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**DIRECTORATE OF PROSECUTIONS**  
ANDHRA PRADESH, HYDERABAD.

**DIRECTORATE OF PROSECUTIONS**  
ANDHRA PRADESH, HYDERABAD.

**1993**

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PRINTED AT I.G.P. PRESS HYDERABAD.

## PREFACE

This is a modest attempt to prepare a Compendium of Rules and Instructions for Directorate of Prosecutions which came into existence nearly a decade ago. From time to time various instructions and Government Orders have been issued to conduct the working of this Directorate. The Compendium is intended to codify all such instructions and Orders with a view to assisting and guide Officers working/dealing with Directorate of Prosecutions.

I record my grateful thanks to S/Sri T.S. Rao, IPS., D.G. & I.G. of Police, A.P., M.S. Raju, IPS., D.G. of ACB and C. Anjaneya Reddy, IPS., I.G. of Police for their valuable suggestions and contributions which culminated in the publication of this Compendium.

The Compendium would not have taken present shape but for the conscientious efforts of S/Sri (1) C. Subbarami Reddy, (2) N. Ravi Shanker and (3) V. Suri Appa Rao, Joint Directors, Directorate of Prosecutions and the untiring labour put in by S/Sri (1) K. Jaya Rami Reddy, (2) K. Prabhakara Reddy and (3) R. Ramesh Kumar, Ministerial Staff of Directorate of Prosecutions.

I also acknowledge the generous and encouraging hand extended by S/Sri V.P.B. Nair, IPS., Addl. D.G.P. (Organisation), A. Krishna Reddy, Manager, K.V. Anjaneyulu, PC 1072, Printing Press and V. Ramesh, Artist, Suraksha, who helped in bringing out first print of the Compendium at a very short notice.

I sincerely wish that the Compendium will assist as an invaluable guide to all personnel working in the Department of Prosecutions during the discharge of their lawful duties.

HYDERABAD

September, 1993.

INDER JIT NAGIA

Director

Directorate of Prosecutions,  
A.P., Hyderabad.

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## **ORGANISATION**

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## ORGANISATION

Prior to creation of the Directorate of Prosecution in the year 1986 the Prosecuting Officers in Andhra region worked under the supervision of the District Collectors, whereas in Telengana region the Superintendents of Police exercised such supervision. With a view to avoiding a dual system of supervision within the state of A.P. the Government of Andhra Pradesh realised the need to streamline the Prosecuting system and introduced a uniform pattern of working for prosecuting agency in the State under the supervision of Directorate of Prosecutions. This action was taken in consonance to the recommendations of the 11th report of the Law Commission of India headed by late Sri M.C. Setelwad, the National Police Commission and also K. Ramachandra Reddy One-Man Police Commission of the State of Andhra Pradesh. The objective behind establishing a Directorate of Prosecutions was to exercise close supervision and scrutiny of work relating to various prosecuting agencies at Sessions and Assistant Sessions levels except at the High Court level.

The Directorate of Prosecutions in the State of Andhra Pradesh was created vide G.O.Ms.No.323, Home (Courts-C) Department, dated 26-5-1986 wherein all the Prosecuting Officers were brought under the supervisory control of the Director of Prosecutions. This Directorate is headed by a Director assisted by other subordinate rank officials and ministerial staff. The Directorate is authorised to perform duties and exercise powers as given hereunder:-

- i. The Director will be a Legal Advisor to the Director General and Inspector General of Police.
- ii. The Director will also be called upon to tender advice on matters relating to other departments like Excise, Commercial Taxes etc.,

- iii. The Directorate will supervise the work and exercise control over all the Public Prosecutors in the State except the Public Prosecutors in High Court.
- iv. The Directorate will advise the Government, where necessary, with regard to filing of Appeals and Revisions in all criminal cases, and
- v. The Directorate shall have power to scrutinise charge-sheets in cases where it is believed that innocent persons have falsely been implicated and tender advice thereon to the concerned Public Prosecutors.

Heitherto the service conditions of Assistant Public Prosecutors Grade-I and Police Prosecuting Officers were governed by A.P. General Service Rules and Assistant Public Prosecutors Grade-II and Assistant Police Prosecuting Officers by A.P. General Subordinate Service Rules but after the advent of the A.P. State Prosecution Service Rules, 1992, issued in G.O.Ms.No. 188, Home (Courts-C) Department, dated 30-3-1992 they are uniformly governed by this G.O.

The Prosecuting agency shall consist of 7 categories of ranks to ensure close supervision over the functioning of the Prosecutors at District and Regional Levels by creating hierarchy of Prosecuting Officers in the state and to promote cadre, service and regulated promotional avenues. In due course of time the tenure posts of Public Prosecutors and Additional Public Prosecutors (Grade-I and II) serving at Sessions and Assistant Sessions Courts shall have to be converted into regular cadre posts as the candidates grow in their cadre seniority.

**Rank Hierarchy:**

- i) Director of Prosecutions.
- ii) Additional Director of Prosecutions.

- iii) Public Prosecutors/Joint Directors. ✓
- iv) Additional Public Prosecutor Grade-I/  
Deputy Director. ✓
- v) Additional Public Prosecutor Grade-II. ✓
- vi) Senior Assistant Public Prosecutor. ✓
- vii) Assistant Public Prosecutor. ✓

**Director of Prosecutions:**

- (a) He shall be the Head of the State Prosecution Department and act as the Legal Advisor to the Director General and Inspector General of Police and other Government Departments. ✓
- (b) He shall liase with the Office of Public Prosecutor of the High Court and advise the State Government in the matter of preferring appeals against the decisions of the High Court to a larger bench of the High Court or the Supreme Court. ✓
- (c) He shall be the controlling officer for the Department and also exercise all residuary powers of the Department not specified elsewhere. ✓
- (d) He shall be the supervising and inspecting officer for all the offices of the Department and competent to issue administrative insturctions and initiate appropriate administrative action as deem fit for smooth functioning of the Department. ✓

**Additional Director of Prosecutions:**

Additional Director shall;

- (a) oversee the supervision of Prosecution zones in the State; ✓
- (b) be inspecting and supervising officer for Public Prosecutors and Joint Directors of Prosecutions and other subordinate Prosecuting Officers within the State; ✓
- (c) advise the Government in the matter of preferring Appeals and revisions against the decision of Sessions Courts falling within jurisdiction; ✓
- (d) assist the Director in governance of Directorate administration and perform such functions assigned from time to time by the Director.

**Joint Directors:**

Each Joint Director shall;

- (a) act as Legal Advisor to the Deputy Inspector General of Police of jurisdictional limits; ✓
- (b) inspect and supervise offices of Additional Public Prosecutor Grade-I, Deputy Directors of Prosecutions and other subordinate Prosecuting Officers within jurisdiction; ✓
- (c) advise in the matter of preferring appeals and revisions against the decisions of Additional Sessions and Assistant Sessions Courts. ✓

**Deputy Directors:**

Each Deputy Director shall;

- (a) act as Legal Advisors to the Superintendent of Police and other departments of the Districts;
- (b) inspect and supervise offices of Additional Public Prosecutors Grade-II and other subordinate Prosecuting Officers in the District;
- (c) advise in the matter of Revisions and Appeals against the decisions of Magistrate Courts;
- (d) draw and disburse pay & allowances for the Prosecuting and other subordinate ministerial staff of the District.

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## SELECTION RULES

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## APPOINTMENT/SELECTION RULES

In the early years of development of the Indian Police System, Prosecution of cases in Magistrate Courts was handled by select police Officers, trained and employed as Prosecuting Sub-Inspectors or Prosecuting Inspectors. They were part and parcel of the District Police setup. Prosecution of cases in Sessions Courts was handled by a functionary called Public Prosecutor appointed by the Government from the local Bar for a specified term. In due course a cadre of Assistant Public Prosecutors was developed to handle prosecution work before Magistrates. Persons qualified in law and having some experience at the Bar were recruited to this cadre and they functioned under the administrative control of the Superintendent of Police and the District Magistrate in each district. The code of Criminal Procedure, 1973 has brought into effect a new scheme (Section 24 & 25) for the appointment of a Public Prosecutor at the State level for conducting any prosecution, appeal or other proceeding on behalf of the Government before the High Court, a Public Prosecutor and Additional Public Prosecutor at the district level for handling Sessions cases and Assistant Public Prosecutors for conducting prosecution in the courts of Magistrates. All these appointments are to be made by the State Government. The Central Government has concurrent powers for appointing a Public Prosecutor to handle its cases before the High Court. Appointment of an experienced advocate from the Bar as a Special Public Prosecutor for the purposes of any particular case or class of cases by the Central Government or the State Government is also permissible under the Code. With the coming into force of the Code of Criminal Procedure, 1973 a feeling appears to have grown among the Prosecuting staff in States that they form an independent wing of the criminal Justice system and do not come under the administrative purview of the Police setup. This has led to a general weakening of the structure at the district level and lack of

co-ordination between the subordinate prosecuting staff and the subordinate police officers actually concerned with the production of witnesses and marshalling of evidence in courts.

With a view to examining the growing lack of co-operation between the Investigating Officers and the Prosecuting staff frequently resulting in unpreparedness of the prosecuting staff to handle cases in court and the consequent delay in proceedings, the Government of Andhra Pradesh appointed One Man Police Commission, which submitted its report in April, 1984 inter-alia endorsing the recommendations of IV National Police Commission 1990 (Chapter XXIX). After due thoughtful consideration, the Government of Andhra Pradesh in G.O.Ms. No. 323, Home (Courts-C) Department, dated 26th May, 1986 have decided to establish a Directorate of Prosecution to exercise proper supervision and scrutiny of work relating to the various Prosecuting agencies at Sessions and Assistant Sessions levels etc., except at High Court level.

On effective supervision and establishment of the Directorate, Andhra Pradesh Police Academy conducted a detailed study and made certain suggestions. In G.O.Ms. No. 547, dated 1st September, 1990 the Government directed that the establishment of Directorate of Prosecutions shall function under the administrative control of Director General and Inspector General of Police as part of his office establishment.

In G.O.Ms.No. 188, dated 30th March, 1992, Home (Courts-C) Department, the Government of Andhra Pradesh have issued following Special Rules for the Andhra Pradesh State Prosecution Service:-

## R U L E S

### 1. Short title and commencement:-

- (1) These rules may be called the Andhra Pradesh State Prosecution Service Rules, 1992.
- (2) These rules shall come into force with immediate effect.

