**AWARD OF PUNISHMENT**

**PART – I**

**GENERAL**

**1. Interpretation : -**

**In these rules, unless the context otherwise requires : -**

(a) *“Appointing authority”* – means the authority competent to make an appointment, as per the rules, to the post held by the employee at the time of initiation of disciplinary proceedings;

(b) “Censure” is a formal and public act intended to convey that the person concerned has been guilty of some blame worthy act or omission for which it has been found necessary to ward him a formal Punishment and imposed for “good and sufficient reasons” after following the prescribed procedure.

(c) *“Disciplinary authority”* – means, the authority competent under these Laws to impose on an employee any of the penalties specified in rule 6.

(d) *“Employee”* – means a person who holds a post in the service of the University either in a temporary capacity, or in a regular capacity, and include (i) such employee whose services are temporarily placed at the disposal of other institutions or government on usual foreign service terms & conditions and (ii) such employee whose services are temporarily placed by the Government or other institutions at the disposal of the University on usual foreign service terms and conditions.

(e) *“Major penalty”* – means any of the penalties specified in clauses (vii) to (xii) (both inclusive) under clause 6 (B).

(f) *“Minor penalty”* means any of the penalties specified in clause (i) to (vi) (both inclusive) under clause 6 (A) and in 6 (C).

**2. Application : -**

(a) These Laws shall apply to every employee of the University, whether temporary or permanent, except –

(1) those employees who would be discharged without notice or with less than one month’s notice;

(2) to those employed on special contract or agreement subsisting between the University and the employee;

(3) to part-time employees or those paid on daily wage basis or on consolidated wage basis or borne on contingent establishment.

(b) If any doubt arises – (i) whether all or any of these clauses apply to any person, or

(ii) whether a person to whom these rules apply belongs to a particular service, the matter shall be referred to the Executive Council, whose decision shall be final.

**3. Power to exclude from operation of the rules : -**

Notwithstanding anything contained in rule 2 above, the Executive Council may 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 of whom the Executive Council decides that the rules cannot suitably be applied; and these rules shall, thereupon, to the extent of such exclusion, cease to apply to them accordingly.

**PART II**

**CLASSIFICATION**

**4. The University services and the members of which are subject to these the provisions of the Laws shall be classified as follows : -**

(a) Teachers of the University; and

(b) Non-teaching staff of the University except the Vice-Chancellor.

**PART III**

**SUSPENSION**

**5. (1) A member of the service may be placed under suspension from service –**

(a) Where a disciplinary proceedings against him is contemplated or is pending, or

(b) Where, in the opinion of the authority competent to place the employee under suspension, the employee has engaged himself in activities prejudicial to the interest of the security of the University or the State, or

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

*Note* : - A member of a service may be placed under suspension from service even if the offence for which he was charged does not have bearing on the discharge of his official duties.

(2) An employee 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 otherwise 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 forthwith dismissed or removed or compulsorily retired consequent to such conviction.

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

(c) Where a case against an employee in respect of any criminal offence is under trial, it shall be the duty of the employee to inform the Registrar (through proper channel) about the said fact as soon as he comes to know of it. Similarly when an employee is detained in custody for a period exceeding forty eight hours it shall be his duty to inform the Registrar about the said detention at the earliest opportunity. Failure to supply the information aforesaid shall be regarded as misconduct on the part of the employee and punishment awarded on that ground alone.

(d) The order of suspension ceases to be operative as soon as the criminal proceedings, on the basis of which the employee was arrested and released on bail, are terminated.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on revision or on 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 in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee 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 employee 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 enquiry 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.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force 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 an employee is suspended or deemed to have been suspended, whether in connection with any disciplinary proceeding or otherwise, 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 the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or is deemed to have been made under this provision, may, at any time, be modified or revoked by the authority which made or is deemed to have been made the order or by any authority to which that authority is subordinate.

**PART – IV**

**PENALTIES**

**6.** The following penalties may, for good and sufficient reasons, and as hereinafter provided, be imposed upon an employee of the University namely :

**(A). Minor Penalties :**

(i) Censure;

(ii) With-holding of promotion;

(iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the University or to a foreign employer, by negligence or breach of the Laws or orders or directions of superiors while working in the University or in foreign service;

(iv) With-holding of increments of pay, without cumulative effect;

(v) Suspension, where a person has already been suspended under rule 5 to the extent considered necessary;

(vi) Reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension;

**(B) Major Penalties :**

(vii) Withholding of increments of pay, with cumulative effect.

