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GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT

Rc.No. 6910/97-K.2.  
Dated: 10-06-1997.

Office of the Prl. Chief Conservator of Forests,  
Aranya Bhavan, A.P., Hyderabad.

Sri S.D. Mukherji, I.F.S.,  
Prl. Chief Conservator of forests.

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C I R C U L A R No.10/97/K2

Sub:- Public Services – Forest Department – Charge Sheets – Certain procedure irregularities – further instructions issued.

Ref:- Prl. CC's Circular No 1/97-K2, in Rc.No.6910/97-K2, dated 18-2-1997.

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1. During the course of examination of disciplinary cases, it is observed that the procedure outlined in the A.P. Civil Services (CCA) Rules, 1991 and various instructions issued thereon, are not being followed by the Conservators of forest and Divisional Forest Officers, thereby giving scope to numerous irregularities leading to vitiation of entire proceedings and also causing abnormal delays in their disposal.
2. It is observed that due to non-following the due procedure of law final disposal of disciplinary cases is resulting into acquittal or dropping of charges or award of lesser punishments than required on the charged officers. Following types of acts of omissions and commissions have been noticed in dealing with the disciplinary cases:-
  1. Suspension of the staff and officers on flimsy grounds.
  2. Improper framing of article of charges.
  3. Undue delay in service of AOC and obtaining Statement of Defence from the charged officers.
  4. Undue delay in conducting enquires by A.A./E.Os.
  5. Non furnishing of findings to the charged officers before inflicting major penalties, and
  6. Non furnishing of remarks on Appeals and connected records to the Appellate authorities in time.
3. In order to emphasize the importance of observance of the procedure laid down under A.P. Civil Services (CCA) Rules, 1991 and instructions issued from this office from time to time, a few examples of acts of omissions and commissions noticed in the processing of disciplinary case by various Disciplinary Authorities are appended herewith in Annexure-I.
4. The instances given in the annexure-I are not exhaustive and all inclusive. However it must be noted that ill motives could have been behind intentional lapses. It must also be kept in mind that punishing a guilty person in time will have deterrent effect on others. All the Officers of the Department clothed with the disciplinary powers over the staff, are, therefore, required to be fully conversant with the procedure to be followed. Following instructions are given in this regard:-

I. SUSPENSION:

No person shall be placed under suspension or recommended to be placed under suspension on flimsy grounds. Before arriving at such a decision the case must be examined in its entirety. Unless the nature of irregularities is found to be serious enough which would result into award of a major punishment, no person shall be placed or recommended to be placed under suspension.

II. THE PRELIMINARY ENQUIRIES:

It is meant to enable the Disciplinary authority to come to a decision whether any prima-facie of mis-conduct or misbehaviour etc. exists against the Government servant or not. Thorough probe must be conducted in order to establish the act of negligence or mis-conduct or criminal mis-conduct or moral turpitude against the Government servant charged of the allegations. Preliminary enquiry should not be a mere formality.

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iii. INITIATION OF DISCIPLINARY ENQUIRY PROCEEDINGS:

The Disciplinary Authority on receipt of preliminary enquiry report has to initiate disciplinary action against the suspected government servant, if the material evidence gathered during the course of above enquiry establishes any prima-facie case against the Government servant. If no prima-facie case is established, further action may be dropped at this stage.

iv. If it is decided to initiate disciplinary action, a decision must be taken depending on the gravity and nature of irregularities whether the case is fit for awarding a minor penalty or major penalty.

v. ISSUE OF ARTICLE OF CHARGE/CHARGE-SHEET/CHARGE MEMO:-

The disciplinary authority shall draw up or cause to be drawn up the substance of imputations of mis-conduct or mis-behaviour into definite and distinct Article of charges. The article of charges should neither be vague nor ambiguous. These should contain a statement of all relevant facts including any admission or confession made by government servant and also a list of documents by which, and a list of witnesses by whom, the article of charges so prepared are proposed to be sustained.