### 2. Constitution:-

The service shall consist of the following categories of posts in the Andhra Pradesh State Prosecution Service:

- |            |   |  |
|------------|---|--|
| Category-1 | : | Director of Prosecutions   |
| Category-2 | : | Additional Director of Prosecutions.                                   |
| Category-3 | : | Public Prosecutor/Joint Director of Prosecutions.                      |
| Category-4 | : | Additional Public Prosecutor, Grade-I/Deputy Director of Prosecutions. |
| Category-5 | : | Additional Public Prosecutor, Grade-II.                                |
| Category-6 | : | Senior Assistant Public Prosecutor.                                    |
| Category-7 | : | Assistant Public Prosecutor.   |

3. Method of appointment:-

Subject to other provisions in these rules, the method of appointment for the several categories shall be as follows:-

Sl. No.	Category	Method of appointment
(1)	(2)	(3)
1.	Director of Prosecutions	<p>(a) By promotion from the category of Additional Director of Prosecutions - Category 2 with a service of not less than 2 years.</p> <p>(b) If no suitable candidate is available for promotion in the category of Additional Director - by transfer or on deputation from the State Higher Judicial Service</p> <p>OR</p> <p>(c) By transfer or on deputation from the I.P.S. cadre of the Andhra Pradesh an Officer of and above the rank of Deputy Inspector General of Police possessing a Law Degree.</p>

(1)	(2)	(3)
2.	Additional Director of Prosecutions	By promotion from the category of Public Prosecutor/Joint Director of Prosecutions, Category-3 with a service of not less than 2 years or by transfer or on deputation from Andhra Pradesh State higher Judicial Service.
3.	Public Prosecutor/ Joint Director of Prosecutions	By promotion from the category of Additional Public Prosecutor, Grade-I/ Deputy Director of Prosecutions, Category-4 with a service of not less than 2 years or by transfer or on deputation from the State Judicial Service of the cadre of Sub-Judges.
4.	Additional Public Prosecutor, Grade-I /Deputy Director of Prosecutions	By promotion from the category of Additional Public Prosecutor, Grade-II Category-5 with a service of not less than 3 years or by transfer or on deputation from State Judicial Service of the cadre of Munsif Magistracy.
5.	Additional Public Prosecutor, Grade-II	(i) 70% by promotion from the category-6 - Senior Assistant Public Prosecutor with a service of not less than 2 years.  (ii) 30% by direct recruitment.

(1)	(2)	(3)
6	Senior Assistant Public Prosecutor	By promotion from the category-7 Assistant Public Prosecutor with a service of not less than 2 years.
7	Assistant Public Prosecutor.	By direct recruitment.

**N O T E :** (a) 30% of the substantive vacancies in the category of Additional Public Prosecutor, Grade-II (Category-5) shall be filled by direct recruitment.

(b) The remaining vacancies in the category of Additional Public Prosecutor, Grade-II shall be filled by promotion from the category-6. If a suitable or qualified person in the category of Senior Assistant Public Prosecutor is not available, the said vacancies shall also be filled by direct recruitment or by contract.

(c) The State Level Recruitment Board in Police Department shall from time to time hold the examination/selection for the candidates for appointment by direct recruitment.

4. Reservation of appointment:-

(a) The rule relating to the Special representation (general Rule 22) shall apply for appointment by direct recruitment to the various posts covered by these rules. The quota earmarked for Physically Handicapped persons in the said rules

shall, however, be filled in by Orthopaedically Handicapped persons i.e., those whose speech, hearing and sight are not impaired.

- (b) The provisions of sub-rule(2) of General Rule 22-A shall also be applicable to the direct recruitment to the various posts covered by these rules.

5. Qualifications:-

No person shall be eligible for appointment to the categories specified in column(1) of the Table below by the method specified in column(2) unless he possesses the qualifications specified in the corresponding entry in column(3) thereof:-

Category	Method of appointment	Qualifications
(1)	(2)	(3)
5. Additional Public Prosecutor Grade-II	By direct recruitment or by promotion	(i) Must possess a Bachelor's Degree in any subject with a Bachelor's Degree in Law of a University in India established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution recognised by the University Grants Commission or an equivalent qualification.

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(1)

(2)

(3)

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7.

✓ Assistant  
Public  
Prosecutor

By Direct  
recruitment

(ii) Must have practiced as an Advocate for not less than seven years for direct recruitment.

(i) Must possess a Bachelor's Degree in any subject with a Bachelor's Degree in Law of a University in India established or incorporated by or under a Central Act, Provincial Act or a State Act or an institution recognised by the University Grants Commission or an equivalent qualification

and

(ii) Must have practised as an Advocate and must have not less than 3 years active practice in Criminal Courts in the State.

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6. A g e :-

No person shall be eligible for appointment by direct recruitment to the post of Assistant Public Prosecutor if he has completed 30 years of age and to the post of Additional Public Prosecutor, Grade-II if he has completed 35 years of age on the 1st day of July of the year in which the notification for recruitment is made.

7. Probation:- (2 years)

Every person appointed by direct recruitment shall be on probation for a total period of two years on duty within a continuous period of three years, and every person appointed by promotion shall be on probation for a total period of one year on duty within a continuous period of two years from the date on which one commences his probation.

8. Training:-

- (a) The approved candidates shall undergo, before promotion to any category, training as per such programme and syllabus as may be prescribed by the Director of Prosecutions with the approval of Government from time to time.
- (b) Every person appointed by direct recruitment shall undergo, immediately after appointment a course of training for such period and as per such programme and syllabus as may be prescribed by the Director of Prosecutions with the approval of the Government.
- (c) Every person appointed by direct recruitment as Assistant Public Prosecutor or Additional Public Prosecutor, Grade-II, shall before the commencement of training, execute an agreement bond that he shall

serve the Department for a period of not less than three years after the completion of training referred to in sub-rule (b).

He will be liable to refund to the Government the pay and allowances and any other remuneration received by him in addition to the amount spent by the Government on his training:-

(i) If he fails to serve the Department for a period of 3 years after the completion of his training for any reason; or

(ii) if he discontinues the training or is discharged from training course for misconduct or any other reasons; or

(iii) if he secures any other employment elsewhere than under the State Government the instructions issued in G.O.Ms. No. 268, Finance & Planning (F.R-I) Department, dated the 8th September, 1980, may be followed.

(d) The period of training shall count for purposes of probation, increment, leave and pension.

(e) A direct recruit shall be eligible during the period of training, for the initial pay of the post with usual allowances admissible at the place of training.

9.

Tests:-

(a) Every person appointed by direct recruitment shall pass the Accounts Test for Executive Officers within the period of probation.

- (b) No person shall be eligible for promotion unless he has passed the Account Test for Executive Officers before such promotion. *Imp*

10. Unit of appointment:-

For purposes of recruitment, appointment, discharge for want of vacancy, reappointed seniority, promotion, transfer and posting and appointment as full member to the post specified in column (2) of the table below the Unit of appointment shall be as specified in column (3) thereof:-

Category	Post	Unit of appointment ZONE
(1)	(2)	(3)
6.	Senior Assistant Public Prosecutors	ZONE: I Comprising Srikakulam, Vizianagaram and Visakhapatnam Districts.
7.	Assistant Public Prosecutors.	ZONE: II Comprising East Godavari, West Godavari and. Krishna Districts.  ZONE: III Comprising Guntur, Prakasam and Nellore Districts.  ZONE: IV Comprising Chittoor, Cuddapah, Anantapur and Kurnool Districts.  ZONE: V Comprising Adilabad, Karimnagar, Warangal and Khammam Districts.

ZONE: VI  
Comprising Hyderabad,  
Nizamabad, Mahaboobnagar,  
Medak, Nalgonda and  
Rangareddy Districts.

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11. Transitional Provisions:

- (1) Till such time a member of the service eligible for promotion to categories 3 to 5 is available, the post of Public Prosecutor or Additional Public Prosecutor, Grade-I, Additional Public Prosecutor, Grade-II may be filled on contract for not more than 3 years and on such terms and conditions as the State Government may prescribe in this behalf by persons who have been in practice as an Advocate for not less than seven years from a panel suggested by the Director of Prosecutions.
- (2) Notwithstanding sub-rule (1), till such time a person eligible for promotion to category-4 is available the post of Deputy Director of Prosecutions may be filled by appointment on deputation of a person working as a District Munsif for a period of not less than five years from a panel of names suggested by the High Court.

- (3) Notwithstanding sub-rule (1) till such time a person eligible for promotion to the post of Joint Director of Prosecutions (category-3) is available it may be filled by appointment on deputation of a person working as Sub-ordinate Judge for not less than five years from a panel suggested by the High Court.
- (4) Till such time a person eligible for promotion to category 2 is available, the post of an Additional Director of Prosecutions may be filled by appointment on deputation of a person working as District and Sessions Judge, Grade-II, from a panel suggested by the High Court.



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**PUBLIC PROSECUTORS**

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## PUBLIC PROSECUTORS

Public Prosecutor shall:

- (a) conduct prosecutions in all the trial matters before the District and Sessions Court to which he is appointed/posted. ✓
- (b) ensure that the witnesses are presented before the court as per the schedule of the cases;  
(DOP Memo. No. 122/A2/93, dated 19-3-1993). ✓
- (c) take interest in preparing the arguments of cases by projecting the prosecution case before the court and cite latest case laws relevant to the facts for successful prosecution; ✓
- (d) bring to the notice of the Superintendent of Police/other department senior officials where the witnesses are not produced or do not attend the court inspite of the service of summons; ✓
- (e) ensure that the summons to official witnesses and Investigating officers are obtained in-time from the court and executed to avoid undue delay and obstructions to the smooth conduct of prosecution by seeking any adjournments;  
(D.G. & I.G.P. Circular Memo. No. 855/A2/DOP/91, dated 27-8-1991). ✓
- (f) obtain all copies of documents that are filed in court for reference during the trials; ✓

- ✓ (g) receive notices of Appeals and Bails and in turn intimate the same to the concerned S.H.O. in writing and obtain C.D. files to get necessary instructions to oppose the bail applications and also to argue the Appeals filed against the convictions from the lower Courts.
- (h) soon after the receipt of judgement copy under Rule 100 (1) ix of Criminal Rules of Practice and where there are Acquittals and inadequate sentences passed and where there exist good grounds for Appeals and Revisions, he shall advise the Superintendent of Police or the concerned Government department to do so, by furnishing details and reasons specifically.  
(D.O.P. Memo. No. 242/B2/89, dated 28-7-1989).
- ✓ (i) submit monthly statements in the prescribed proformae (Appendix..... 40) together with Court Attendance Certificate to the Drawing Officer by 10th of the succeeding month in triplicate and also the Annual work statement.  
(D.O.P. Memo. No. 1323/A2/DOP/91, dated 5-12-1991).
- (j) attend the review meetings of the Director/Joint Director or any other officer of the Directorate on intimation from time to time, along with required notes/material etc.;
- ✓ (k) attend the meeting of the D.I.G./Superintendent of Police without adversely affecting the court work on court working days. Such meetings should preferably be held on Saturdays and Sundays.  
(D.G. & I.G.P. Circular Memo. No. 855/A2/91, dated 27-8-1991).

**ADDITIONAL PUBLIC PROSECUTOR GRADE I &  
ADDITIONAL PUBLIC PROSECUTOR GRADE II**

Each Additional Public Prosecutor Grade-I and II shall;

- (a) conduct prosecution in all the trial matters before the Additional District & Sessions Court and Assistant Sessions Court respectively to which he is appointed/posted;
- (b) ensure that the witnesses are presented before the court as per the schedule of the cases;  
(D.O.P. Memo. No. 122/A2/93, dated 19-3-1993). \*
- (c) take interest in preparing the arguments of cases by projecting the prosecution case before the court and citing latest case laws relevant to the facts for successful prosecution;
- (d) bring to the notice of the Superintendent of Police/other department senior officials where the witnesses are not produced or do not attend the court inspite of the service of summons;
- (e) ensure that the summons to official witnesses and Investigating Officers are obtained in-time from the court and executed to avoid undue delay and obstructions to the smooth conduct of prosecutions.  
(D.G. & I.G.P. Circular Memo. No. 855/A2/DOP/91, dated 27-8-1991).