(viii) Save as provided for in clause (vi), reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(ix) Reduction to lower time scale of pay, grade, post or service, which shall ordinarily be a bar to the promotion of the employee to the time-scale of pay, grade, post or service from which he was reduced with or without further directions, regarding conditions of restoration to the grade, post or service from which the employee was reduced and his seniority and pay on such restoration to that grade, post or service;

(x) Compulsory retirement from service of the University otherwise than under any other Law, which shall be a disqualification for future employment under the University.

(xi) Removal from the service of the University, which shall not be a disqualification for future employment under the University;

(xii) Dismissal from the service of the University, which shall ordinarily be a disqualification for future employment under the University;

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 forbearing to do any official action is established, the penalty mentioned in clause (xii) shall be imposed :

Provided further that, in all proved cases of misappropriation, corruption, moral turpitude, forgoing and outraging the modesty of women, the penalty of dismissal from service Clause (xii) shall be imposed.

Provided also 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 of an employee to a higher post, to which he is eligible as per Laws, after consideration of his case on merits;

(ii) reversion of an employee, working on deputation elsewhere, to the service of the University;

(iii) repatriation of an employee working in the University, on deputation, to his parent organisation;

(iv) (a) Stoppage or postponement of increment of an employee on account of extension of probation under the relevant rules;

(b) Stoppage of an employee at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar;

(v) reversion of an employee, appointed on probation to his original post, during or at the end of the period of probation in accordance with the terms of his appointment or the Laws and orders governing such probation;

(vi) reversion of an employee from a higher post to lower post on the ground that he is considered to be unsuitable for that higher post on any administrative grounds unconnected with his conduct;

(vii) withholding of increments of pay for failure to pass any examination or test prescribed in the Laws or orders issued;

(viii) termination of the services of an employee appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment or the other rules;

(ix) discharge of an employee appointed on daily wage basis, or consolidated pay basis;

(x) discharge of an employee engaged on contract basis in accordance with the terms of the contract;

(xi) discharge of an employee who was appointed to hold a temporary appointment, on the expiry of the period of appointment;

(xii) compulsory retirement from service of an employee in accordance with the provisions relating to superannuation or retirement.

**(C). Other Penalties** :

In addition to the penalties specified in (A) and (B) above and not withstanding any thing therein, a fine may be imposed, on the employees working in the Last Grade Service of the University, for good and sufficient reasons.

**7.** (1) In case of an employee who has been awarded punishment under clauses (i) to (v) of rule 6 A supra (i.e. Minor penalties) shall not be considered for promotion or appointment by transfer to higher posts as indicated below : -

Effect of Minor penalties on promotion of the employee**.**

|  |  |
| --- | --- |
| **Penalty** | **Effect** |
| (i) Censure | Every Censure awarded shall debar an employee for promotion/appointment by transfer for one year. |
| (ii) Withholding of promotion | This penalty awarded to an employee shall debar him for promotion/appointment by transfer to a higher post during the period of subsistence of penalty which shall be indicated in the order imposing the penalty subject to a minimum period one year. |
| (iii) Recovery from pay of the whole or part of any pecuniary loss caused by the employee to the University or to a foreign employer, by negligence or breach of orders while working in the University or in foreign service. | Whenever an employee is awarded the punishment of recovery from pay, it shall debar the employee for promotion/appointment by transfer to a higher post during the period of penalty which shall be indicated in the order imposing the penalty subject to a minimum period of one year.  Even if the employee remits the amount in one lump sum, he shall not be eligible for promotion for a minimum period of one year. |
| (iv) withholding of increments of pay, without cumulative effect | Whenever this penalty is awarded the employee shall not be eligible for promotion/appointment by transfer to higher post during the period of subsistence of penalty which shall be indicated in the order, subject to a minimum period of one year. |
| (v) suspension, where an employee has already been suspended under rule 5 to the extent considered necessary. | Where suspension is revoked exonerating a person fully his case may be considered for promotion with retrospective effect. Where the disciplinary proceedings finally resulted in a penalty, he shall be debarred during the period of penalty and subject to a minimum period of one year from the date of reinstatement. In case the suspension period itself is treated as substantive penalty, he shall be debarred for promotion/appointment by transfer for a minimum period of one year. |

(2) If punishment of with holding of increments to pay with cumulative effect is awarded to any employee after following the elaborate procedure laid down in rule 9, his case for promotion/appointment by transfer shall not be considered for twice the period for which the increment(s) is/are stopped with cumulative effect. However the minimum period during which he is debarred from promotion shall not be less than one year.

