of a Corporation, servant in accordance with the provisions relating to his superannuation or retirement under section '11' rule 22 of A.P.H.M.H.I.D. Corporation, service rules or under other relevant rules of Government of Andhra Pradesh applicable or made applicable to the Corporation.

11. RIGHT OF CORPORATION FOR RECOVERY FROM RETIRED EMPLOYEES :

The Corporation reserves to themselves the right to recover the loss if any made by the retired employee to the Corporation while in service of the Corporation or in any other Corporations in service of any Government. The retired Corporation servant shall also liable if in any Departmental or Corporation judicial proceedings is found guilty of grave misconduct or negligence during the period of his service, including the service rendered upon re-employment after retirement.

PROCEDURE FOR INSTITUTION OF DISCIPLINARY PROCEEDINGS AGAINST
RETIRED CORPORATION SERVANTS.

- (a) The disciplinary proceedings if instituted while the Corporation servant was in service whether before his retirement or during his reemployment shall, after the final retirement of the Corporation servant be deemed to be proceedings under this rule and shall be continued and concluded, by the authority by which they were commenced in the same manner as if the Corporation servant had continued in service.

NOTE:

The function of the disciplinary authority is only to reach a finding on the charges and to submit a report recording its findings to the Managing Committee. It is then for the Managing Committee to consider the findings and take a final decision under this rule. In case Managing Committee decide to take action under this rule in the light of the findings of the disciplinary authority, the Managing Committee will serve the person concerned with a show-cause notice specifying the action proposed to be taken under this rule and the person concerned will be required to submit his reply to the show-cause notice within such time as may be specified by the Government. The Managing Committee will be consider the reply. If as a result of such consideration, it is decided to pass an order under this rule, necessary orders will be issued in the name of the Managing Committee.

- (b) The proceedings, if not instituted while the Corporation servant was in service, whether before his retirement or during his re-employment;
- i) shall not be instituted save with the sanction of the Managing Committee.
 - ii) shall not be in respect of any event which took place more than four years before such institution ; and
 - iii) shall be conducted by such authority and in such place as the Managing Committee may direct and in accordance with the procedure applicable to Corporation proceedings in which an order of dismissal from service could be made in relation to the Corporation servant during his service.
- (c) No judicial proceedings, if not instituted while the Corporation servant was in service, whether before his retirement or during his re-employment shall be instituted in respect of a cause of action which arose, or in respect of an event which took place, more than four years before such institution.

12. DISCIPLINARY AUTHORITY :

All the disciplinary powers are vested with the Managing Director for imposing any of the penalties of rule 10. The Managing Director may delegate the powers to other authorities of the Corporation based on the resolution of Managing Committee.

12(A) AUTHORITY WHICH MAY PLACE UNDER SUSPENSION UNDER RULE ' 9'

The powers of suspension are vested with the Managing Director. The Managing Director may delegate the powers of rule 9 to other authorities of the Corporation based on the resolution of Managing Committee.

AUTHORITY TO INSTITUTE PROCEEDINGS :

13. (1) The Managing director or any other authority empowered by him by general or special order may;
- (a) institute disciplinary proceedings against any Corporation servant;
 - (b) the Managing Committee also may direct a disciplinary authority or any other authority of the Corporation to Institute disciplinary proceedings against any corporation servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 10.

- (2) A disciplinary authority competent under these rules to impose any of the penalties specified in rule 10 may institute disciplinary proceedings against any Corporation servant for the imposition of any of the penalties specified in rule 10. The disciplinary authority i.e., Managing Director may delegate the powers to other authorities of the Corporation based on the resolution of Managing Committee to institute disciplinary proceedings and to impose any of the penalties specified in clause (i) to (v) of rule ' 10 ' .

PART ' V ' : PROCEEDURE FOR IMPOSING PENALTIES :

PROCEDURE FOR IMPOSING MAJOR PENALTIES :

14. (1) No order imposing any of the penalties specified in Clause (vi) to (ix) of rule to shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 15 or in the manner provided by the Public Servants (inquiries) Act, 1850 (Central Act 37 of 1850) or the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 or the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1963, where such inquiry is held under the said Acts.

- (2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Corporation servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act 1850, as the case may be, authority to inquire into the truth thereof.