- (f) obtain all copies of documents that are filed in court for reference during the trials;
- (g) receive notices of Appeals and Bails and in turn intimate the same to the concerned S.H.O. and obtain C.D. files, to get necessary instructions to oppose the Bail applications; and also to argue the Appeals filed against the convictions from the lower courts;
- (h) soon after the receipt of judgment copy under Rule 100 (1) ix of Criminal Rules of Practice and where there are acquittals and inadequate sentences passed; and where there exist, good grounds for Appeals and Revisions, he shall advise the Superintendent of Police or the concerned Government department to do so, by furnishing details and reasons specifically;  
(D.O.P. Memo. No. 242/B2/89, dated 28-7-1989).
- (i) submit monthly statements in the prescribed proformae (Appendix..... 40 ) together with Court Attendance Certificate to the Drawing Officer by 10th of the succeeding month in triplicate and also the Annual work statement.  
(D.O.P. Memo. No. 1323/A2/DOP/91, dated 5-12-1991).
- (j) attend the review meetings of the Director/Joint Director or any other officer of the Directorate on intimation from time to time, along with required notes/materials etc.;
- (k) attend the meeting of the D.I.G./Superintendent of Police without adversely affecting the court work on court working days. Such meetings should preferably be held on Saturdays and Sundays (DG & IGP Circular Memo. No. 855/A2/91, dt. 27-8-1991).

**SENIOR ASST. PUBLIC PROSECUTOR &  
ASSISTANT PUBLIC PROSECUTOR**

Each Prosecuting Officer shall:-

- (a) conduct the Prosecution in the cases filed not only by the Police Department but also in cases from other Government departments like Excise, Commercial Taxes, Forest, Drug Inspectors, Food Inspectors etc.
- (b) give his opinion or advice whenever approached by the Police or other department officials in a matter pending before the court or during the stage of investigation;
- (c) conduct prosecutions before the Assistant Collectors (under training) whenever they are functioning as Magistrates in all important cases under IPC and assist them in understanding the court work and disposing of Criminal cases in a proper and fair manner according to law.  
(vide Proceedings of D.O.P. No. 17/DOP/90, dated 20-2-1990).
- (d) give draft charge sheet whenever approached by concerned official and ensure that the charge sheet is given with legally applicable sections of law after satisfying himself that the material available on record is sufficient to lay charge sheet against the accused or advice whether if some more information or further probe/investigation in the case under scrutiny, if considered necessary;

- (e) be responsible and vigilant in giving legal advice/opinion/draft charge sheet so as to avoid future complaints of negligence and irresponsible attitude;
- (f) conduct the prosecution of cases entrusted and take every possible legal action for successful prosecution of cases in public interest;
- (g) oppose the bail applications after obtaining necessary instructions from the concerned Department Officials;
- (h) ensure that the witnesses attend the court as per schedule and NBWs are executed well in time by giving suitable instructions to the concerned SHO in writing. In case any SHO is not responding to the instructions, the subject be informed to the Superintendent of Police/SDPO/department head under intimation to the Directorate;
- (i) write to the Superintendent of Police/S.D.P.O/other department concerned and to this Directorate in case there is no proper attendance of court by the concerned official and lack of interest shown in production of witnesses before the trial court;
- (j) discuss the priority of old cases pending prosecution in consultation with SHO/officials concerned and get the cases expedited in the court;
- (k) maintain cordial relationship with the court, police, departmental official and other Members of the Bar;
- (l) act in a fair and impartial manner in discharge of duties towards court, Police and other departments;

- (m) assist the court with his fairly considered view as the court is entitled to have the benefit of prosecuting officers specialised expositions; ✓
- (n) take all necessary legal steps to ensure that the court does not close the cases on account of non-production of witnesses; ✓
- (o) consult the senior prosecuting officer and seek advice on cases involving legal complications/expertise; ✓
- (p) submit the monthly/Annual statements in the prescribed proforma in triplicate (Appendix..... 40) to this Directorate through Senior A.P.P. of the District. Monthly statements will reach the Directorate by 10th of succeeding month; (D.O.P. Memo. No. 1323/A2/DOP/91, dated 5-12-1991). ✓
- (q) attend the meetings held by the Director, Joint Director and any other officer of this Directorate fully prepared for a review of Court work and furnish all information regarding cases pending prosecution in the court; ✓
- (r) attend the review/crime meetings held by the Deputy Inspector General of Police and Superintendent of Police whenever communication is received and furnish the required information and also appraise the problems faced in the conduct of prosecution or procurement of witnesses to the court; ✓
- (s) render legal advice to the I.O. on request and assist in guiding the proper legal course of action on the case referred; and after scrutinising the available evidence opine whether to proceed with prosecution in court of law. ✓

- (t) render timely advice to the Superintendent of Police or any other department officials after perusing the certified copy of judgments (\*) whether there is a fit case to prefer an appeal, while furnishing detailed reasons recorded against acquittal or insufficiency of sentence.  
(D.O.P. Circular Memo. No. 145/A2/91, dated 6-9-1991).

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- (\*) The High Court in the Circular R.C. No. 813/SO/91, dated 31-7-1991 ordered that the copies of Judgments of Magistrates of Ist Class and IInd Class in the Criminal cases filed by the police be supplied free of cost to the Superintendent of Police in conviction and acquittal cases within 2 weeks and that such copies shall bear the court seal and date of delivery and shall be treated as certified copies.
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**FEE/REMUNERATION:**

In G.O. Ms. No. 162, Law Department, dated 4-7-1988 and G.O. Ms. No. 57, Law Department, dated 16-3-1990, the Government of Andhra Pradesh has prescribed the following Fee/Remuneration to the Tenure Prosecuting Officers:-

- a) The Public Prosecutors in District Courts shall be paid a consolidated remuneration of Rs. 4000/- p.m.
- b) The Additional Public Prosecutors in the Additional District and Sessions Courts shall be paid a consolidated remuneration of Rs. 3500/- p.m.
- c) The Additional Public Prosecutors in Assistant Sessions Courts shall be paid a consolidated remuneration of Rs. 2000/- p.m.

The Tenure Prosecuting Officers are eligible to draw their fee/remuneration only on production of Attendance Certificate from the Court concerned together with the monthly work done statements.

The payment of fee should be made in proportion to the number of days on duty period for the month. (D.O.P. Memo. No. 127/A2/89, dated 3-3-1990). ✓

The Tenure Prosecuting Officers are entitled to fee during vacations. (D.O.P. Memo. No. 264/A2/89, dated 8-3-1990). ✓

There should be no deduction of fee amount on court holidays or when the Presiding Officer of the court is on leave or on other duty. Deduction shall only be made when Public Prosecutors abstain the court on their own accord. (D.O.P. Memo. No. 127/A2/89, dated 28-3-1990). ✓

If there are any Tenure Prosecuting Officers, continued or appointed without the Orders of the Government such of the interim arrangements shall require the ratification of the Government and the fee is payable only after such ratification. (Memo. No. 7724/L5/91, Law Department, dated 12-11-1991, Endorsement No. 372/A2/DOP/91, dated 12-11-1991). However, no remuneration will be paid to Tenure Officers in case they are entrusted with cases of other courts. (Memo. No. 6083/L5/90, Law Department, dated 11-6-1990, Endorsement No. 197/A2/88, dated 14-6-1990).

When Tenure Prosecuting Officers are kept incharge of Higher Courts, they are entitled the fee rate applicable to the Higher Court only after the ratification is issued by the Government. (G.O. Ms. No. 154, Law Department, dated 17-8-1990 in D.O.P. Endt. No. 1040/A2/90, dated 10-9-1990).

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**DIRECTORATE STAFF**

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## DIRECTORATE STAFF

The ministerial staff at the Directorate Head Quarter has been provided with two branches headed by Superintendents and assisted by sub-ordinate ministerial personnel

"A" Branch deals with the following subject:-

### A-1:

- (a) Preparation of Pay Bills and other bills of the Office.
- (b) Sanction of Annual Grade Increments.
- (c) Preparation of Budget.
- (d) Budget distribution and appropriation.
- (e) Reconciliation with P.A.O. & A.G. of the entire Prosecution Department.
- (f) Verification of T.A. Bills of Senior Assistant Public Prosecutors and counter signature.
- (g) Processing of Pension Cases.

A- BRANCH

- (h) Sanction of GPF, GIS & FBF to all Prosecuting Officers.
- (i) Sanction of HBA, Marriage & Motor-Cycle Loans and Advances.
- (j) Inspection of Sub-ordinate Offices.

A-2:

- (a) Appointments and Transfer of D.O.P. establishment.
- (b) Matters relating to D.O.P. administration.
- (c) Maintenance of Service Registers of D.O.P. establishment.
- (d) Inspection of Sub-ordinate Offices followup action.
- (e) Matters relating to Public Prosecutors (Tenure).
- (f) Placing of Annual Indent for Forms & Registers to entire Prosecuting Offices.
- (g) Sanctions relating to Library and Furniture to Prosecutors.

"B" Branch Deals with the following subject:-

B-1:

- (a) Service matters relating to cadre Prosecutors viz. Regularisation, Seniority etc.,
- (b) Promotion matters of A.P.Ps.
- (c) Disciplinary matters & Service Rules.
- (d) Special Grades.
- (e) Maintenance of Service Registers of Senior Assistant Public Prosecutors.
- (f) Pay fixations.

B- BRANCH

B-2:

- (a) Appointments of A.P.Ps.
- (b) Further continuation of temporary A.P.Ps.
- (c) Maintenance of Cadre Prosecutor list and supporting staff.
- (d) Sanction of Leave, Annual Grade Increments, Surrender leave & Leave Travel Concession.

(e) Transfer matters of  
A.P.Ps.

(f) Matters relating to  
movable and immovable  
properties statement  
and allied matters.

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**ENQUIRIES**

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## ENQUIRIES

### Discreet Enquiries:

Every complaint from whatever source received should be entered in a Petition Register wherein its disposal will be noted.

Every complaint or information should be examined to determine whether it requires action by way of verifying/checking the allegations or it has to be referred to the Anti-Corruption Bureau authorities for disposal or should be filed. The Joint Directors/Deputy Director should apply their mind to decide immediately whether the complaints or source informations require quick verification through discreet enquiries to find out the truth or otherwise of the allegations for taking further action in the matter.

In cases where verification through discreet enquiry is required to be made, the enquiry Officers should take precautions to maintain secrecy. They should not record the statements of persons whom they contact for the purpose of verification. For examining the departmental records, it is advisable to consult the records informally by contacting the Head of the Department/Office concerned. Written requisitions for the purpose should be avoided. The Departmental authority should be cautioned that the verification is strictly confidential and may not result in an open enquiry. As far as possible the name of the Officer against whom the enquiry is being made should not be divulged to others.

Discreet enquiries should be completed within two months of the receipt of information/complaint/petition.

Where the allegations in the complaint or information are found to be true, clear and specific, on verification, a regular enquiry can be taken up for further course of action.

*Imp.* | Generally no action is to be taken on anonymous and pseudonymous complaints. If the allegations are specific and verifiable and are of the type which are fit to be taken up for regular enquiry, a discreet enquiry may be made to the limited extent of finding out whether there is some truth in the allegations.

The Joint Directors/Deputy Director should forward promptly the discreet enquiry reports after verification of complaints or source informations. While forwarding such reports, they should send their specific suggestions about the further action to be taken.

#### Regular Enquiries:

Regular enquiries will be taken up on the orders of the Director of Prosecution, on the petitions or information received which require detailed and open enquiries. The Director orders a regular enquiry on the basis of a discreet enquiry report.

As soon as orders for conducting regular enquiry are received, the enquiry Officer will draw up a list of allegations to be enquired into, the names of witnesses to be contacted and the documents required to be perused or to be taken possession of.

During the regular enquiry, statements of witnesses concerned should be recorded, preferably in their own hand-writing, and language and got signed by them. If a witness is illiterate, the statement should be got recorded by enquiry Officer. Complete permanent address of the witness should be mentioned.