- vi. While framing the above charges, it must be ensured that the;
- Charge is prima-facie proven essence of the allegation setting out the nature of accusation, using the language to be clear, precise, unambiguous and free from vagueness.
  - Separate charges should be framed in respect of each separate misconduct. Multiplication of splitting up of charges in respect of same allegation should be avoided.
  - Charges should not contain expression of opinion as to the guilt of an employee giving rise to suspicion that the Disciplinary Authority has a prejudicial mind.
  - Charge should not refer to the report of preliminary enquiry nor the penalty proposed to be imposed and should quote the Conduct rule or any other Act or rules or provision of case violated, in specific, wherever the charge is for violation of such rules.

vii. The Article of Charges along with a statement of imputations of mis-conduct or mis-behaviour, list of documents and list of witnesses, shall be got served on the government servant at the earliest, giving him reasonable time limit for submission of his Statement of Defence.

viii. On receipt of such written statement of Defence from the Government servant, the Disciplinary Authority may either by itself enquire into the Article of Charges or appoints an Enquiry Officer under clause (2) of Rule 20 of APCS (CCA) Rules, 1991, for conducting enquiry.

ix. CONDUCT OF ENQUIRY:

In case the Disciplinary Authority appoints an E.O. for conducting enquiry, the Disciplinary Authority shall forward a copy of the Article of charges along with the statement of imputation of mis-conduct or mis-behaviour and a copy of written statement of defence, if any submitted by the Government servant, and also a list of the documents and witnesses along with connected records to the enquiry officer for conducting the regular enquiry. Disciplinary Authority may also appoint an Officer who is well versed with the case as Presenting Officer to present the case before the Enquiry Officer, if need be. However the same is not mandatory.

x. TIME-FRAME FOR ENQUIRY:

(\*\*)  
Where the charged officer after receiving documents and Article of charges/charge sheet does not submit his written statement of Defence or refuses to attend the enquiry or

to attend the enquiry or remains absent or otherwise fails to comply with the provisions in this regard it is open to the E.O. to conduct the enquiry ex-parte in such a case where proof of charge depends only on undisputed and undeniable documents, the findings may be given based on the material on records. But where the proof of charge depends on oral



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evidence only or on oral and documentary evidence, it is necessary to examine the witnesses. It is to be noted that even in ex-parte proceedings, the entire gamut of the enquiry by sending notices to the witnesses, examining the prosecution witnesses etc., has to be gone through. Under Rule 20(8) the charged officer has also the right to take the assistance of another Government Servant or one under suspension or a retired Government Servant to present the case on his behalf, with the permission of the E.O. However he should not have more than two cases on hand. The following time limit, normally justified, can be taken as a guiding factor from the stage of conducting enquiry by the E.Os :-

- |    |  |         |
|----|--|---------|
| a) | Fixing of time limit for appearance by the charged officer                                     | 15 days |
| i) | Additional time, if requested by the charged officer (vide clause 7 of Rule 20).               | 15 days |
| b) | Adjournment of the original enquiry date, if the Government Servant fails to appear.           | 30 days |
| c) | Perusal of records   | 5 days  |
| i) | Additional time, if the charged officer requests   | 5 days  |
| d) | For production of new documents by the Government servant, if any;                             | 10 days |
| i) | Additional time, if requested by the Govt. Servant   | 10 days |
| e) | Re-examination of witnesses or adjournment of enquiry, if any, requested by the Govt. Servant. | 3 days  |

#### xi. REPORT OF FINDING:

It is also to be noted that where, during the course of enquiry, the Enquiry Officer is succeeded by another Enquiry Officer, the successor shall proceed with the enquiry from the stage at which it was left by the predecessor, unless he considers it necessary to recall or re-examine any of the witnesses already examined. After conclusion of such enquiry, a 'Report of Findings' shall be prepared by the Enquiry Officer, which should contain;

- the Articles of Charge and the statement of imputations of misconduct or misbehaviour.
- the defence of the Govt. Servant in respect of each article of charge,
- an assessment of the evidence in respect of each article of charge,
- the findings on each article of charge and reasons therefor,
- the further written statement of defence, if any submitted by Govt. servant.
- the oral and documentary evidence produced in the course of the enquiry.