EXPLANATION :- Where the disciplinary authority itself holds the inquiry, any reference in sub rule (7) to sub rule (20) and in sub rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

- (3) Where it is proposed to hold an inquiry against a Corpn; servant under this rule and rule 15 the disciplinary authority shall draw up or cause to be drawn up.
- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge ;
 - (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain ;
 - (a) a statement of all relevant facts including any admission or confession made by the Corporation servant.
 - (b) A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.
- (4) The disciplinary authority shall deliver or cause to be delivered to the Corporation servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each articles of charges is proposed to be sustained and shall require the Corporation 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.
- (5) (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers if necessary so to do, appoint under sub rule (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Corporation servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 15.

- (5) (b) If no written statement of defence is submitted by the Corporation servant, the disciplinary authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint, under sub rule (2) an inquiring authority for the purpose.
- (c) Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Corporation servant or a legal practitioner, to be known as the 'Presenting Officer' to present on its behalf the case in support of the articles of charge.
- (6) the disciplinary authority shall, where it is not inquiring authority, forward to the inquiring authority;
- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (ii) a copy of the written statement of defence, if any, submitted by the Corporation servant;
- (iii) a copy of the statements of witnesses, if any, referred to in sub rule(3);
- (iv) evidence providing the delivery of the documents referred to in sub rule (3) to the Corporation servant; and
- (v) a copy of the order appointing the 'Presenting Officer'.
- (7) The Corporation servant shall appear in person before the inquiring authority on such day and at such time within fifteen working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time, not exceeding fifteen days, as the inquiring authority may allow.
- (8) (a) The Corporation servant may take the assistance of any other Corporation servant to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the presenting officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case so permits;
- " Provided that no member of service dealing in his official capacity with the case of inquiry relating to the person charged shall be permitted by the inquiry officer or by any officer to whom an appeal

may be preferred to appear on behalf of the person charged before the enquiry officer".

Provided further that the Corporation servant may take the assistance of any other corporation servant posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

NOTE :- (1) The Corporation servant shall not take the assistance of any other Corporation servant who has pending two disciplinary cases on hand in which he has to give assistance.

NOTE :- (2) The Corporation servant shall not take the assistance of any other Corporation servant who is dealing in his official capacity with the case of enquiry relating to the corporation servant charged.

(b) The Corporation servant may also take the assistance of a retired corporation servant to present the case on his behalf, subject to such conditions as may be specified by the Corporation from time to time by general or special order in this behalf.

(9) If the corporation servant who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the Corporation servant thereon.

(10) The inquiring authority shall return a finding of guilty in respect of these articles of charge to which the Corporation servant pleads guilty.

(11) The inquiring authority shall, if the Corporation servant fails to appear within the specified time or refuses or omits to plead, require the presenting Officer to produce the evidence by which he proposes to provide the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the corporation servant may, for the purposes of preparing his defence;

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub rule (2);

(ii) Submit a list of witnesses to be examined on his behalf.

NOTE :- If the Corporation servant applies orally or in writing for the supply of copies of the Statement of witnesses mentioned in the list referred to in sub-rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

- (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in the possession of Corporation but not mentioned in the list referred to in sub rule(3).

NOTE :- The Corporation servant shall indicate the relevance of the documents required by him to be discovered or produced by the Corporation.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition.

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub rule (12) every authority having the custody or possession of the requisitioned documents, shall produce the same before the inquiring authority, and the requisition of the documents can be done either at the instance of the member of service or by the inquiring authority suo-moto.

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest of security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall on being so informed, communicate the information to the Corporation servant and withdraw the requisition made by it for the production or discovery of such documents.

Provided further that if such documents are not produced as evidence and if they are sent only for the perusal of inquiring authority, the inquiring authority shall have the power to take it to a higher authority stating that on a perusal of a particular document it finds nothing in it to warrant claiming privilege.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Corporation servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the closure of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Corporn; servant or may itself call for new evidence or recall and reexamine any witness and in such case the Corporation servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Corpnr; servant an opportunity of inspecting such documents before they are taken on the record. The inquiry authority may also allow the corporation servant to produce new evidence if it is of the opinion that the production of such evidence is necessary in the interest of justice.