Documents concerning the enquiry should be requisitioned under the signature of the Joint Director/Deputy Director and taken possession of under acknowledgement. Where records are required to be obtained from the Government, the enquiry Officer should submit a report to the Director of Prosecution who would address the Government in the matter.

The regular enquiry should normally be completed within 4 months. If a regular enquiry is pending for more than 4 months, the reasons for the delay should be looked into by the reviewing officers so that the causes for the delay are eliminated and enquiry completed expeditiously. | Imp.

If during the course of a regular enquiry it is found that there is prima facie material pertaining to a criminal offence and also other allegations, those other allegations should be dealt with as in other Regular enquiries and a report of the Regular enquiry be submitted to file the criminal case on merits.

During the course of a regular enquiry, if the evidence collected till then indicates, prima facie, that a case could be made out under the Prevention of Corruption Act, the enquiry Officer should at once report the matter to the Director of Prosecution, who will examine material and decide whether to address the Anti-Corruption Bureau for further action.

During the regular enquiry, the delinquent Officer should be given an opportunity to explain the circumstances of the case against him. To enable the delinquent Officer to give his version regarding the allegation or allegations, such records as may be required by him should be allowed to be perused by him in the presence of the enquiry Officer. Such secret or confidential reports which have no direct bearing on the enquiry need not be shown to him. Whatever the delinquent Officer says either orally or through a written statement should be taken note of and gone into, allegation-wise. If necessary, further enquiries may be made regarding his version, before the report is finalised. This fact should clearly be mentioned in the final report.

The delinquent Officer should be contacted personally. In the case of Gazetted Officers, the contact should be by a Gazetted Officer of equivalent or preferably higher rank.

Every regular enquiry report should be drafted by the officer conducting the enquiry and attested by him. All enquiry reports should be scrutinised and finalised by the Joint Director/Deputy Director who will submit those reports under his signature.

In the case of regular enquiries taken up on the basis of petitions, the original petitions should be enclosed to the enquiry reports submitted by the Joint Director/Deputy Director to the Director of Prosecutions.

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**DEPARTMENTAL ACTION**

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## C.C.A. RULES

Directorate of Prosecutions shall have application of the Andhra Pradesh, Civil Services (Classification, Control and Appeal) Rules, 1991. These Rules shall apply to every Government servant except:-

### APPLICATION

- a) persons in casual employment;
- b) persons subject to discharge from service on less than one month's notice;
- c) persons for whom special provision is made, in respect of matters covered by these Rules, by or under any law for the time being in force or in any rule or by or under any contract or agreement entered into by or with the previous approval of the Government before or after the commencement of these Rules, in regard to matters covered by such provisions;
- d) members of the All India Services.

(G.O. Ms. No. 487, G.A.  
(Ser.C) Department, dated  
14-5-1992).

## CLASSIFICATION

1. The Civil Services of the State, the members of which are subject to these rules, shall be classified as follows:-
  - a) the state service; and
  - b) the subordinate service.
2. A member of the Civil Service of the State and every person holding a civil post under the state whose services placed at the disposal of any Company, Corporation, Organisation or Local Authority by the Government or by any competent authority shall for the purpose of these rules, be deemed to be member of such Civil Service or be deemed to hold such civil post, notwithstanding that his salary is drawn from a source other than the Consolidated Fund of the State.

## PENALTIES

As regards imposition of Penalties and disciplinary actions are concerned, Directorate shall be governed by A.P.C.S (CC & A) Rules. Rule 9 of the A.P.C.S (CC & A) Rules specifies different type of penalties. Following penalties may, for good and sufficient reasons and hereinafter provided, be imposed on a Government servant, namely:-

#### MINOR PENALTIES:

- (i) CENSURE.
- (ii) WITHHOLDING OF PROMOTION.
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the State Government or the Central Government or to a local authority or a corporation owned or controlled by State or the Central Government, by negligence or breach of orders, while working in any department of the State or the Central Government, local authority or corporation concerned;
- (iv) with holding of increment of pay;
- (v) suspension, where a person has already been suspended under rule 8 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 or sub-ordinate;

- (vii) Compulsory retirement;
- (viii) removal from service which shall not be dis-qualification for future employment under the Government;
- (xi) dismissal from service which shall ordinarily be a dis-qualification for future employment under the 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 forbearing 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 Government 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 Government servant from a department in which he is on deputation to his parent department 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 Government servant, whose services had been borrowed from the Government of another State or the Central Government or an authority under the control of the Government of another State or Central Government had been borrowed;

- (iv) stoppage or postponement of increment of a Government servant on account of extension of probation under rule 26 in Part-II of the Andhra Pradesh State and Sub-Ordinate Service Rules; ✓
- (v) reversion of Government 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 his appointment or the rules and orders governing such probation;
- (vi) reversion of a Government servant officiating in a higher service, grade or post to a lower service, grade or post or on any administrative ground unconnected with his conduct;
- (vii) withholding of increments of pay of a Government 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 the appointment;

(viii) termination of the services of a Government 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 a Government servant engaged under contract, in accordance with the terms of contract;

(x) discharge of a Government 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 Government servant in accordance with the provisions relating to his superannuation or retirement under sub-rules (2) and (2A) of rule 3 of the Andhra Pradesh Liberalised Pension Rules, 1961 or under rules 292, 293 and 293A of the Hyderabad Civil Services Rules or under the Andhra Pradesh Government Servant's Premature Retirement Rules, 1975 or under Article 465(2) or

under Note 1 to Article 465A of the Civil Services Regulations or in the case of members of the Civil Service of the erstwhile Hyderabad Government, compulsory retirement before completion of 30 years or 25 years of qualifying service according as the members of the service is governed by the Revised Pension Rules, 1951 or by the rules in force before that date, as the case may be or the corresponding provisions thereof.

#### **SUSPENSION**

Without prejudice to the foregoing provisions;

- (i) every head of Department may impose on a member of the State Services under his control, the penalty specified in clause (iii) of rule 9, except in the case of such member holding a post immediately below his rank;
- (ii) every Head of Department declared to be the appointing authority may impose on a member of the State service holding an initial Gazetted post under his control, any of the penalties specified in clauses (i) to (vii) of rule 9.

Prescribed proformae issued in G.O.Ms.No.411, GA(Ser.C) dept., dt.28-7-93 Appendix-42.

## PROCEDURE FOR IMPOSING PENALTIES

Rule 20 (1) No order imposing any of the penalties specified in clauses (vi) to (ix) of rule 9 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 21 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.

### **MAJOR PENALTY**

- (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 Government 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 Government servant under this rule 21, 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 Government 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 Government 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 article of charges is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.
- (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 Government 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 21.

(b) If no written statement of defence is submitted by the Government 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 Government 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. Presenting Officer should be senior to the charged officer and occupying a higher rank than the charged officer in the hierarchy.

(Memo. No. 22/Ser.C/93-3, dated 1-5-1993, General Administration (Service-C) Department).

(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
- (ii) a copy of the written statement of defence, if any, submitted by the Government servant;
- (iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3),

(iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and

(v) a copy of the order appointing the "Presenting Officer".

(7) The Government 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 Government servant may take the assistance of any other Government 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 Government servant may take the assistance of any other Government 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 Government servant shall not take the assistance of any other Government servant who has pending two disciplinary cases on hand in which he has to give assistance.

NOTE 2:    The Government servant shall not take the assistance of any other Government servant who is dealing in his official capacity with the case of inquiry relating to the Government servant charged.

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

(9)    If the Government 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 Government servant thereon.

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

(11)   The inquiring authority shall, if the Government 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 prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty

days, after recording an order that the Government servant may, for the purpose 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 (3);
- (ii) Submit a list of witnesses to be examined on his behalf.

**NOTE:** If the Government 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 Government but not mentioned in the list referred to in sub-rule (3).

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

(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 requisitioning 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 or 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 Government 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 Government 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 Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government 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 Government servant ; an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government 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 or 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 lacunae or defect in the evidence which has been produced originally.

authority is closed, the Government 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 Government servant shall be required to sign the record of the statement of defence. Presenting Officer, if any,

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

(18) The inquiring authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.

g authority may, after the  
tion of evidence, hear the  
any appointed, and the  
ermit them to file written  
cases, if they so desire.

Government 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

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clause (i) to (v) of rule 9 and in rule 10 but not competent to impose any of the penalties specified in clauses (vi) to (ix) of rule 9, has itself inquired into or causes 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 9 should be imposed on the Government 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 Government 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 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 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 Government 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 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 Government 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 Government 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 Government servant 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.

**Action on the inquiry report:**

**RULE 21**

- (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 20 as far as may be.

(2) the disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article 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 clauses (i) to (v) of rule 9 and in rule 10 should be imposed on the Government servant, it shall, notwithstanding anything contained in rule 22, make an order imposing such penalty.

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

(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 9 should be imposed on the Government servant, it shall make an order after furnishing a copy of the report of the inquiring authority to the Government 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 Government servant any opportunity of making representation on the penalty proposed to be imposed:

Provided that in every case where it is necessary to consult the Commission the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the Government servant.

**Procedure for imposing minor penalties:**

**RULE 22**

**MINOR PENALTY**

- (1) Subject to the provisions of sub-rule (3) of rule 21, no order imposing on a Govt. Servant any of the penalties specified in clauses (i) to (v) of rule 9 and in rule 10 shall be made except after:-

- (a) informing the Government 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 20, 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 Government 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
- (e) consulting the Commission where such consultation is necessary.

- (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 Government servant under clause (a) of that sub-rule, to withholding increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or 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-rules (3) to (23) of rule 20, before making any order imposing on the Government servant any such penalty.
- (3) The record of the proceedings in such cases shall include:-
- (i) a copy of the intimation to the Government servant 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 advice of the Commissioner, if any;
- (vi) the findings on each imputation of misconduct or misbehaviour; and
- (vii) the orders on the case together with the reasons therefor.

#### Communication of orders:

##### RULE 23

Orders made by the disciplinary authority shall be communicated to the Government 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 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) and also a copy of the advice, if any, given by the Commission and, where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

## Common Proceedings:

### RULE 24

- (1) Where two or more Government servants of the same service or different services are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all such Government servants may take 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 Government 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 9 and rule 10 which such disciplinary authority shall be competent to impose;
- (iii) whether the procedure laid down in rule 20 and rule 21 or rule 22 shall be followed in the proceeding.

**Special procedure in certain cases:**

**RULE 25**

Notwithstanding anything contained in rule 20 to rule 24 -

- (i) where any penalty is imposed on a Government 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 Government 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  
Government 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 (i);

Provided further that the  
Commission shall be  
consulted where such  
consultation is necessary,  
before any orders are made  
in any case under this  
rule.

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**CONDUCT RULES**

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## CONDUCT RULES

1. All Prosecuting Officers shall primarily be governed by the Andhra Pradesh Civil Service (Conduct) Rules, 1964. However, some of the important rules do's&dont's are enumerated here for the guidance of the Directorate personnel.

2. These rules prescribe how Government servants should conduct themselves while discharging the duties in their respective posts.

3. While discharging the official duties, they must act in their best judgment while exercising the statutory powers conferred on them, except when he is acting under the direction of his official superior. In such a case, it is better the employee should get a written direction from his official superior. No Government employee shall behave in a manner which is derogatory to the prestige of the Government and act in a manner which will place his official position under any kind of embarrassment.

4. Every Government servant should be devoted to duty and maintain absolute integrity, discipline and impartiality.

5. There are certain activities which a Government servant shall not do:-

- (i) He shall not participate in a strike or similar activity or incitement thereto;
- (ii) He shall not participate in any demonstration which is against the interest of public or undertake fast or "hunger strike" with the object of coercing the Government.

