

ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS TRIBUNAL) ACT, 1960

2 of 1960

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CONTENTS

1. Short title and commencement
2. Definitions
3. Constitution and Composition of Tribunal
4. Cases to be referred to Tribunal
- 4A. Governments power to withdraw cases
5. Power of Tribunal to summon and examine witness, to direct production of documents and to appoint an assessor
6. Procedure of Tribunal
7. Tribunal to report to Government
8. Order of Government
9. Protection of action taken under this Act
10. Power to make rules
11. Repeals and Savings

ANDHRA PRADESH CIVIL SERVICES (DISCIPLINARY PROCEEDINGS TRIBUNAL) ACT, 1960

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An Act to provide for the constitution of a Tribunal for Disciplinary Proceedings to inquire into allegations of misconduct on the part of Government Servants and for other matters connected therewith. Be it enacted by the Legislature of the State of Andhra Pradesh in the Tenth Year of the Republic of India as follows:

1. Short title and commencement :-

(1) This Act may be called the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960.

(2) It shall come into force on such * date Act as the State Government may by notification in the Andhra Pradesh Gazette appoint.

2. Definitions :-

In this Act, unless the context otherwise requires:-

- (a) Government' means the State Government;
- (b) Government Servant' means a person appointed to public services or to a post in connection with the affairs of the State of Andhra Pradesh];
- (c) Prescribed' means prescribed by the rules made under this Act;
- (d) Tribunal' means the Tribunal constituted under Section 3.

3. Constitution and Composition of Tribunal :-

- (1) The Government shall constitute a Tribunal for Disciplinary Proceedings consisting of one or more members.
- (2) The Government may, at any time, by order, appoint one or more additional members to the Tribunal for such period as they may think fit or reduce the number of members of the Tribunal.
- (3) Every member of the Tribunal shall be a Judicial Officer of the status of a District Judge and his appointment shall be made by the Government out of a panel of names forwarded by the High Court.
- (4) If the Tribunal consists of more than one member. one of the members shall be designated by the Government as the Chairman of the Tribunal.

4. Cases to be referred to Tribunal :-

The Government may refer to the Tribunal] for enquiry and report such cases as may be prescribed of allegations of misconduct on the part of Government Servants.

4A. Governments power to withdraw cases :-

The Government may, in appropriate cases and for reasons to be recorded in writing withdraw any case referred to the Tribunal at any time before the Tribunal concludes its inquiry

5. Power of Tribunal to summon and examine witness, to direct production of documents and to appoint an assessor :-

- (1) The Tribunal shall, for the purpose of conducting an enquiry under this Act, have the powers of a Civil Court while trying a suit, under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person;
- (ii) requiring the discovery and production of any document; and
- (iii) issuing commissions for the examination of witnesses or documents.

(2) The Tribunal may examine on oath any person supposed to be acquainted with the matter under enquiry or any fact relevant thereto, and may record his evidence.

(3) Every person who is examined under sub-section (1) shall be bound to answer truly or all questions relating to the matter put to him by the Tribunal.

(4) Any person who wilfully or without reasonable excuse, disobeys any summons or order issued under the foregoing sub-sections shall be liable to the penalties laid down for the disobedience of the summons or orders issued by a Civil Court.

(5) The Tribunal may, if it so thinks fit, appoint any person as assessor to assist in conducting an enquiry into any case or cases referred to it.

6. Procedure of Tribunal :-

(1) If the Tribunal consists of more than one member, an inquiry into a case referred to the Tribunal under Section 4 shall be held by all the members sitting together or by a single member, as the Chairman may direct, and where all the members sit together, the evidence shall be recorded by such member or members as the Chairman may direct.

(2) Unless the Chairman otherwise directs all proceedings at any such inquiry shall be held in camera.

(3) The procedure to be followed by the Tribunal at any such inquiry shall, subject to the provisions of sub-sections (1) and (2), be such as may be prescribed.

7. Tribunal to report to Government :-

On the conclusion of any inquiry, the Tribunal shall report its findings to the Government servant [x x x] Provided that where a single member of the Tribunal holds an inquiry into a case as provided in sub-section (1) of Section 6, he alone shall report his findings [x x x] and his report to the Government in this regard shall be deemed to be the report of the Tribunal for the purposes of

this Act;

Provided further that where such single member does not examine any witness and record evidence but only hears arguments in such an enquiry and reports his findings, the hearing of arguments alone by him shall be deemed to be an enquiry under sub-section (1) of Section 6.

8. Order of Government :-

The Government shall consider the report of the Tribunal in the prescribed manner and pass such orders thereon as they think fit.

9. Protection of action taken under this Act :-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

10. Power to make rules :-

(1) The Government may, by notification in the Andhra Pradesh Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(2) Any rule made under this Act may be made with retrospective effect from any date not earlier than the date of commencement of this Act and when such a rule is made, the reasons for so making the rule shall be specified in a statement to be laid before the Legislative Assembly of the State.

(3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Repeals and Savings :-

(1) The Hyderabad Public Servants, (Tribunal of Inquiry) Act, 1950

(Hyderabad Act XXIII of 1950), the Andhra Civil Service (Disciplinary Proceedings Tribunal) Rules, 1953, and the Andhra Tribunal for Disciplinary Proceedings (Summoning and Examination of Witnesses and Documents) Act, 1956 (Andhra Act XXVIII of 1956) are hereby repealed:

Provided that such repeal shall not affect the previous operation of the repealed laws.

(2) From the date on which this Act comes into force, the Tribunal constituted under the repealed law shall be deemed to have been abolished and all cases pending before the said Tribunal on the said date shall be deemed to have been referred to the Tribunal and shall be disposed of by it under the provisions of the repealed laws as if it was a Tribunal constituted under those laws and such cases were referred to it:

Provided that where a single member of the Tribunal holds an inquiry into a case as provided in any repealed laws, he alone shall report his findings and recommend the penalties and his report to the government in his record shall be deemed to be the report of the Tribunal for the purposes of the repealed laws.