NOTE:- New evidence shall not be permitted or called for any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the disciplinary authority is closed, the Corporation servant shall be required to state his defence, orally or in writing, as he may prefer, if the defence is made orally, it shall be recorded and the corporation servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the corporation servant shall then be produced. The Corporation servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Corporation servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

(18) The inquiring authority may, after the corporation servant closes his case and shall, if the corporation servant has not examined himself, generally question

him on the circumstances appearing against him in the evidence for purpose of enabling the corporation servant to explain any circumstances appearing in the evidence against him.

- (19) The inquiring authority may, after the completion of the production of evidence, hear the presenting Officer, if any appointed, and the corporation servant, or permit them to file written briefs of their respective cases, if they so desire.
- (20) If the Corporation servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry exparte.
- (21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (v) of rule 10 but not competent to impose any of the penalties specified in clauses (vi) to (ix) of rule 10, has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (vi) to (ix) of rule 10 should be imposed on the Corporation servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.
- b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice recall the witnesses and examine, cross examine and re-examine the witnesses and may impose on the Corporation servant such penalty as it may deem fit in accordance with these rules.
- (22) Whenever an inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeded may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor, and partly recorded by itself.
- Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross examine & re-examine any such witnesses as hereinbefore provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain ;

- a) ~~the articles of charge and the statement of the imputations of misconduct or misbehaviour ;~~
- b) the defence of the Corporation servant in respect of each article of charge ;
- c) an assessment of the evidence in respect of each article of charge ;
- d) the findings on such article of charge and the reasons therefor.

EXPLANATION :- If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge.

Provided that the finding on such article of charge shall not be recorded unless the Corporation servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include:
 - a) the report prepared by it under clause (i);
 - b) the written statement of defence, if any, submitted by the Corporation servant;
 - c) the oral and documentary, evidence produced in the course of the inquiry;
 - d) written briefs, if any, filed by the presenting Officer or the Corporation servant or both during the course of the inquiry; and
 - e) the orders if any, made by the disciplinary authority & the inquiring authority in regard to the inquiry.

15. ACTION ON THE INQUIRY REPORT :

- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall there upon proceed to hold the further inquiry according to the provisions of rule 14 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any articles of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clause (i) to (v) of rule 10 should be imposed on the Corporation servant, it shall, notwithstanding anything contained in rule (16) make an order imposing such penalty.

(4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 10 should be imposed on the Corporation servant, it shall make an order after furnishing a copy of the report of the inquiring authority to the Corporation servant and after taking into consideration any representation made by him thereto within a reasonable time ordinarily not exceeding one month. It shall not be necessary to give the Corporation servant any opportunity of making representation on the penalty proposed to be imposed.

16. PROCEDURE FOR IMPOSING MINOR PENALTIES :

(1) Subject to the provisions of sub rule (3) of rule 15, no order imposing on Corporation servant any of the penalties specified in clauses (i) to (v) of rule 10 shall be made except after;

- a) informing the Corporation servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal.
- b) holding an inquiry in the manner laid down in sub rule (3) to (23) of rule 14 in every case in which the disciplinary authority is of the opinion that such inquiry is necessary ;
- c) taking the representation, if any, submitted by the Corporation servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration.
- d) recording a finding on each imputation of misconduct or misbehaviour, and

(2) Notwithstanding anything contained in clause (b) of sub rule (1), if in a case it is

proposed, after considering representation, if any, made by the Corporation servants under clause (a) of that sub rule, to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period an inquiry shall be held in the manner laid down in sub rule (3) to (23) of rule 14 before making any order imposing on the Corporation servant any such penalty.

(3) The record of the proceedings in such cases shall include:-

- (i) a copy of the intimation to the Corporation servant of the proposal to take action against him;
- ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
- iii) his representation, if any;
- iv) the evidence produced during the inquiry, if any;
- v) the findings on each imputation of misconduct or misbehaviour ; and
- vi) the orders on the case together with the reasons therefor.

17. COMMUNICATION OF ORDERS :

Orders made by the disciplinary authority shall be communicated to the Corporation servant who shall also be supplied with a copy of the report of the inquiry, if any, held by the disciplinary authority and a copy of its findings on each article of charge, or, where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority and statement of the findings of the disciplinary authority, together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him).