**PART – V**

**DISCIPLINARY AUTHORITIES**

**8. A. For suspension under rule 5,**

(i) The appointing authority or any higher authority shall be competent to suspend an employee under this Law;

Provided that, the Registrar shall have the power to suspend an employee belonging to the Last Grade Service and the case shall be reported by him to the Vice-Chancellor as immediately as possible with a full statement regarding his suspension together with his recommendations and the Vice-Chancellor may confirm or cancel the suspension;

Provided further that the Vice-Chancellor shall have the power to suspend any teacher of the University or any member of the Non-teaching staff belonging to superior service, whether he is the appointing authority or not.

When an employee, whose appointing authority is the Executive Council, is suspended by the Vice-Chancellor, the case shall be reported to the Executive Council by the Vice-Chancellor in its next immediate meeting held after suspension with a full statement regarding such suspension together with his recommendations. The decision of the Executive Council thereon shall be final.

(ii) Where an employee has been suspended by the competent authority and the investigation has not been completed and the action proposed to be taken in regard to him has not been completed within a period of four months from the date of suspension, the fact shall be reported by the Registrar –

(a) to the Executive Council if the employee suspended is a teacher of the University or an employee holding the post of and above the rank of Assistant Registrar in the Non-Teaching Staff; or

(b) to the Vice-Chancellor if the employee holds any post other than those mentioned in clause (a) above.

If the Executive Council or the Vice-Chancellor, as the case may be, consider that the delinquent shall further be continued under suspension, or shall be reinstated, an order to that effect shall be passed. Such review shall take place for every three months, thereafter, if the period of suspension is continued.

(iii) An employee under suspension shall be entitled to payment of subsistence allowance and other allowances at such rates and on such conditions as admissible under the Laws.

**B. For imposing the punishments :**

(i) In case of (a) any teacher of the University, or

(b) any employee holding a post carrying a scale of pay equal to or above that of an Assistant Registrar in the Non-Teaching Staff;

(1) the Vice-Chancellor shall have the power to impose on him any of the penalties specified in clauses (i) to (vi) (both inclusive) of rule 6 (A) Minor Penalties; and

(2) the Executive Council shall have the power to impose on him any of the penalties specified in clauses (vii) to (xii) (both inclusive) of rule 6 (B) Major penalties.

(ii) In case of any other employee of the Non-Teaching Staff below the cadre of an Assistant Registrar –

(1) the Registrar shall have the power to impose on him any of the penalties specified in clauses (i) to (vi) (both inclusive) of rule 6 (A) Minor Penalties; and

(2) the Vice-Chancellor shall have the power to impose on him any of the penalties specified in clauses (vii) to (xii) (both inclusive) of rule 6(B) Major Penalties.

(iii) The Heads of Offices (Principal, Registrar, Deans of Schools, Dean/Director College Development Council, Controller of Examinations, Finance Officer, University Director of Physical Education, University Librarian and University Engineer) shall have the power to impose fine not exceeding Rs. 50/- at a time on an employee belonging to Last Grade Service and working under their control.

(iv) Notwithstanding anything contained above the Executive Council may impose any of the penalties specified in rule 6 on any member of the University Services.

(v) Where in any case a higher authority has imposed or declined to impose a penalty under this Law, a lower authority shall have no jurisdiction to proceed under these rules in respect of the same case.

(vi) Where in any case a lower authority has imposed a penalty or exonerated an employee, it shall not debar a higher authority from exercising his/its powers under these rules in respect of the same case. The order of such higher authority shall supersede any order passed by a lower authority in respect of the same case.

**C. For instituting disciplinary proceedings :**

The Registrar shall be the authority competent to institute disciplinary proceedings against any employee.

**PART – VI**

**PROCEDURE FOR IMPOSING PENALTIES**

**9. Procedure for imposing major penalties** : - (1) No order imposing any of the penalties specified in clauses (vii) to (xii) of rule 6 (B) shall be made except after an inquiry held, as far as may be, in the manner provided in this Law and rule 11 or in the manner provided by the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983, where such inquiry is held under the said Act.

(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 an employee, it may itself inquire into, or appoint under this rule, as the case may be, an authority to inquire into the truth thereof.

*Explanation* : Where the Disciplinary Authority itself holds the inquiry, any reference to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority.