The report of such findings shall be accompanied by a "check slip" enclosed in Annexure-II.

It has to be borne in mind that the report of E.O. should not contain any recommendations relating to the penalty to be imposed and it is also not the function of the E.O. to supply a copy of his report to the charged officer direct, since it is for the Disciplinary Authority to supply a copy of the report of findings of the E.O. to the charged officer by allowing reasonable time not exceeding one month to submit his further representation if any, on enquiry officer's report as required under rule 21(4) of the said Rules.

#### xii. FINALIZATION OF THE PROCEEDINGS:

On receipt of further representation / statement of defence, if any, from the charged government servant, within the stipulated time, the disciplinary Authority shall examine the case thoroughly and dispose off the same at the earliest by awarding major penalty, if charges are established. The final order containing the disciplinary Authority competent to impose penalty, should be self contained speaking order. Acknowledgement of the proceedings shall also be obtained from the charged officer.

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- a) It is also impressed upon all the officers dealing with the disciplinary cases that where two or more employees are concerned in any case, the authority competent to impose the penalty of dismissal from service on all of them, may pass an order for common proceeding against all of them. If the authorities competent to impose such penalty are different, in such a case the order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.
- b) In the case where minor penalty is proposed to be imposed on the charged government servant, there is no necessity for conducting of an enquiry. However, it is for the disciplinary authority to consider, whether it is necessary to conduct an enquiry or otherwise depending upon the nature of charge. The report of findings of the E.O. if appointed need not be communicated to the charged officer in such cases. Where disciplinary authority himself has enquired into the case, the question of preparation of report of findings does not arise. The case can be disposed off after considering the representation of the charged officer and record of enquiry, if any conducted, awarding a minor penalty.
- xiii. Time frame for disposal of disciplinary cases mentioned in the para x supra shall strictly be adhered to and the cases be disposed off at the earliest possible. Conservator of Forests and Divisional Forest Officers are requested to evince personal interest in the disposal of disciplinary cases, especially with regard to service of Article of Charges and Notices for enquiries.
- xiv. Disciplinary cases of retired government servants and the government servants empanelled for promotions must be disposed off on "Top priority" basis.
- xv. Punishments awarded should be implemented at the earliest. Entry of punishments awarded shall be made in the Service Register and a copy of the proceedings filed in the Personal File of the individual at the earliest. Details of entry of the punishment into the S.R. i.e., Page No. and date of entry, and the date of implementation of the punishment, should be furnished to the Disciplinary Authority at the earliest.
- xvi. Whenever an appeal is filed against the orders of the Disciplinary Authority by the charged officer (now Appellant) to the Appellate authority, the disciplinary authority should furnish para-wise remarks and connected records to the Appellate authority at the earliest.

The instructions given above must be follow scrupulously. Any deviation shall be viewed seriously and may entail disciplinary action against the concerned officers. Time is the essence for imparting justice by the Disciplinary Authority. However, if the disciplinary authority is responsible for the delay, he/she is liable for punishment. This should be kept in view while dealing with disciplinary cases.

The receipt of this Circular should be acknowledged by return of post.

Sd/- S.D. Mukherji,  
Pri. Chief Conservator of Forests

To  
All the Conservators of Forests. They are requested to communicate the same to the Divisional Forest Officers in their jurisdiction.

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Annexure-I

Few Examples of Irregular Disposal of Disciplinary cases:

- a) In case against Sri M. Abraham, Forester, the D.F.O., Narsipatnam has awarded a punishment 'Stoppage of one increment with cumulative effect' against him during 1984. On an appeal preferred, the Conservator of Forest as an Appellate Authority ordered de-novo enquiry while setting aside the punishment during 1987 on the ground that (a) the Divisional Forest Officer did not obtain the questionnaire from the charged officer and, (b) the Divisional Forest Officer did not conduct an enquiry as required under the rules.