18. COMMON PROCEEDINGS :

(1) Where two or more Corporation servants of the same service or different services are concerned in any case, the Corporation or any other authority competent to impose the penalty of dismissal from service on all such Corpn; servants may make an order directing that disciplinary action against all of them may be taken in a common proceedings.

Provided that if the authorities competent in impose the penalty of dismissal on such Corporation servants 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 the others:

(2) Subject to the other provisions of these rules, every such order shall specify;

- i) the authority which may function as the disciplinary authority for the purpose of such common proceedings.
- ii) the penalties specified in rule 10 which such disciplinary authority shall be competent - to impose ;
- iii) Whether the procedure laid down in rule 14 and rule 15 or rule 16 shall be followed in the proceeding.

SPECIAL PROCEDURE IN CERTAIN CASES :

19. Notwithstanding anything contained in rule 14 to rule 18 :

- i) Where any penalty is imposed on a Corporation servant on the ground of conduct which has led to his conviction on a criminal charge, or
- ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or
- iii) where the Managing Committee is satisfied that in the interest of the security of the State, it is not, expedient to hold any inquiry in the manner provided in these rules.

The disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit.

Provided that the Corporation servant may be given an opportunity of making representation, on the penalty proposed to be imposed before any order is made in a case under clause (1).

20. WAIVER OF PROCEDURE IN CERTAIN CASES :

- (1) All or any of the provisions of rules 14 to 18 may, in exceptional cases and for special and sufficient reasons to be recorded by the disciplinary authority in writing, be waived where there is a difficulty in observing fully the requirements of these rules and those requirements can be waived without causing any injustice to the Corporation servant charged.
- (2) If, in respect of any Corporation servant charged, a question arises whether it is reasonably practicable to hold such inquiry or give such opportunity as is referred to in rules 14 to 18, the decision thereon of the disciplinary authority competent to impose any of the penalties specified in clauses (vi) to (ix) of rule 10 on the

Corporation servant concerned shall be final.

21. ACTION ON REPORT OF LOKAYUKTA & UPA-LOKAYUKTA :

Notwithstanding anything contained in rule 14 to rule 16 where it is proposed to impose on a Corporation servant any of the penalties specified in rule 10 on the basis of the recommendation contained in a report mentioned in sub section (1) of section 12 of the Andhra Pradesh Lokayukta and Upa-lokayukta Act 1983, the disciplinary authority shall take action on the basis of the recommendation contained in the report and impose any of the penalties specified in rule 10.

Provided that the disciplinary authority for the purpose of this rule shall be the authority prescribed under clause (c) of section 2 of the lokayukta & Upa-lokayukta Act, 1983 or the authority competent under the rules, whichever authority is higher.

22. PROVISIONS REGARDING OFFICERS LENT TO GOVERNMENT OF INDIA, GOVT. OF ANDHRA PRADESH AND OTHER CORPORATIONS ETC. :-

(1) Where the services of a Corporation servant are lent by Corporation to the Government of India or the Government of Andhra Pradesh or another State or Corporation (hereinafter in this rule referred to as "the borrowing authority", the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Corporation servant under suspension and of the disciplinary, authority for the purpose of conducting a disciplinary proceeding against him.

Provided that the borrowing authority shall forthwith inform the APHMHIDC; Servant (here-in-after in this rule referred to as "the lending authority") of the circumstances leading to the order of suspension of Corporation servant or the commencement of the disciplinary proceeding as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Corporation servant..

i) If the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (v) of rule 10 should be imposed on the "Corporation servant, it may, after consultation with the lending authority, unless in any case it is otherwise provided by specific orders of the Managing Committee, make such orders on the case as it deems necessary.

Provided that in the event of a difference of opinion between the

borrowing authority and the lending authority, the services of the Corporation servant shall be replaced at the disposed of the leading authority.

ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 10 should be imposed on Corporation servant, it shall replace his services at the disposed of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary; or if it is not the disciplinary, which shall pass such orders on the case as it may deem necessary;

Provided that before passing any such order, the disciplinary authority shall comply with the provisions of sub rules (3) and (4) of rule 15.