- (iii) He shall not act against the interest of the Sovereignty and integrity of the Indian Republic.
- (iv) He shall not accept any costly gifts, the receipt of which or any service, the performance of which, will place embarrassment in relation to any person.
- (v) He shall not without prior Government sanction collect or participate in the raising of any subscriptions or other pecuniary assistance for any object whatsoever.
- (vi) He shall not dispose of or acquire any immovable property by exchange, purchase, sale except with the prior permission of the Government.
- (vii) He must obtain the sanction of the Government in purchase of any movable property exceeding Rs. 10,000/- in value if the transaction is made otherwise than through a regular or reputed dealer.
- (viii) On first appointment to Government service every employee (except a last grade Government servant) should submit a statement in prescribed proforma of all immovable property and movable property the value of which exceeds Rs. 10,000/-. Thereafter, he should submit before 15th January of every year a declaration in the form given in the Rules of all immovable property owned, acquired inherited or held on lease/mortgage either in his name or in the name of any other person.
- (D.O.P. Memo. No. 1789/B2/92, dated 30-12-1992).

- (ix) He shall not engage in any transaction which is of a speculative character relating to purchase or sale of immovable or movable property.
- (x) He shall not engage directly or indirectly in any trade or business except in the course of his official duties.
- (xi) He shall not without the previous sanction of Government undertake any employment or work other than that connected with his official duties. ✓
- (xii) He shall not associate himself with any political party. ✓

6. There are certain things which he can accept without reference to Government, they are:

- (i) Acceptance of remuneration offered by the U.P.S.C. or A.P.P.S.C. for examinership.
- (ii) Radio broadcast of literacy, artistic or scientific nature etc.
- (iii) He can give evidence in connection with any enquiry conducted by any statutory commission or other authority.

7. A Government servant shall inform his immediate official superior if a member of State or Subordinate Service who is his near relative is to work under him. The Government servant shall also not take dowry, and also shall not bring in any extraneous influence upon the authorities for furtherance of his interests. He shall not contract any bigamous marriage.

(D.O.P. Memo. No. 611/B2/91, dated 6-6-1992 and 520/B2/93, dated 4-6-1993).

Those are thought exhaustive in essence the important do's and dont's which a Government employee shall bear in mind while in service.



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**LEAVE RULES**

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## LEAVE

### Application for Leave

The application for grant of leave should specify the period of leave, leave address (prescribed proforma vide Annexure II section II of F.R. - Vide Appendix.... 41 ). If the leave is on Medical Certificate, the Medical Certificate should be issued by the Government Doctor not below the rank of Civil Assistant Surgeon.

The A.P. Leave Rules, 1933 have been simplified in G.O.Ms. No. 384, Finance & Planning (F.W. F.R.I.) Department, dated 25-11-1971.

### Casual Leave

No Government servant may in any case be absent on casual leave for more than 15 days in the course of one Calendar year. Casual leave may be combined with Optional Holidays or Sundays or other authorised holidays provided that the resulting period of absence from duty does not exceed 10 (Ten days). The fact that a maximum has been, fixed for the amount of casual leave which may be taken within a year does not mean that an Officer is entitled to take the full amount of Casual Leave as a matter of course.

✓ A Government servant may be granted Casual Leave for half a day either from 10.30 a.m. to 1.30 P.m. or from 2.00 p.m. to 5.00 p.m. ✓

A register of Casual Leave taken should be maintained in every office (Proforma vide Appendix..... 2 ).

The Casual Leave application shall be sent well in advance (except any exigencies) to the sanctioning authority marking copies to the Presiding Officer of the Court to which they are attached and alternate arrangements be made to the extent possible for another Prosecutor working in the same head-quarters so as to attend to the duties in absence.

Whenever any one proceeds on leave he/she shall intimate by earliest mode of communication the court concerned about leave so that the court does not have to wait for presence on that day and also to avoid any inconvenience/dislocation of court work.

The Prosecuting Officers should not exhaust all the Casual Leave early during the Calendar year but to avail throughout the span of one year. While applying for leave none shall use Service Postage stamps as they are private correspondence.

The Prosecuting Officers shall not leave their Head-quarters during Sundays and other holidays so that urgent consultation, if any, required by police or other Departments are not put to inconvenience.

D.O.P. Memo. No. 57/DOP/91, dated 28-8-1991 and Circular Memo. No. 1048/B1/92, dated 6-4-1993).

### **Earned Leave**

The sanction of Earned Leave etc. are governed by Chapter-x - Part-IV of Fundamental Rules and Andhra Pradesh Leave Rules, 1933.

Every Prosecutor shall submit his leave application in the prescribed proforma as per Annexure-II - Part-I-Section II of A.P. Fundamental Rules in complete shape, well in advance (one month).

(D.O.P. Memo. No. 34/B2/92, dated 3-1-1992).

The Head of the office (Drawing Officer) while recommending for such leave shall furnish the leave at credit of the applicant besides indicating the incharge arrangements so as to avoid any inconvenience and dislocation of court work. Earned Leave should be availed only after it is sanctioned.

Short spells of Earned Leave will not be sanctioned and availment without sanction entitles disciplinary action.

The account of leave of each regular Government employee shall be credited with 30 days earned leave in two instalments i.e., 15 days on the first January and July every year subject to accumulation of 240 days (maximum) whereas the account of leave of each temporary employee shall be credited with 16 days Earned Leave in two instalments, i.e 8 days on the first January and July every year subject to accumulation of 30 days (maximum).

The maximum Earned Leave that can be granted at one time is 120 days to a regular and 30 days to a temporary employee.

If an employee avails any extraordinary leave (loss of pay) during a block (half year), one tenth of the period of extraordinary leave subject to a maximum of 15 days will have to be deducted from the Earned Leave account in the next block.

#### **Half Pay Leave**

Leave on Half Pay is admissible at the rate of 20 days for each completed year of service in respect of all regular employees in superior service as well as last grade service.

No Half Pay Leave is admissible to employees appointed under emergency provisions.

Half Pay Leave is calculated from the date of first appointment (from the date of regularisation).

It can be calculated for the periods spent on duty as well as on leave including extraordinary leave.

There is no maximum limit prescribed either for accumulation or for availment at a time.

A permanent employee can avail Half Pay Leave without any restriction whereas a non-permanent employee can be allowed to avail only after 2 years of service.

### Medical Leave

In case of leave on Medical grounds, the certificate issued by the Government Doctor shall invariably be submitted along with application and also fitness certificate while resuming duty.

No Service Postage Stamps shall be used for sending leave application as they are private.

D.O.P. Memo. No. 34/B2/92, dated 3-1-1992.

D.O.P. Memo. No. 1238/B2/92, dated 2-11-1992.

D.O.P. Memo. No. 619/B2/93, dated 4-6-1993.

Commuted Leave on Medical grounds may be granted subject to a maximum of 240 days in the entire service in respect of approved probationers in superior service and last grade service employees.

When Commuted Leave is sanctioned on Medical grounds, double the Half Pay Leave shall be debited.

#### **Surrender of Earned Leave**

Regular Government servant can Surrender the Earned Leave and draw the Salary for 15 days in lieu of leave surrender every year.

Temporary Government servant can surrender the first surrender leave for fifteen days only after putting in 24 months of service and the next surrender leave at the interval of 2 years (alternative years) for 15 days.

Regular Government servant can surrender at the rate of 30 days in two Calendar years.

Prescribed period:-

- a) Gazetted Officers - August & September.
- b) N.G.Os..... during June & July.
- c) Class IV employees - during April & May.

## SUBSTANTIVE PROVISIONS ON LEAVE

The substantive provisions relating to grant of leave are dealt with from Rules 58 to 103 of Chapter X in Part-IV of Andhra Pradesh Fundamental Rules, 1933.

### **Competent Authority to grant Leave:**

The competent authority to grant Leave to all Prosecuting Officers is the Director of Prosecutions.

### **Leave cannot be claimed as a right:**

Under F.R.-67, Leave cannot be claimed as a matter of right. When the exigencies of the Public service so require, discretion to refuse or revoke leave of any description is reserved with the sanctioning authority.

### **Rejoining duty after Leave on Medical Certificate:**

A Government servant granted leave on Medical Certificate (issued by the Doctor serving in any Government Hospital not below the rank of Civil Assistant Surgeon) cannot be entertained to resume duty without first producing a Medical Certificate of fitness in the prescribed form. (F.R. 71).

### **Return from Leave:**

Unless permitted to do so, a Government servant on leave may not return to duty before the expiry of leave. A Government servant on leave desiring to

return to duty within the period of his leave should communicate his desire to the authority, which sanctioned the leave, sufficiently early to enable suitable arrangements, to be made. (F.R. 72).

**Penalty for un-authorised extension of Leave:**

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

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## STORES

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## STORES

The term "stores" is used to indicate all articles and material required for public service coming into an Officer's possession for various purposes, e.g. Furniture, Books, Chemicals, scientific instruments, appliances and Stationery articles etc., (Vide Articles 122 to 125 of Chapter VII of A.P. Financial Code Volume-I.).

In G.O.Ms. 102, General Administration (A.R. & T. Desk) Department, dated 24-2-1986, the District Offices have been delegated with the following financial powers, subject to availability of Budget provision. (Appendix 28 of A.P. Financial Code Volume-II).

Sl. No.	Name of the Item	Per Annum
(1)	(2)	(3)
1.	Purchase of Bulbs and Lamps	Rs. 250/-
2.	Books, Maps and Periodicals	Rs. 200/-
3.	Repairs to Typewriter - each	Rs. 300/-
4.	Purchase of Stationery	Rs. 500/-
5.	Purchase of Steel & Wooden Furniture	Rs.1000/-
6.	Repairs to Furniture	Rs. 500/-
7.	Printing locally without referring to Government press.	Rs. 500/-

Keeping in view the requirements of Law Books/ Furniture and other Budget provisions, the Directorate has prescribed a general scale/norm for all the Unit Offices in the districts as here under:-

1. (a) 50% of funds shall be utilised for Law Books.
- (b) 40% of funds shall be utilised for Furniture, and
- (c) 10% of funds shall be utilised for other miscellaneous items.
2. (a) While sending proposals to the Directorate, they should be in the proformae prescribed (Appendix...30A).
- (b) The percentage shown above shall strictly be followed;
- (c) The proposals shall reach before September every year.
- (d) They should not purchase without prior sanction from the Directorate, as no ratification will be issued later.
- (e) In respect of furniture, they should be purchased from Allwyn show-room or through the authorised dealer of Allwyn or Government approved establishment.
- (f) In respect of Law Books - While taking delivery the year of publication, Edition, Author, Mode of binding etc., shall be of those actually ordered. No orders or payments shall be made for the books which are under print. In respect of periodical journals the receipt of the said books on due dates shall be watched, through a register

without fail by the respective prosecutors. If the journal is not received, the prosecutor shall immediately address the supplier and obtain the same.

✓ (g) The proposals for all Prosecutors shall be sent at once to the Directorate for sanction (except for Prosecutors attached to Special Mobile Courts and Excise Department).

(h) While sending the proposals, the balance amount of Budget provision shall be informed.

✓ (i) In respect of Prosecutors working in Special Mobile and Excise the requirements of Law Books, furniture and other stationery items shall be obtained from the Social Welfare and Excise Departments respectively.

*Long*

(D.O.P. Memo. No. 399/A2/91, dated 1-4-1991).