The Divisional Forest Officer, who had to conduct de-novo enquiry had commenced the process during 1987, and completed the same after a long period of (8) years and ultimately issued final orders on 31-12-1995 awarding a punishment of "stoppage of (one) annual grade increment w.c.e. with an effect on pension", while the charged officer had retired from service on attaining the age of superannuation on 31-7-1995, itself, i.e., (5) months ahead of issue of such final orders. The Divisional Forest Officer is not at all competent to dispose off the disciplinary case of a retired Govt. servant, as the State Government alone is competent to finalise the cases in such cases as per rule 9(2)(b) of the A.P. Revised Pension Rules, 1980.

It is thus clear that the disciplinary case instituted against the accused officer during 1984 could not be disposed off till 1995 also, i.e., even after (11) years from the date of commencement of disciplinary proceedings and even then it was found to be irregularly disposed off. Government had to be addressed ultimately in the case.

- b) In the case of Sri M.A. Hafeez, Forest Range officer of Social Forestry Circle, Hyderabad, who was guilty of grave irregularities committed during 1985 and who was served with a charge sheet during 1987 was left unpunished for the simple reason that the DFO had issued charge sheet without taking proper care in framing the charges in as much as allowing the objectionable Vouchers of expenditure to a tune of Rs.46,106.25 is remained unsettled for period of more than a decade.
- c) In the case relating to Sri M.A. Hafeez, a F.G. of Bellampally Division he was unauthorisedly absent for a period exceeding (5) years from 19-1-1978 to 3-9-1983. He was served with a charge sheet on 8-9-1983 on the count of "Wilful absence from duty for a long period of more than 5 years". He had submitted his explanation on 17-9-1983 and after considering his explanation as unsatisfactory, he was served with a s.c.n. on 21-11-1983 indicating the punishment of "stoppage of (5) increments w.c.e." the receipt of which was acknowledged by the charged F.G. on 6-12-1983. Despite this, the case remained unsettled for a period of (8) long years only to be finally realised by the D.F.O. that the connected records had been burnt by the extremists along with the office. Thereafter, having kept silent for a period of another (5) years, the DFO issued an order removing the said F.G. from service on 30-9-1996. The fact is that the F.G. had already retired from service on attaining the age of superannuation on the A.N. of 30-4-1993 i.e., about 3 years earlier to issuing such final orders. As the DFO, Bellampally, who had initiated disciplinary action during 1983, had not only abnormally delayed in finalising the disciplinary case for a period of over (10) years, but also issued infructuous orders removing the F.G. from service after three years of his retirement on superannuation, thereby the very purpose of initiating disc. Action has been defeated.
- d) In the case relating to Sri K. Rajeswara Rao, R.O. of Rajahmundry Circle, it was noticed that the Conservator of Forests had issued Article of charges along with the statement of imputations of misconduct and misbehaviour, got them served, obtained the statement of defence from the charged R.O. and had also conducted the detailed regular enquiry and submitted his report of findings to the Pri.CCF without first getting himself appointed as E.O. as per the revised CCA Rules 1991. Pointing out that the procedure adopted by him was not in conformity with the APCS (CCA) Rules, 1991 the Conservator of Forests was appointed as an E.O. with directions to conduct an enquiry thereafter, draw up his report of findings. As the Conservator of Forests

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him had been got vitiated. The Charged Range Officer had refused to attend the regular enquiry on the plea of his having attended to the regular enquiry already conducted, when the Conservator of Forests in the capacity of E.O. ordered the charged Range Officer to attend the enquiry. In the process the entire case has been abnormally delayed and the disciplinary case against the charged Range Officer is yet to be finalized.

- a) In the cases relating to Sri C. Satyanarayana and D. Sankar Rao, F.R.Os of Adilabad Circle, who were dismissed from service for the gross neglect of duty resulting in large scale destruction of forests, Government had reinstated them to duty during 1985 considering non-communication of Reports of Findings of the E.O. to them before awarding the major punishment as technical 'infirmary' vitiating the entire proceedings, and orders enquiries de-novo, which had resulted in abnormal delay of almost (11) years to get the cases finalised for the second time.