EXPLANATION :- The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority, or after holding such further inquiry as it may deem necessary, as far as maybe, in accordance with rule '14'.

Provided further that the provision in clauses (i) & (ii) requiring the replacement of the services of the Corporation servant at the disposal of the lending authority shall not apply where the Corporation servant has been lent by one Corporation/Department to another and both the Corporation/Departments are under the same administrative authority.

(3) i) Where the borrowing authority is a company or Corpn; or Organisation or local or other authority, such borrowing authority may subject to such specific conditions or limitations, if any, that may be made in the terms of deputation, suspend the Corporation servant or impose on him any of the penalties specified in clauses (i) to (iv) of rule 10.

Provided that the borrowing authority shall intimate the fact of placing the Corporation servant under suspension or imposing on him the penalty as the case may be to the lending authority and, in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Corporation servant shall be replaced at the disposal of the lending authority.

ii) If the borrowing authority is of the opinion that any of the penalties

specified in clauses (vi) to (ix) of rule should be imposed on the corporation servant, it shall replace his services at the disposal of the lending authority and transmit to it the record of the proceedings and there upon the lending authority may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary, or, if it is not the disciplinary authority, submit the case to the disciplinary authority, which shall pass such orders on the case as it may deem necessary. Provided that before passing any such order, the disciplinary authority shall comply with the provisions of sub rule (3) & (4) of rule 15.

(iii) Where a Corporation servant whose services are placed at the disposal of any company, Corporation, Organisation or a local or other authority has, at any time before his services were so placed, committed any act or omission which renders him liable to any penalty specified in rule 10 the authority competent to impose any such penalty on such Corpn; servant shall alone be competent to institute disciplinary proceeding against him and to impose on him such penalty specified in rule 10 as it thinks fit and the borrowing authority under whom he is serving at the time of the institution of such proceeding, shall be bound to render all reasonable facilities to such competent authority instituting and conducting such proceeding.

23. PROVISIONS REGARDING OFFICERS BORROWED FROM GOVERNMENT OF INDIA; GOVT OF ANDHRA PRADESH OR OTHER CORPORATIONS ETC.

(i) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government/ Corporation servant whose services have been borrowed by A.P.H.M.H.I.D. Corporation the authority lending the services (here-in-after in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the Govt./Corpn; servant or of the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the government/Corporation servant.

(i) If the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (v) of rule 10 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 21 and after consultation with the lending authority, pass such orders on the case as it may deem necessary.

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Govt./Corpn; servant shall be replaced at the disposal of the lending authority.

- ii) If the disciplinary authority is of the opinion that any of the penalties specified in clauses (vi) to (ix) of rule 10 should be imposed on the Govt./Corpn; servant, it shall replace the services of such Govt./Corpn; servant at the disposal of the lending authority & transmit to it the proceedings of inquiry for such action as it may deem necessary.

PART 'VI' APPEALS :

24. ORDERS AGAINST WHICH NO APPEAL LIES :

Notwithstanding anything contained in this part, No appeal shall lie against ;

- i) any order made by the Managing Committee.
- ii) any order of an interlocutory nature or at the stage of final disposal of disciplinary proceedings other than an order of suspension.
- iii) any order passed by an inquiring authority in the course of an inquiry under rule 14.

25. ORDERS AGAINST WHICH APPEAL LIES :

Subject to the provisions of rule 24 Corporation servant may prefer an appeal as hereinafter provided, against all or any of the following orders namely. ;

- i) an order of suspension made or deemed to have been made under rule 9,
- ii) an order imposing any of the penalties specified in rule 10 whether made by the disciplinary authority or by an appellate or revising authority,
- iii) an order enhancing any penalty imposed under rule 10.
- iv) any order passed by an authority subordinate to the Managing Director/Managing Committee varying to his service, pay or allowances, as regulated, in rules or in contract of service,
- v) an order interpreting to his disadvantage the provisions of any rules or contract service varying his conditions of service, pay or allowances as regulated.

26. (i) APPELLATE AUTHORITIES :

Any Corporation servant including a person who has ceased to be in Corporation service, may prefer an appeal against all or any of the orders specified in rule 25 to the authorities as follows.