(3) Where it is proposed to hold an inquiry against an employee under this rule and the Disciplinary Authority or the Registrar can 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) 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 employee;

(b) copies 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 employee a copy of the articles of charge, the statement of the imputations of misconduct or mis-behaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and copies of the said documents and statements of the said witnesses and shall require the employee to appear before the Disciplinary Authority on such day and at such time not exceeding ten working days and submit a written statement of his defense and to state whether he desires to be heard in person.

(5) (a) On the date fixed for appearance, the employee shall submit the written statement of his defence. The Disciplinary Authority shall ask the employee whether he is guilty or has any defense to make and if he pleads guilty to any of the articles of charges, the Disciplinary Authority shall record the plea, sign the record and obtain the signature of the employee thereon. The Disciplinary Authority shall record findings of guilty in respect of those articles of charge to which the employee pleads guilty. Where the employee admits all the articles of charge, the disciplinary authority shall record its findings on each article of charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 11.

(b) Where the employee appears before the disciplinary authority and pleads not guilty to the charges or refuses or omits to plead, the Disciplinary Authority shall record the plea and obtain signature of the employee thereon and may decide to hold the enquiry itself or if it considers necessary to do so appoint an enquiring authority for holding the inquiry in terms of rule 10. The Disciplinary Authority shall also appoint an employee or retired employee or a legal practitioner as Presenting Officer to present the case in support of the articles of charge and adjourn the case to a date not exceeding five days;

(c) On the day so fixed, the disciplinary authority shall serve copies of the orders appointing the inquiring authority and the Presenting Officer on the employee and inform him that he may take the assistance of any other employee to present the case on his behalf, but he may not engage a retired employee or a Legal Practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is one such, or, the Disciplinary Authority having regard to the circumstances of the case, so permits;

Provided that no employee dealing in his official capacity with the case of inquiry relating to the person charged or any officer to whom an appeal may be preferred shall be permitted by the inquiring authority to appear on behalf of the person charged before the inquiring authority;

Provided further that, the employee may take the assistance of any other employee posted at any other branch or 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 employee shall not take the assistance of any other employee who has pending two disciplinary cases on hand in which he has to give assistance.

(2) The employee may also take the assistance of a retired employee to present the case on his behalf, subject to such conditions as may be laid down, by the Executive Council from time to time by general or special order in this behalf.

(d) The Disciplinary Authority shall inform the employee to submit within five days a list of documents, which he requires to be discovered or produced by the University for the purpose of his defence indicating the relevance of the documents so required.

(e) The Disciplinary Authority may for reasons to be recorded in writing refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(f) The Disciplinary 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 requisition for the production of the documents by such date as may be specified in such requisition;

(g) On receipt of the requisition referred to in the above clause every authority having the custody or possession of the requisitioned documents shall produce the same before the Disciplinary Authority :

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 such documents would be against the interest of the University, shall submit the fact to the Registrar for a decision in the matter. Such decision shall be informed to the Disciplinary Authority and where the decision is to withhold production of all or any of such documents, the Disciplinary Authority shall on being so informed communicate the information to the employee and withdraw the requisition made by it for the production or discovery of such documents and where the decision is against withholding the production of all or any of such documents, every Authority having the custody or the possession of such requisitioned documents shall produce the same before the Disciplinary Authority.

(6) Where the employee to whom a copy of the article 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 Disciplinary Authority or otherwise fails or refuses to comply with the provisions of these Laws, the Disciplinary Authority may decide to hold the inquiry *ex-parte* or if it considers necessary so to do, appoint an inquiry authority for the purpose.

(7) (a) The Disciplinary Authority shall, where it is not the 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 defense, if any, submitted by the employee;

(iii) copies of the statements of witnesses, referred to in sub-Law (3);

(iv) copies of documents referred to in sub-Law (3);

(v) evidence proving the delivery of copies of the documents referred to in Sub-Law (3) to the employee; and

(vi) a copy of the order appointing the “Presenting Officer”.

(b) The Disciplinary Authority shall also forward to the Inquiring Authority documents received under Sub-Law (5) (g) above as and when they are received.

(8) After receiving the documents mentioned under sub-Law 7 (a) the Inquiring Authority shall issue a notice in writing to the Presenting Officer and also to the employee to appear before him or it on such day and at such time and place specified by him or it which shall not exceed ten days.

(9) (a) The Presenting Officer and the employee shall appear before the inquiring authority on the date fixed under sub-Law (8).