The stationery indent shall be submitted to the Stationery Department as indicated below:-

- |                  |   |
|------------------|---|
| (a) Coastal area | Assistant Director,<br>Stationery<br>Department,<br>Mutyalampad,<br><u>Vijayawada.</u>                        |
| (b) Rayalaseema  | Assistant Director,<br>Stationery Department,<br><u>Kurnool.</u>  |
| (c) Telengana    | Commissioner of<br>Printing,<br>Stationery and<br>Stores Purchase<br>Wing, Chenchalguda,<br><u>Hyderabad.</u> |

(Order Rc. No. 10141/DT-1/88-89, dated 2-9-1989.)

## STATIONERY

The stationery indent should be placed with the above offices, giving the particulars of Officers and Establishment and the actual requirement of the Drawing Officer and also of other Officers of the district during December every year, without fail.

The indenting officer after receipt of Stationery items, Forms and Registers and the items purchased from local market, if any, shall record the same in the Stationery Stock Register (Proforma vide Appendix..... 10 ).

Also to record all items that were issued to his establishment and to other prosecuting officers and preserve the acknowledgment and indents for future inspections and Audit purposes.

The Stationery items shall be verified physically by affixing and certifying the stock verification details on the first page of the Stock Register.

The financial power delegated to purchase Stationery items shall be exercised strictly in accordance with the norms laid in G.O. Ms. No. 102, General Administration (AR & T-Desk) Department, 24-2-1986 and subject to allocation/availability of funds under this head. Any more purchase of Stationery will have to be within 10% of funds allocated and duly sanctioned by the Directorate.

(Memo. No. 399/A2/91, dated 1-4-1991).

## BOOKS

The Drawing Officer shall record the Books that have been purchased or supplied by the Government in the Library stock register in the Prescribed proforma (vide Appendix..... 8 ) indicating the name of the Book, Author, Edition and the cost etc. and shall assign Library book serial No. to each book/ document.

He shall maintain the record regarding issue of books to various Prosecuting Officers in the District and keep a list of such books supplied in the same register by allotting separate pages to each Officer so as to enable the verification of books.

Annual verification should be done in March every year and to append stock verification certificate on the front page. Another stock verification certificate be obtained in the month of April every year from all the Prosecuting Officers and compared for verification with the list maintained by Drawing Officer.

He shall be accountable to the visiting/ inspecting officers from the Directorate of Prosecutions.

The financial powers delegated to purchase \*the Books shall be exercised strictly in accordance with the norms laid in G.O.Ms. No. 102, G.A. (AR & Y-Desk) Department, dated 24-2-1986 and subject to allocation/ availability of funds. Any more purchase of Law Books will have to be within 50% of funds allocated and duly sanctioned by the Directorate. (Memo. No. 399/A2/91, dated 1-4-1991).

## FURNITURE

The Drawing Officers shall record all the purchases of Furniture in the Furniture Stock Register (Proforma vide Appendix..... 9) indicating the Size, Make, Cost and other details of item and shall assign a serial No.

He shall maintain the record of the articles issued to various Prosecuting Officers in the District and allot separate pages to each Officer, so as to enable to verify the furniture articles.

Annual verification should be done in the month of March every year and to append a certificate of stock verification on the front page of Furniture Stock Register.

He shall obtain stock verification certificate in the month of April every year from all the Prosecuting Officers and shall verify with the list maintained by him. Also to obtain the charge list and verify the same in case of transfers, resignations, retirements and promotions etc.,

He shall be accountable to the visiting inspecting officers from the Directorate of Prosecutions.

The financial powers delegated to purchase the furniture items shall be exercised strictly in accordance with the norms laid in G.O.Ms. No. 102, G.A (AR & T-Desk) Department, dated 24-2-1986 and subject to allocation/availability of funds. Any more purchase of Furniture will have to be within 40% of funds allocated and duly sanctioned by the Directorate.

(Memo. No. 399/A2/91, dated 1-4-1991).

## POSTAGE

The Drawing & Disbursing Officer shall draw the Service postage stamps required to run the office and also other offices in his jurisdiction and supply to the Prosecuting Officers after obtaining acknowledgments.

The service stamps purchased and distributed should be entered in the Service Ticket Register (Proforma vide Appendix..... 7).

He shall obtain the stamp account from all Prosecuting Officers of his unit once in a financial year/at the time of issuing stamps.

Every Prosecuting Officer shall maintain Service Ticket Register and will tally with the Out-ward Register (vide Appendix..... 6). These records shall be produced for inspection of the Directorate and Accountant General's Audit on demand.

Government Servants shall not send communication of any kind regarding their leave, pay, transfer, leave salary, fund subscription and other analogous matters at the expense of the State, as such communications are private and not official.

(Fin.Code Vol.II, Appendix-7, Sl. 51-2(a) and D.O.P. Memo. C.No. 98/AD2/88, dated 11-5-1988).

## TELEPHONE

The Directorate of Prosecutions have sanctioned Telephones to the Assistant Public Prosecutor Grade-I i.e. Drawing and Disbursing Officers. The Telephones sanctioned are under non-OYT scheme without STD facility and without any extra accessories.

/(D.O.P. Proceedings No. 659/A2/89, dated 16-5-1991).

After installation of Telephone, a Trunk Call Register (Proforma in Appendix..... 26) shall be opened and every trunk call either official or private be noted in it with full particulars. If private calls are made the trunk call amount shall be collected from the individual and remitted to the Government Account. The trunk call register shall invariably be preserved for inspection of the Directorate and Accountant General of Andhra Pradesh, Hyderabad.

Trunk call should be made only in urgent matters of Prosecution and they should not be made for unimportant matters.

The telephone should be used for official purposes and not for personal benefits. Local calls should be limited to the permitted numbers and the bimonthly bill should not exceed Rs. 500/- including rentals. No additional Budget will be sanctioned on this account.

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## **RECORDS**

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## DESTRUCTION OF OFFICIAL RECORDS

A competent authority may destroy official records from time to time subject to the careful observance of the relevant rules contained in the departmental code or manual and of any other relevant orders of the Government. The following rules apply generally to the destruction of records (including correspondence) connected with accounts:-

(a) The following should on no account be destroyed -

- i) records connected with expenditure which is within the period of limitation fixed by law,
- ii) records connected with expenditure on projects, schemes or work which have not yet been completed, even though the expenditure is not within the period of limitation fixed by law,
- iii) records, connected with claims to service and personal matters affecting Government servants who are still in service, and
- iv) orders and sanctions of a permanent character, until revised.

(b) The following records should be preserved for not less than the period specified against each item:

Sl. No.	Description of Records	Period of Preservation
(1)	(2)	(3)
1.	Appointments	10 years
2.	Leave	3 years
3.	Transfers	3 years
4.	Casual Leave	1 year
5.	Charge List	10 years
6.	Diaries	5 years
7.	Office Orders	10 years
8.	Stationery Indents	1 year
9.	Tour Programmes	1 year
10.	Office Inspections	10 years
11.	Monthly Reviews	2 years
12.	Office Instructions	5 years
13.	Judgments	5 years
14.	Government G.Os., Memos and Circulars including Directorate Orders and Instructions.	Permanent
15.	Annual Establishment Return (Books of Establishment).	35 years

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(1)

(2)

(3)

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16. Pay Bills and, when maintained separately, acquittance rolls for pay and allowances (other than travelling allowance) of Government servants for whom no establishment returns are submitted or no service books or service rolls are maintained. 35 years

**NOTE:** Pay bills relating to Head Constables and Constables of Police Department, for whom long rolls are maintained in addition to service books and to copyists and examiners in the Revenue Department, who are not in pensionable service, need not be preserved beyond six years.

17. Pay bills and when maintained separately acquittance rolls for pay and allowances (other than travelling allowance) of Government servants for whom establishment returns are submitted and service books or rolls maintained - See the last sentence of clause (c) below. 6 years
18. Pay bills and, when maintained separately, acquittance rolls of Government servants in last grade service. 45 years

(1)	(2)	(3)
19.	Registers of contingent expenditure.	5 years
20.	Sub-vouchers	3 years
21.	Detailed budget estimates of an office.	5 years
22.	Travelling allowance bills and acquittance rolls relating to travelling allowance.	3 years
23.	Pension cases (including the service books and leave accounts attached to them) in which invalid or compensation pensions have been sanctioned.	25 years
24.	Other pension cases (including the service books and leave accounts attached to them)	5 years after the retirement of the Government servant concerned.

NOTE: 1. Service books and other papers relating to a claim for a gratuity should be retained until the claimant attains 58 years of age or dies, whichever is earlier, and also until final orders have been passed on the claim.

NOTE: 2. In regard to service books of Government servants who have been dismissed or discharged or have resigned or died while in service - See rule 14 to 16 of the subsidiary rules under Fundamental Rule 74 (a) (iv) contained in Part-III of Annexure-II of the Fundamental Rules.

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## APPENDIXES

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## APPENDIXES

### RECORDS TO BE MAINTAINED BY HEAD OFFICE

The Directorate shall maintain the following Registers:-

Sl. No.	Name of the Record/Register	Appendix No.
(1)	(2)	(3)
<u>(a) Administration &amp; Accounts</u>		
1.	Attendance Register	1
2.	Casual Leave Register	2
3.	Register of Service Books	3
4.	Personal Register	4
5.	Inward Register	5
6.	Outward Register	6
7.	Service Ticket Register	7
8.	Library Books Register	8
9.	Furniture Stock Register	9
10.	Stationery Stock Register	10
11.	Local Tappal Delivery Book	11
12.	Increment Watch Register	12
13.	Pay Bill Register	13
14.	Acquittance Roll Register	14
15.	Undisbursed Pay Register	15
16.	Cash Book	16
17.	Permanent Advance Register	17
18.	Register of Contingent Charges	18
19.	Treasury Bill Book	19
20.	Register of Advance T.A. on Tour etc.	20
21.	T.A. Bills Counter-signature Register	21
22.	Budget Control Register	22
23.	Register of Audit Objections	23
24.	Register of Audit Reports	24
25.	Register of A.C. Bills	25
26.	Register of Trunk Calls	26
27.	Register of FA/APCO Recoveries	27

(1)	(2)	(3)
28.	General Loans Ledger	28
	Marriage Advance Register	
	House Building Advance Register	
	Motor Car/Cycle Advance Register	
29.	Log Book for Vehicle	29
30.	General Loan Ledger (G.P.F/A.P.G.L.I.F)	30
31.	Register of Court Cases	31

(b) Confidential Records

32.	Petition Register	32
33.	Regular Enquiry Register	33
34.	Inspection/Visiting Register	34
35.	ACR/PF Receipt Register	35
36.	Stock File of Circulars etc.	--

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RECORDS TO BE MAINTAINED BY DISTRICT OFFICES

Sl. No.	Name of the Record/Register	Appendix No.
(1)	(2)	(3)

(a) The Drawing & Disbursing Officers shall maintain  
the following Registers

1.	Increment Watch Register	...	12
2.	Pay Bill Register	...	13
3.	Acquittance Roll Register	...	14
4.	Undisbursed Pay etc., Register	...	15
5.	Cash Book	...	16
6.	Permanent Advance Register	...	17
7.	Register of Contingent Charges	...	18
8.	Treasury Bill Book	...	19
9.	Register of Advance T.A. on Tour etc.	...	20
10.	T.A. Bills Counter-signature Register	...	21
11.	Budget Control Register	...	22
12.	Register of Audit Objections	...	23
13.	Register of Audit Reports	...	24
14.	Register of A.C. Bills	...	25
15.	Register of FA/APCO Recoveries	...	27
16.	General Loans Ledger (HBA/Marriage/MCA)	...	28
17.	(a) General Loans Ledger (GPF/APGLIF)	...	30
	b) Furniture & Library Requirement Proformae	...	30-A

(b) Prosecuting Officers should maintain  
the following Registers

<del>18.</del>	Attendance Register	...	1
<del>19.</del>	Casual Leave Register	...	2
<del>20.</del>	Inward Register	...	5

(1)	(2)	(3)
21.	Outward Register ✓	6
22.	Service Ticket Register ✓	7
23.	Library Register ✓	8
24.	Furniture Stock Register ✓	9
25.	Stationery Stock Register ✓	10
26.	Local Tappal Delivery Book	11

Prosecution Side

27.	Institution Register ✓	36
28.	Legal Opinion Register ✓	37
29.	Register of Appeals and Revisions	38
30.	Quarterly Summons/Warrants Register	39
31.	Monthly & Annual Statement of Prosecutors. ✓	40
32.	Form of application for leave	41
33.	Proformae for placing Government Servant under suspension.	42

22

# ATTENDANCE REGISTER FOR THE

MONTH OF ..... 19

[illegible]



Appendix-3

REGISTER OF SERVICE BOOKS

(Separate page to each)

Name of the Government Servant.....