- ii) An appeal from an order imposing on a member of any Corporation servant, any of the penalties specified in rule 10 or placing such member under suspension under rule 9 passed by the Managing Director, shall lie to the Managing Committee & an appeal from an order passed by a lower authority (in case of powers delegated by the Managing director based on the resolution of Managing Committee) shall lie to the Managing Director.
- iii) An appeal against an order referred to in rule 25 (iv), (v) shall lie to the Managing Committee.

27. APPEAL NOT TO BE ADDRESSED TO MEMBERS OF MANAGING COMMITTEE OF THE STATE GOVERNMENT :

Appeal shall not be addressed to the Ministers or Officers of the State Government, or the members of Managing Committee personally or directly and any such action shall be a breach of discipline.

28. PERIOD OF LIMITATION FOR APPEALS :

- i) No appeal preferred under these rules shall be entertained unless such appeal is preferred within a period of three months from the date on which a copy of the order appealed against is delivered to the appellant.

29. FORM & CONTENTS OF APPEAL :

- (1) Every person preferring an appeal shall do separately and in his own name.
- (2) The appeal shall contain all material statements and arguments relied on by the appellant and shall be complete in itself, and shall not contain any disrespectful or improper language. It shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.
- (3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority, without any avoidable delay and without waiting for any direction from the appellate authority.

30. CONSIDERATION OF APPEAL :

- (1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 9 and having regard to the circumstances of the case, the order of suspensions is justified or not and confirm or revoke the order accordingly.
- (2) In the case of an appeal against an order imposing any of the penalties specified in rule 10 or enhancing any penalty imposed under the said rule, the appellate authority shall consider
- a) Whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions or in failure of justice.
 - b) Whether the findings of the disciplinary authority are warranted by the evidence on the record ; and
 - c) Whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe and pass orders.
 - i) confirming, enhancing, reducing or setting aside the penalty ;
 - or
 - ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case ;

PART 'VII': REVISION & REVIEW :

31. Not-with-standing anything contained in these rules ;
- i) the Managing Committee ; or
 - ii) head of the Corporation ; or
 - iii) any other authority specified on behalf by the Managing Committee by a general or special resolution within six months or within such time as may be prescribed in general or special resolution whether on his or its own motion or otherwise call for the records of any inquiry on any Corporation servant serving in the Corporation to whom orders have been issued imposing any of the penalties under these rules or under the C.C.A./; rules 1963 or 1991 which are applicable prior to the approval of these rules by the Govt; to the extent of applicability to the Corporation, and shall revise any order made ; or

- a) confirm, modify, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed ; or
- b) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstance of the case ; or
- c) pass such other orders as it may deem fit ;

32. MANAGING DIRECTOR/MANAGING COMMITTEE POWERS TO REVIEW :

- The Managing Director/Managing Committee may, at any time, either on its own motion or other wise, review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to its notice and shall;
- i) impose any penalty, or confirm, modify or set aside,
 - ii) remit the case to the authority which made the orders or to any other authority directing for such further action or inquiry as it considers proper in the circumstances of the case ; or
 - iii) pass such orders as it deems fit provided that ;

Provided that no order imposing or enhancing any penalty shall be made by the Managing Director or Managing Committee of the Corporation unless the Corporation servant has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in rule 10 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under rule 14 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 14, subject to the provisions of rule 19.

PART 'VIII' : MISCELLANEOUS :

33. SERVICE OF ORDERS, NOTICES ETC.. :

- Every order, notice and other process made or issued under these rules shall;
- i) if he is on duty, be served on the Corporation servant by delivering or tendering it in person;

- ii) if he is on leave or under suspension or otherwise absent be communicated to him by registered post to the address given by him, if any, or of his usual place of residence;
- iii) if it cannot be so served or communicated, be published in the Andhra Pradesh Gazette or Newspapers.

34. POWER TO RELAX TIME LIMIT AND TO CONDONE DELAY :

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good & sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under the rules or condone any delay.

35. REMOVAL OF DOUBTS :

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Managing Committee whose decision shall be final.

