

Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Office Holders and Servants Punishment Rules, 1987

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Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Office Holders and Servants Punishment Rules, 1987

In exercise of the powers conferred by Section 37 and 38 read with Section 153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Act, 1987 (Act No.30 of 1987) the Governor of Andhra Pradesh hereby makes the following rules as the same having been previously published as required by sub-section (1) of Section 153 of the said Act.

1. Short title :-

These rules may be called the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Office Holders and Servants Punishment Rules, 1987.

2. . :-

Competent Authority means the Trustee or Executive Officer, as the case may be, of an Institution or Endowment to which the office holder or the servant is attached.

3. . :-

In addition to the penalties specified in sub-section (1) of Section 37 of the Act, the following penalties may also be imposed by the competent authority on an office holder or servant attached to a charitable or religious institution or endowment, namely :-

- (i) Censure ;

(ii) With-holding of increments or promotion ;

(iii) Reduction to a lower rank in the Seniority list or to a lower grade or to a lower stage in a time-scale of pay ; and

(iv) Recovery from pay of the whole or any part of the pecuniary loss caused to the Government or to a charitable or religious institution or endowment by negligence or breach of orders.

4. . :-

No order imposing, on an office-holder or servant attached to a Charitable or Religious Institution or Endowment, any of the penalties specified in Section 37 and Rule 3 above other than an order based on facts which have led to the conviction of the office-holder or servant by a Criminal Court shall be passed except after following the procedure laid down in Rule 19 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963 :

Provided that this rule shall not apply where the authority competent to impose the penalty is satisfied that, for reasons to be recorded in writing, it is not reasonably practicable to hold inquiry or give opportunity as required under aforesaid Rule 19.

5. . :-

All or any of the provisions of the aforesaid Rule 19 may, in exceptional cases and for special and sufficient reasons to be recorded by the competent Authority in writing, be waived where there is difficulty in observing fully the requirements of that rule provided that such waiver does not cause any injustice to the office-holder or servant charged.

6. . :-

(1) As office-holder or servant attached to a charitable or religious institution or endowment may be ordered to be under suspension from office or service by the trustee, the Executive Officer, the Assistant Commissioner, the Deputy Commissioner or the Regional Joint Commissioner or the Additional Commissioner or the Commissioner, as the case may be pending investigation or enquiry into grave charges where such suspension is necessary in public interest :

Provided that where the investigation has not been completed and the action proposed to be taken in regard to him has not been completed within a period of six months from the date of

suspension, the fact shall be reported to the Government, Commissioner, Regional Joint Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be for orders. The period of suspension shall not, however, exceed six months without the previous orders of the Government in the case of suspension ordered by the Commissioner or the Additional Commissioner and of the Commissioner in other cases. Provided further that during the period of suspension he shall be paid, subsistence allowance in accordance with the rules in Chapter-VIII of the Fundamental Rule and Subsidiary Rules of the Andhra Pradesh Government.

(2) An Office-holder or servant attached to a charitable or religious institution or endowment who is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the Authority competent to impose the suspension and shall remain under suspension until further orders by such authority.

(3) Any order of suspension made or deemed to have been made under this rule may, at any time, be revoked by the authority by which such order was made or deemed to have been made, or by any authority to which that authority is subordinate.

7. . :-

Every order imposing the penalty, shall be communicated in writing to the office-holder or servant concerned.