Date	To whom the S.R. sent	Lr.No. & Date	Return Lr. No. & Date	R E M A R K S
(1)	(2)	(3)	(4)	(5)

## PERSONAL REGISTER OF.....

Sl.	Current Number	Date of Receipt by Clerk	Title	From whom	Outside Number and Date	Submitted to Office
(1)	(2)	(3)	(4)	(5)	(6)	(7)

CLERK, ..... SECTION, ..... DEPARTMENT

Returned to Section	Reference issued			Reply or further communication			Nature, number and date final disposal
	From and sub-number	Date	To whom	Current number and date	From whom	Outside number and date	
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

## INWARD REGISTER

Section.....					Office.....	
Serial No.	No.&Date of the Communi- tion	From whom received	Subject (purport of the communica- tion to be given (4)	File No. (5)	Initials of the off- icial rece- iving the communi- tion. (6)	Disposal Files/issues No.....dt..... to..... transferred to section. (7)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Appendix-6.

OUTWARD REGISTER

Office of the ..... For the year.....

Serial No.	Date	No. of Enclo- sures	To whom addressed	S u b j e c t	File No.	R E P L Y			Remarks
						No.	Date		
1	2	3	4	5	6	7	8		9

SERVICE TICKET REGISTER

Office of the.....  
 Year.....

Date	Outward No.	To whom sent	Weight of Receipt Covers Etc.,	Expendi- ture	Balance	REMARKS
(1)	(2)	(3)	(4)	(5)	(6)	(7)
						(8)

Appendix-8.

LIBRARY BOOKS REGISTER

Sl. No. and Date (1)	Name of the Book (2)	Author (3)	Year of Edi- tion (4)	C o s t (5)	From whom purchased with Bill No.& Date (6)	Given to w h o m (7)

Appendix-9.

FURNITURE STOCK REGISTER

Name of the Article.....

Date	Particulars of Stock received with Bill No. & Date etc.	Present Stock with sizes	Stock now rece- ived with sizes	TOTAL	Distributed	BALANCE	Signature
1	2	3	4	5	6	7	8

## STATIONERY STOCK REGISTER

Name of the Article.....

Date	Particulars of Stock received with Bill No. and Date etc.	Present Stock	4 Stock now received	5 Total	Expenditure (Issues)	Balance	Signature
	To whom issued						
1	2	3	4	5	6	7	8

LOCAL TAPPAL DELIVERY BOOK

Office of the..... For the year.....

Date	Name through whom sent	Enclosures	Letter No.	To whom addressed	Signature of receiver
(1)	(2)	(3)	(4)	(5)	(6)

(See notes of Subsidiary Rule 13 under Treasury Rule 16 of A.P.T.C. Volume-I)

## INCREMENT WATCH REGISTER

.....Page No.

Increments due in the month of .....

[illegible]

१३

## Appendix-13

[illegible][illegible]

Department

Acquittance Roll of.....Section.....

Office

Item No.	N A M E	Designation	Net amount payable	Dated Signature (with Stamp where necessary) unpaid items to be noted as such and attested
(1)	(2)	(3)	(4)	(5)

## REGISTER OF UNDISBURSED

(For watching the disbursement of monies drawn from

## Undisbursed Balance of Bills Cashed

[illegible]

PAY, ETC.,

the treasury which are not disbursed on the same day)

[illegible]

(1)	Date	(2)	No. of Receipt (where necessary)	Particulars	Pay		Allowances		CONTINGENCIES				Miscellaneous		Total		Classification
					Rs.	Ps.	Rs.	Ps.	In recoup- ment of permanent advance		Advance Payment		Rs.	Ps.	Rs.	Ps.	
(1)		(2)		(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)						
					Rs.	Ps.	Rs.	Ps.	Rs.	Ps.	Rs.	Ps.	Rs.	Ps.			

.....19

[illegible]

[illegible]

## DISBURSEMENT REGISTER

[illegible]

(Common forms of contingent register to be used in all departments  
Sub-head, detailed account heads and sub-divisions)

[illegible]

Unusual charges

Unusual Charges		Total of each contingent abstract	Total of each month's bill	Date of detailed bill	Date of admission with initials	Advances	REMARKS
Description	Account						
(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
	RS. P.	RS. P.	RS. P.			RS. P.	

## TREASURY BILL BOOK

Register of bills sent by.....to the.....Treasury for payment of money

(1)		Number, date and description of bills, etc., sent for encashment or to be passed for payment at the Bank or at sub-treasuries
(2)	Total amount of bill	
(3)	In cash	
(4)	By Government drafts or book adjustment	
(5)	Name and designation of the person in whose favour Government drafts etc., are to be drawn.	
(6)	Name and designation of the messenger authorised to collect token from the treas- ury and cash from the Bank's	
(7)	Signature of the drawing or disbursing officer	
(8)	Date on which the bill was received at the treasury and the initials of the Head Accountant	
(9)	Amount passed by the Treasury Officer	
(10)	Dated initials of the Head Accountant of the treasury in token of having passed the bill for payment at the Bank or at the sub-treasury or disbursed cash for it	
(11)	Remarks (The date of receipt of money etc., should be entered here and initialed by the drawing or disbursing officer)	

**A.P.F.C. FORM 23**  
(See Chapter V, Article 84)

**REGISTER SHOWING THE DETAILS OF ADVANCES OF TRAVELLING ALLOWANCE ON TOUR  
PAID TO GOVERNMENT SERVANTS AND THE RECOVERIES MADE IN RESPECT  
OF THE SAME**

Sl. No.	Name and designation of Government servant	Details of Advance paid		Details of recoveries made		REMARKS
		Date and Place of payment	Amount	By adjustment	In cash	
(1)	(2)	(3)	(4)	(5)	(6)	(7)

# T.A.BILLS COUNTER SIGNATURE REGISTER

Appendix-21

Serial Number (1)	Name & Designation (2)	* Headquarters (3)	Receive No. & Date (4)	Bill Month (5)	Amount of the Bill (6)	Advance taken if any (7)	Amount disallowed if any (8)	Amount Passed (9)
-------------------------	------------------------------	-----------------------	------------------------------	----------------------	---------------------------------	--------------------------------	---------------------------------------	-------------------------

Date of return to Claimant, if any (10)	Particulars of Bills sent to DOP for Countersignature OR Controlling Officer						Remarks (17)
	Letter No.& Date (11)	Date of return if any & DOP LrNo.& Dt. (12)	Date of receipt by Drawing Officer (13)	Amount Passed by DOP (14)	Amount Disallowed (15)	Date of encashment with Try. Bill No.& Date (16)	



## REGISTER OF AUDIT OBJECTIONS

[illegible]

Appendix-24.

REGISTER OF AUDIT REPORTS

Para No.	Sub Para No.	Abstract of Objective	Date of receipt of reply from the subordinate officer, if any	Date of issue of reply to A.G.	Date of intimation of admission of objection from the A.G. (ref. No. & Date)	Initials of the Head of office
1	2	3	4	5	6	7

## REGISTER OF A.C. BILLS TO WATCH

Sl.No.	Bill No. assigned in Treasury Bill Book	Date of encashment	Purpose for which drawn	Amount drawn	Reference to G.O. prods permitting the drawal of the amount	Reference to cash book folio	Time limit within which D.O. Bill is to be sent	Initial of the D.E.O.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

## THE ADJUSTMENT OF D.O. BILLS

PARTICULARS OF THE D.O. BILLS COUNTER-SIGNED			Date of despatch and Registration No.	Reference to A.C. letter intimating adjustment	REMARKS
In Vouchers	Remittance of unspent amount	Total amount			
(10)	(11)	(12)	(13)	(14)	(15)

Phone No.....

(Government U.O. Note No. 1228/OP.III/83-1, G.A. (G.A. OP. III) Department, dated 19-5-1983

Sl. No.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
		Date and time	Name and Designation of the Official booking the call	Station to which the call is made & Phone No.	Purpose of the call (If Official full details to be noted)	Name of the person called	Nature of the call Urgent/ Ordinary/ lighting etc.	Signature and designation of the Officer booking the call	Amount claimed by the Telephone Department	Signature of the controlling Officer	REMARKS

RECOVERIES MADE THEREFOR FOR THE YEAR 19[illegible]

## GENERAL LOANS LEDGER

1. Head of Account  
Major Head  
Minor Head  
Sub-Head  
Detailed Head
2. G.O.No. and date/  
Proceedings.
3. By whom sanctioned  
and purpose of loan
4. Amount of loan sanc-  
tioned
5. Date of drawal of  
Loan (Voucher No./  
Token No.) Bank/  
Treasury.
6. To whom sanctioned (Loanee)
7. Terms of Re-payment.  
(a) Period of loan  
(b) Moratorium  
(c) Rate of Interest  
(d) Penal interest.
8. Due date of repayment.

Principal Amount	Amount of Principal Instalments falling due during the year	Interest falling due during the year	Amount of Penal Interest due	AMOUNT RECOVERED DURING THE YEAR				Challan No. and date Name of the Bank/Treasury	OUTSTANDING BALANCE AT THE END OF THE YEAR		
				Month	Principal	Interest	Penal Interest		Amounts	Interest	Penal Interest
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Remarks: Principal amount and interest amount should be paid by separate challan forms.

## LOG BOOK

Staff Car/Van No.	Date	Milometre/Kilometre Reading	Petrol drawn	Initials of Officer i/c of Car

Date	Time		Milometre/Kilometre Reading		Miles/Kilometres covered	Period of detention included in (columns 2 & 3) for non-duty (journeys only)	Name and designation of Officer using Staff Car
	From	To	Opening	Closing			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

## PETROL ACCOUNT

Staff Car/Van No.	Date	Milometre/Kilometre Reading	Petrol drawn (Litres)	Initials of Officer i/c of Car

Places visited	Purpose of Journey, if Official, full details	Signature of Officer using Car, his remarks if any	No. of hours after normal duty hrs. or on sundays and closed holidays	Initial of Officer i/c of Vehicle, his remarks, if any
(9)	(10)	(11)	(12)	(13)

Appendix - 30

GENERAL

1. Name of the Loanee  
(whether individual or institution)
2. Address of the Loanee
3. Purpose of the Loan
4. Amount of Loan
5. By whom sanctioned
6. No. and date and  
proceedings sanctioning  
the loan.