ANNEXURE I'

Form of order of suspension under Rule 9 (1) of the A.P. Health & Medical Housing & Infrastructure Dev, Corporation (discipline and appeal rules)

Sub :- APMHID Corporation Services - Sri/Smt. _____ suspension from _____
Service - - Orders - - Issued - - Reg. _____

And whereas the APMHID Corporation /under signed being the competent authority (Appointing authority/ any other competent authority) consider it necessary to place Sri/Smt. _____ under suspension pending enquiry into grave charge or charges aforementioned.

Now, therefore, in exercise of the powers conferred by Sub rule (1) of rule 9 of A.P.H.M.H.I.D.Corporation (Discipline & Appeal Rules) under signed (appointing authority/ any other competent authority) hereby place (s) the said Sri/ Smt. _____ under suspension from the date of communication of this order and he/she shall continue to be under suspension in public interest until the conclusion of the disciplinary proceedings/termination of all proceedings relating to the criminal charge (s).

It is further ordered that during the period this order remains in force the headquarters of Sri/Smt. _____ (name & designation of Corpn; servant) shall be (name of the place) and the said Sri/ Smt. _____ shall not leave the headquarters without obtaining the previous permission of the undersigned.

Signature : _____
Name & Designation of the suspending authority.

ANNEXURE 'II'

Form of order of suspension under Rule 9(1) of the A.P. Health & Medical Housing & Infrast. Dev. Corpn;

Sub :- APMHIDCorporation Services - Sri/Smt. _____ suspension from

Service - - Issued - - Reg. _____

Whereas it has come to the notice of the _____ under signed who is the competent authority (Appointing authority/any other competent authority) alleging that _____

And whereas disciplinary proceedings against Sri/Smt. _____ are contemplated.

And whereas the _____ /under signed (appointing authority/any other competent authority) after careful consideration of the available material and having due regard to the circumstances of the case, are satisfied that it is necessary to place Sri/Smt. _____ under suspension;

Now, therefore in exercise of the powers conferred by sub rule (1) of rule 9 of A.P. Health & Medical Housing & Infrastructure Dev. Corpn; discipline & appeal rules of (The APMHIDCorp.) the _____ under signed (appointing authority/any other competent authority) hereby place (s) the said Sri/Smt. _____ under suspension from the date of communication of this order and he/she shall continue to be under suspension until the conclusion of the disciplinary proceedings/termination of all proceedings relating to the criminal charge (s).

It is further ordered that during the period of/this order remains inforce, the headquarters of Sri/Smt. _____ (name & designation of the Corpn; servant) shall be _____ (name of place) and the said Sri/Smt. _____ shall not leave the headquarters without obtaining the previous permission of the undersigned.

Signature : _____
Name & designation of the
sypending authority.

ANNEXURE ' III ' :

Form of order of suspension under rule 9(1) of the A.P. Health & Medical Housing & Infrs.Dev.Corn; services _____ ;

Sub :- APMHID Corporation Services - Sri/Smt. _____

Service - - Orders - - Issued - - Reg. _____ suspension from

Whereas it has come to the notice of the A.P.H.&M.H.I.Dev.Corporation under signed who is the competent authority (appointing authority or any other competent authority) alleging that _____.

And whereas a case has been registered by the Anti Corruption Bureau / Officer incharge of the police station _____ in Crime No. _____ under section of _____.

And whereas it is considered that his continuance in office will prejudice the investigation;

And whereas the A.P.H.M.H.I.D.Corn; _____ / under signed (appointing authority or any other competent authority) offer careful consideration of the available material and having due regard to the circumstances of the case are satisfied that the criminal charge under investigation is connected with his official position as a servant and involved moral turpitude and therefore consider it necessary to place Sri/smt. _____ under suspension.

Now, therefore in exercise of the powers conferred by sub rule (1) of rule 9 of discipline and Appeal rules of the A.P.H.M.H.I.D.Corporation/under signed (appointing authority/any other competent authority) hereby place (s) the said Sri/ Smt. _____ under suspension from the date of communication of this order and he/she shall continue to be under suspension until the conclusion of the disciplinary proceeding/termination of all proceedings relating to the criminal charge (s).

It is further ordered that during the period this order remains inforce, the headquarters of Sri/Smt. _____ (name & designation of Corn; servant) shall be _____ (name of the place) & the said Sri/Smt. _____ shall not leave the headquarters without obtaining the previous permission of the under signed.

Signature: _____
Name & designation of the suspending authority: _____