(b) If the employee informs the Inquiring Authority that he wishes to inspect the documents mentioned in Sub-Law (3) for the purpose of preparing his defense, the Inquiring Authority shall order that he may inspect the documents within five days and the Presenting Officer shall arrange for the inspection accordingly.

(c) The Inquiring Authority shall call upon the employee whether he admits the genuineness of any of the documents copies of which have been furnished to him and if he admits the genuineness of any document it may be taken as evidence without any proof by the concerned witness.

(d) The Inquiring Authority shall adjourn the case for inquiry to a date not exceeding ten days for production of evidence and require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charges.

(10) (a) On the dates fixed for recording the evidence, 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.

(b) The evidence shall be recorded as far as possible on day-to-day basis till the evidence on behalf of the Disciplinary Authority is completed.

(c) The witnesses shall be examined by or on behalf of the Presenting Officer and they may be cross-examined by or on behalf of the employee.

(d) 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 permission of the Inquiring Authority.

(e) The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

(11) (a) If it appears 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 employee or may itself call for new evidence or recall and re-examine any witness.

(b) In such case, the employee shall be entitled to have 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.

(c) The Inquiring Authority shall give the employee an opportunity of inspecting such documents before they are taken on the record.

*Note* : New evidence shall not be permitted or called for and 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.

(12) (a) When the case for the Disciplinary Authority is closed, the employee shall be required to state his defence orally or in writing as he may prefer and to submit a list of witnesses to be examined on his behalf for which purpose the case may be adjourned to a date not exceeding five days.

(b) If the defence is made orally, it shall be recorded and the employee shall be required to sign the record. In either case, a copy of the statement of defence and the list of defence witnesses may be provided to the Presenting Officer.

(c) The case shall be adjourned to a date not exceeding ten days for production of defence evidence.

(13) The evidence on behalf of the employee shall then be produced. The employee may examine himself in his own behalf if he so prefers. The witnesses produced by the employee 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.

(14) The Inquiring Authority may after the employee closes his case and shall, if the employee has not examined himself, generally question him on the circumstances appearing against him in the evidence for purpose of enabling the employee to explain any circumstances appearing in the evidence against him.

(15) The Inquiring Authority may, after completion of the production of evidence, hear the Presenting Officer, and the employee or permit them to file written briefs of their respective cases, if they so desire.

(16) (a) Where a disciplinary authority competent to impose any of the penalties specified in clauses (i) to (vi) of rule 6 (A) and 6(C) but not competent to impose any of the penalties specified in clauses (vii) to (xii) of rule 6(B) 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 (vii) to (xii) of rule 6(B) should be imposed on the employee 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 employee such penalty as it may deem fit in accordance with these Laws.

(17) 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 succeeding 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 and re-examine any such witnesses as herein before provided.

(18) (i) After the conclusion of the inquiry a report shall be prepared and it shall contain –

(a) the article of charge and the statement of the imputation of misconduct or misbehaviour;

(b) the defense of the employee in respect of each article of charge;

(c) an assessment of the evidence in respect of each article of charge;

(d) the findings on each 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 findings on such article of charge shall not be recorded unless the employee 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 employee;

(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 employee or both during the course of the inquiry; and

(e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

**10. Composition of Inquiring Authority : -** (1) In case of an enquiry against teachers of the University or employees belonging to Non-Teaching Staff holding posts of and above the rank of Assistant Registrar, the Executive Council shall prepare a panel consisting of :

(a) A High Court Judge in service or retired or any person qualified to be a High Court judge;

(b) An eminent educationist;

(c) A senior I.A.S. or any retired I.A.S. Officer or any person who is well versed in administrative matters.

(2) In case of all other employees not covered in (1) above, the Vice-Chancellor shall prepare a panel consisting of

(a) A senior teacher of the University;

(b) An Officer of the University;

(c) Any other person, serving or retired, who is well versed in administrative matters.

(3) The above panel shall be valid for a period of 3 years from the date of appointment.

(4) When the Disciplinary Authority decides to refer an enquiry to an enquiry authority, it shall decide as to whether the enquiry authority should consist of only one member or more than one member and refer the enquiry to him/them accordingly.

(5) Notwithstanding the tenure fixed in Clause (3) above, the term of the members in the panel serving as enquiry officer or members of the enquiry committee shall stand extended till the conclusion of an enquiry entrusted to them during their tenure.

**11.** **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 thereupon proceed to hold the further inquiry according to the provisions of rule 9 as far as may be.