## SCHEDULE OF

## P R I N C I P A L

Sl. No. Of instalment	Amount	Due date of repayment	Amount actually recovered	Particulars of credit (Challan Number & Date)	R E M A R K S
(1)	(2)	(3)	(4)	(5)	(6)

## L O A N S    L E D G E R

7. Date of disbursement or drawal of  
loan by the Loanee.
8. Terms of repayment:-
  - (a) Rate of interest
  - (b) Penal rate of interest
  - (c) Repayment of principal  
and interest.  
(No. of instalment, commencement of  
repayment, etc.,)
  - (d) Due date of repayment.

## RECOVERIES

## I N T E R E S T

Sl. No. of instalment	Amount	Due date of repayment	Amount actually recovered	Particulars of credit (Challan Number & Date)	R E M A R K S
(7)	(8)	(9)	(10)	(11)	(12)

**Proforma-I****F U R N I T U R E (Officewise)**

Headquarters of Prosecutions Office .....

Sl. No.	Particulars of Furniture available in the office	Size	Qty.	Year of Purchase
---------	--	------	------	------------------

Present requirements:

Particulars of Furniture now required	Size	Qty.	Rate	Amount
---------------------------------------	------	------	------	--------

Total:

Note: Rate including Taxes and forwarding etc. for each item.

Signature of Drg. Officer

**Proforma-II****L A W B O O K S (Office wise)**

Headquarters of Prosecutions Office .....

Sl. No.	List of Books already available	Date of Purchase
No.	Name of Book Year Published Author Cost	

List of Books now proposed to Purchase

Sl. No.	Name of Book	Year Published	Author	Cost
---------	--------------	----------------	--------	------

Total:

Note: Monthly Journals also to be shown in the above proforma

Signature of Drg. Officer

(Supreme Court, High Court & APAT)

[illegible]

## P E T I T I O N   R E G I S T E R

Sl. No.	Date	Name of Petitioner and Address	Allegations against whom	Action Taken	File No.	Final Results	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

## REGULAR ENQUIRY REGISTER

Sl. No.	Date	File No.	Enquiry against whom	Name of the Enquiry Officer & Designation	Date of enquiry ordered/ entrusted	Date of receipt of Enquiry report	Final orders	REMARKS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Sl. No.	Date of Inspection/ visit	Inspecting Officer with Designation and Name	Officer Inspected with Designation	Report submitted on	Compliance/acti-on taken on	File No.	REMARKS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

[illegible]

I N S T I T U T I O N   R E G I S T E R  
(Court-wise)

Name of the Court.....

Sl. No.	Case No.	Crime No. & Police Station Section of Law	Name and Address of Accused	Total witnesses examined	Total exhibits marked	Total Material objects marked	Date of Judgment and Results
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

## LEGAL OPINION REGISTER

Sl. No.	Police Station Crime No. and Section of Law	Name of the Accused	Date of receipt of material for opinion	Date and opinion in brief
(1)	(2)	(3)	(4)	(5)

[illegible]

## Appendix-39.

# REGISTER OF APPEALS & REVISIONS

Sl. No.	Date of Judgment	Date of Receipt of Judgment	Case No. and Court	Name of the Accused	Date and opinion in Brief
(1)	(2)	(3)	(4)	(5)	(6)

MONTHLY STATEMENT OF SRI.....PUBLIC PROSECUTOR/ADDITIONAL PUBLIC

PROSECUTOR.....COURT

FOR THE MONTH OF.....

(To be sent along with Court Attendance Certificates)

"A" SESSIONS CASES:

Sessions Case Number	Crime No. Section of Law and Name of the Police Station	EXAMINATION OF WITNESSES							Date of Judgment	Results and nature of sentences	Name of the Police Officer present during trial	Opinion on the result of the case.
		Date	No. of Witnesses present	No. of Witnesses examined	Direct Witnesses	Circumstantial witnesses	Official Witnesses	No. of Witnesses turned hostile				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

"B" Criminal Appeals:

Criminal Appeal Number	Calendar case Number	Section of Law	Name of the Trial Court & its Judg- ment	Judgment and nature of sentence	Opinion on the result
(1)	(2)	(3)	(4)	(5)	(6)

A B S T R A C T:

1. Legal opinions given. :
2. Charge Sheets approved/drafted/pending with particulars of Crime Number, Section of Law and name of the Police Station. :
3. Number of Session cases pending at the end of the month :
4. Number of Criminal appeals pending at the end of the month :
5. Whether the witnesses are produced in time :
6. Whether the Investigating Officer assisted prosecution during the trial :
7. Whether any Senior Police Officer attended the Court during the trial :

MONTHLY STATEMENT OF SRI..... SENIOR APP/APP

COURT/COURTS.....

FOR THE MONTH OF.....19

Date	Name of the Courts attended (A) Not attended (NA)	C.C.No. & Cr.No P.S. & Section of Law	No. of Witnesses present in Court	No. of Witnesses examined with details; Direct circumstantial, off- icial or def. wit.	Reason for not examining witness- ses if any	Designation of Police Officer attended the Court	Reasons for adjournment	Next date of hearing.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

**MONTHLY STATEMENT OF CASES (CONTESTED) DISPOSED OFF**

Sl. No.	C.C.No.	Name of the Court	Date of Judgment	Result and Nature of Sentence	Opinion on the result
(1)	(2)	(3)	(4)	(5)	(6)

**A B S T R A C T**

Name of the Court	Name of the Court for which Court if any, Prosecutor is for which the Incharge	Name of another Court if any, Prosecutor is for which the Incharge	Total
----------------------	---	---	-------

1. No. of days Prosecutor attended the Court :  
during the days Court worked during the :  
month.
2. No. of Witnesses examined
3. No. of cases pending at the beginning of :  
the month
4. No. of cases received during the month : :
5. No. of cases disposed off (contested)  
Convictions :  
Acquittals :  
month
6. No. of cases otherwise disposed off
7. No. of cases pending by the end of the :  
month
8. No. of Legal Opinions given (Case :  
numbers)
9. No. of Charge Sheets drafted/approved/ :  
pending for drafting (with details of Cr.  
No., P.S. & Section of Law
10. No. of Opinions pending (Case Numbers) : :

STATISTICS OF CRIMINAL CASES IN THE COURT OF .....FOR .....CALENDAR YEAR .....

Sl. No.	Cases pending at the beginning of the yr.	Institution during the year	Total	No. of cases disposed off			Total	Pending at the end of the year	REMARKS if any
				Convictions	Acquittals	Otherwise			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

SIGNATURE OF THE PROSECUTING OFFICER

**MONTHLY STATEMENT OF BAILS OF SRI.....**

<b>Sl. No.</b>	<b>Cr1. M.P. No.</b>	<b>Cr. No.</b>	<b>Name of the P.S.</b>	<b>Section of Law</b>	<b>Date of filing</b>	<b>Date of disposal</b>	<b>Result</b>	<b>REMARKS</b>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(For all PPs/Addl. PPs/Spl. PPs/Sr. APPs/APPs)

YEARLY STATEMENT OF A PROSECUTOR  
FROM 1-1- TO 31-12- IN THE  
COURT OF.....

1. How many cases you have conducted? :  
(No. of cases in which Judgement pronounced)
- (a) Sessions Cases :
- (b) Calendar Cases :
  - i) Warrant Cases :
  - ii) Summons Cases :
2. How many cases ended in conviction :
  - (a) How many are grave crimes, :  
with Section of Law
3. How many cases ended in acquittal? :
4. In how many cases accused :  
are discharged?
5. How many cases charge-sheeted :
6. How many cases are pending :
7. In how many cases complainant :  
turned hostile and for want of reason
8. In how many cases Eye Witnesses :  
turned hostile
9. Have you recommended any prosecution :  
against any hostile witnesses,  
details?
10. In how many cases you have advised :  
for appeal?
11. In how many cases appeals are filed :

12. Whether the evidence of prosecution is closed for non-production of :
  - (a) Investigating Officer :
  - (b) Eye Witness, with details :
13. Have you been addressing letters to Superintendent of Police or Deputy Superintendent of Police about the lapses of Police (if any) :
14. Whether the Police are producing witnesses before you in advance for interviewing, if not give details :
15. Whether any Police Officer is not co-operating with you, if so, name :
16. Whether the Investigating Officer or other superior Police Officer are attending Sessions trials regularly? :
17. No. of witnesses examined :
18. No. of charge sheets prepared with details of Cr. No., P.S & Section of Law :
19. No. of opinions given with details of Cr. No., P.S. & Section of Law :
20. Remarks :

Signature

Name

Court

Form of application for leave

Note: Items 1 to 10 must be filled in by all applicants whether Gazetted or Non-Gazetted.

1. Name of applicant
2. Leave Rules applicable
3. Post held
4. Dept., Office & Section
5. P a y
6. House Rent Allowance, Conveyance Allowance or other Compensatory Allowances drawn in the present post.
7. Nature and period of leave applied for and date from which required
8. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave
9. Ground on which leave is applied for
10. Date of return from last leave and nature and the period of that leave.
- 11(a) I undertake to refund the difference between the leave salary drawn during leave on average pay and that admissible during leave on half average pay which would not have been admissible had the proviso to F.R.81(b)(ii) not been applied in the event of my retirement from service at the end of during the currency of the leave.
- (b) I undertake to refund the leave salary drawn during "leave not due" which would not have been admissible, had F.R.81(c) not been applied, in the event of my voluntary retirement from service at the end or during the currency of the leave.

12. LEAVE ADDRESS: Signature of the applicant (with date)

## CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

13. Certified that ..... (nature of leave)  
 for ..... from ..... to .....  
 (period)  
 is admissible under Rule ..... of the ..... Rules

Signature:  
 (with date)  
 Desgn. :

14. Orders of the sanctioning authority:

\*\*\*\*\*

ANNEXURE - I

Form of order of suspension under Rule 8(1) of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

#

Sub: 'Public Services - Sri/Smt.....  
Suspension from service - Orders - Issued.

\*\*\*

And whereas the Government of Andhra Pradesh/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 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991, the Government of Andhra Pradesh/under signed (appointing authority/any other competent authority) hereby places(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 and designation of Government 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 and Designation of the  
suspending authority

(This proforma should be used where charge sheet has been issued)

ANNEXURE - II

Form of order of suspension under Rule 8(1) of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

#

Sub: Public Services - Sri/Smt .....  
Suspension from service - Orders - Issued.

\*\*\*

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

And whereas disciplinary proceedings against Sri ..... are contemplated.

And whereas the Government of Andhra Pradesh/under signed (Appointing authority/any other competent authority) after careful consideration of the available material and having the 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 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991 the Government of Andhra Pradesh/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 this order remains inforce, the headquarters of Sri/Smt ..... (name and designation of the Government 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 and designation of the  
suspending authority**

(This proforma should be used where disciplinary proceedings are contemplated)

### ANNEXURE - III

Form of order of suspension under Rule 8(1) of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

Sub: Public Services - Sri/Smt  
Suspension from service - Orders - Issued.  
\*\*\*

Whereas it has come to the notice of the Government of Andhra Pradesh/under signed who is the competent authority (Appointing authority or any other competent authority) alleging to .....

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 Government of Andhra Pradesh/under signed (Appointing authority or any other competent authority) after 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 Government 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 8 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 the Government of Andhra Pradesh/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 this order remains inforce, the headquarters of Sri/Smt ..... (name and designation of Government servant) shall be ..... (name of the place) and the said Sri/Smt ..... shall not leave the headquarters without obtaining the previous permission of the under signed.

Signature  
Name and designation of the  
suspending authority

(This proforma should be used where a case has been registered and it is under investigation)