Sd/-

for Pri. Chief Conservator of Forests

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ANNEXURE - II

# CHECK SLIP

(To be enclosed to the report of Findings/Remarks on appeal)

1. Result of preliminary investigation.
2. Has the Charged Officer been placed under suspension. The dates of relief on suspension and joining on reinstatement, as the case may be, specified.
3. Whether Article of Charges issued. If so, when, with Reference No. and Date.
4. Whether Charged officer has submitted his defence statement? If so when?
5. Date of appointment of Enquiry Officer (A copy of such orders be enclosed).
6. Has the Charged officer requested for perusal of records? If so, what records? Has opportunity been given by the E.O. for perusal of records? If so, when? Have these records been perused or not? If so when? If not why?
7. Time allowed for submission of written statement. Whether Charged Officer submitted his written statement. If so when?
8. Has the Charged Officer requested for oral enquiry or to be heard in person? If so, has the E.O. given an opportunity for oral enquiry and personal hearing or not. If so, when? What is the result?
9. If an enquiry was held or the Charged Officer heard in person, the dates of such enquiries be specified. Whether the Charged Officer was permitted to cross examine the witness or not? Are copies of these statements supplied to the Charged Officer. If so when?
10. Whether an opportunity was given to the Charged Officer to submit another written statement in defence or not? If so, when?
11. Has the Enquiry Officer, submitted his findings in duplicate, separately? If so, has he discussed each



- Charge, recorded his finding 10/97  
with reasons thereof or not- (c)*
12. Has the Charged Officer requested for submission further explanation after regular enquiry? If yes, when did he submit the same?
13. Names of subordinates involved and punishments, if any inflicted.
14. Service particulars of the Charged Officer / Appellate.  
i. Date of entry into service.  
ii. Date of Birth.  
iii. Due date of retirement.  
iv. Date of appointment to the present cadre/grade.  
v. Due date for grant of next annual grade increment.  
vi. Details of punishment in force.
15. In respect of retired Government servants the details of eligible pensionary benefits and a certificate that no other disciplinary case are pending against those retired individuals.

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(c)  
*Has the E.O. relied  
on any documents  
or material with  
the d/o has no  
opportunity to explain*

Conservator of Forests/  
Divisional Forest Officer

Sd/- S.D. Mukherji,  
Prl. Chief Conservator of Forests

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Copy of:

GOVERNMENT OF ANDHRA PRADESH  
FOREST DEPARTMENT

Rc.No.6910/97/K2,  
Dated 13-12-1997.

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

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

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Sub:- Public Services – Forest Department – Charge sheets – Certain procedural irregularities – Further instructions issued.

Ref:- 1) This office Cir.No.10/97/K2(6910/97/K2) dated 10-6-1997.  
2) C.F.Hyd. Rc.No.2719/97/M3, dated 1-11-1997.

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The Conservator of Forests, Hyderabad is informed that clear Circular instructions were issued in dealing with the charge sheet cases in this office reference 1<sup>st</sup> cited. On this the Conservator of Forests has requested the Prl. Chief Conservator of Forests to clarify whether Questionnaire Form No. I be issued alongwith Regular Article of Charges. In this regard, it is clarified that as per the new rules Article of charges alongwith statement of imputations list of documents and list of witnesses in support of charges has to be served by the Disciplinary authority and the Questionnaire Form-I prescribed under the old rules is not warranted under the new set of rules. Further on receipt of statement of defence from the Charged Officer, on the Article of charges, if Enquiry Officer is appointed under Rule 20(2) of A.P.C.S. (CCA) Rules, 1991, there is no need for the Enquiry Officer to issue fresh Article of Charges, but the entire gamut of the enquiry based on the Article of Charges furnished by Disciplinary Authority itself by sending notices to the witnesses, examining the prosecution witnesses etc. has to be gone through. If the Charged Officer requests for production of defence witnesses alongwith Statement of Defence or to the Enquiry Officer during enquiry, the same may also be considered by Enquiry Officer on merits and if the same is necessary examination/Conducting enquiry thereof may be permitted.

The Conservator of Forests, Hyderabad is therefore requested to follow the circular instructions issued in reference 1<sup>st</sup> cited in all these cases.

Sd/- N. Linganna,  
for Prl. Chief Conservator of Forests