(2) The Disciplinary Authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the Disciplinary Authority or where the Disciplinary Authority is not the Inquiring Authority, a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of the Inquiring Authority on any article of charge to the employee, who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, irrespective of whether the report is favourable or not to the employee.

(3) The Disciplinary Authority shall consider the representation, if any, submitted by the employee and record its findings before proceeding further in the matter as specified in the clauses (4) and (5) below.

(4) 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 clauses (i) to (vi) of rule 6 (A) and rule 6 (C) should be imposed on the accused employee it shall, notwithstanding anything contained in rule 12 make an order imposing such penalty.

(5) 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 (vii) to (xii) of rule 6(B) should be imposed on the employee it shall make an order imposing such penalty and it shall not be necessary to give the accused employee any opportunity of making representation on the penalty proposed to be imposed.

**12. Procedure for imposing minor penalties :**

(1) Subject to the provisions of Sub-rule (4) of rule 11 above, an order imposing on an employee any of the penalties specified in clauses (i) to (vi) of rule 6(A) and rule 6(C) shall be made except after : -

(a) informing the employee in writing of the proposal to take action against him and of the imputations of misconduct or mis-behaviour 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-rules (3) to (18) of rule 9, 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 employee under clause (a) above and the record of inquiry, if any, held under clause (b) above into consideration; and

(d) recording a finding on each imputation of misconduct or misbehaviour.

(2) Notwithstanding anything contained in clause (b) of sub-rule (1) above if, in a case it is proposed, after considering representation if any, made by the employee under clause (a) of that sub-law to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the employee or to withhold increments of pay for a period exceeding three years, an inquiry shall be held in the manner laid down in sub-rules (3) to (18) of rule 9, before making any order imposing on the employee any such penalty.

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

(i) a copy of the intimation to the employee of the proposal to take action against him;

(ii) a copy of the statement or 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.

**13. Communication of orders :**

Orders made by the Disciplinary Authority shall be communicated to the employee 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 a 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).

**14. Common Proceedings.**

(1) Where two or more employees are concerned in any case, the Executive Council or any other authority competent to impose the penalty of dismissal from service on all such employees 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 to impose the penalty of dismissal on such employee are different, an order for taking disciplinary action in a common proceeding may be made by the higher 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 6(A), (B) and (C) which such Disciplinary Authority shall be competent to impose;

(iii) whether the procedure laid down in rules 9, and 11 or 12 shall be followed in the proceedings.

**15. Special Procedure in certain cases :**

Notwithstanding anything contained in rules 9 and 11 to 14 –

(1) where penalty is imposed on an employee on the ground of conduct which has led to his conviction on a criminal charge, or

(2) 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

(3) where the Executive Council is satisfied that in the interest of the security of the University or the State it is not expedient to hold any inquiry in the manner provided in these Laws, the Disciplinary Authority may consider the circumstances of the case and make such orders thereon as it deems fit.

**16. Waiver of Procedure in certain cases :**

(1) All or any of the provisions of rules 9 and 11 to 14 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 employee charged.

(2) If, in respect of any employee charged, a question arises whether it is reasonably practicable to hold such inquiry or give such opportunity as is referred to in rules 9 and 11 to 14 the decision thereon of the Disciplinary Authority competent to impose any of the penalties specified in clauses (vii) to (xii) of rules 6 (B) on the employee concerned shall be final.

**17. Action on the report of Lokayukta and Upa-Lokayukta :**

(1) Notwithstanding anything contained in rules 9, or 12, where it is proposed to impose on an employee any of the penalties specified in rules 6 (A), (B), and (C) 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 after furnishing a copy of the report to the charged employee to make a representation, if any, within a reasonable time fixed and after taking into consideration such representation and impose any of the penalties specified in rule 6;

Provided that the Disciplinary Authority for the purpose of this rule shall be the authority under rule 1 (c) or as specified under clause (c) of Section 2 of the Andhra Pradesh Lokayukta and Upa-Lokayukta Act, 1983.

(2) The Complaints Committee Report allegations of sexual harassment and atrocities on women shall be deemed to be an inquiry report under these rules.

(3) Notwithstanding anything contained in rule 9 or rule 12 where it is proposed to impose on an employee any of the penalties specified in Law 6 on the basis of the inquiry report of the Complaints Committee, the Disciplinary Authority shall take action on the basis of recommendations contained in the inquiry report after furnishing a copy of the report to the charged employee to make a representation, if any, within a reasonable time fixed and after taking into consideration such representation, and impose any of the penalties specified in rule 6 :