

## **ANDHRA PRADESH JUDICIAL MINISTERIAL SERVICE RULES**

(G.O.Ms.No.129, Law (L.A. & J-Home-Courts-D), 12<sup>th</sup> November, 2003)

In exercise of the powers conferred by the proviso to Article 309 of the constitution of India and of all other powers here unto enabling and in supercession of the Andhra Pradesh Judicial Ministerial Service Rules, 1964 issued in G.O.Ms.No.206, Home (Courts-A) Department, dated: 17.02.1964 and subsequent amendments issued thereto from time to time, the Governor of Andhra Pradesh hereby makes the following Revised Special Rules/or the Andhra Pradesh Ministerial Services:-

### **1. SHORT TITLE AND COMMENCEMENT:**

- (1) These rules may be called the Andhra Pradesh Judicial Ministerial Service Rules, 2003.
- (2) They shall apply to the holders of all posts, whether temporary or permanent in the service appointed thereto before on or after the 1<sup>st</sup> November, 1956, except to the extent otherwise expressly provided:-
  - (i) By or under any law for the time being in the force or
  - (ii) In respect of any member of the service by a contract or agreement subsisting between such member and the State Government.

### **2. DEFINITIONS:**

For the purpose of these rules:-

- a) "Aboriginal Tribes" means the communities defined as such in the Andhra Pradesh State and Subordinate Service Rules for the time being in force.
- b) "Andhra Area" means the territories, which immediately before the 1<sup>st</sup> November, 1956 were comprised in the State of Andhra.
- c) "Appointed to the Service" means a person is said to be appointed to the service when in accordance with these rules or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time the duties of a post borne on the cadre of the service or commences the probation, instruction or training prescribed for the members thereof.

**Explanation:** The appointment of a person holding a post borne on the cadre of another service to hold additional charge of a post borne on the cadre of this service or to discharge the current duties thereof does not amount to appointment to this service:

- d) "Approved candidate," means a candidate whose name appears in an authoritative list of candidates approved for appointment to the service or an category thereof.
- e) "Approved probationer in the service of a category thereof" means a member of the service or category who has satisfactorily completed his probation and awaits appointment as a full member of the service, or category as the case may be.

- f) "Conversion" means appointment of a member of service from one category to another or from one post to another carrying the same scale of pay.
- g) "Duty" a person is said to be "on duty" as a member of the service.
- (i) When he is performing the duties of a post borne on the cadre of the service or undergoing the probation:
  - (ii) When he is on joining time; or
  - (iii) When he is absent from duty on training or deputation by the Department during vacation or on authorized holidays or on leave taken in accordance with the instructions regulating such leave issued by the State Government having been on duty immediately before and immediately after such absence.
- h) "Full Member" of the service means a member of the service who has been appointed substantively to a permanent post borne on the cadre thereof.
- i) "Member of the Service" means a person who has been appointed to the service and who has not retired or resigned, been removed or dismissed, been substantively transferred or reduced to another service or been discharged otherwise than for want of vacancy. He may be a probationer, an approved probationer or a full member of the service.
- j) "Minimum general educational qualification" means the qualification prescribed in the Schedule to the General Rules for the time in force.
- k) "Probationer" means a member of the service whose services are regularized and placed on probation.
- l) "Promotion" means the appointment of a member of any category of the service to a higher category of the service carrying higher scale of pay.
- m) "Recruited direct" – A candidate is said to be "recruited direct" to the service when, in case his first appointment thereto is made by the Unit Officer on the date of notification inviting applications for the recruitment, and in any other case at the time of his first appointment thereto, he is not in the service of the Government of India or the Government of State.

Provided that for the purposes of this definition a person shall be deemed to be not in service of the Government of India or the Government of a State:

- (i) If a period of five years has not elapsed since his first appointment to a service the Government of India or the Government of a State; or

- (ii) If he is a practicing member of the Bar, although holding an office under the Government, or
  - (iii) If he holds a post, the conditions of service of the holder of which have been declared to be a matters not suitable for regulation by rule, or
  - (iv) If he belongs to the Scheduled Castes or Scheduled Tribes or Backward Classes.
- n) "Recruited by transfer" a candidate is said to be recruited by transfer to the Service,
- (i) if at the time of his first appointment thereto, he is either a full member or an approved probationer in any other service the rules for which prescribed a period of probation for member thereof; or
  - (ii) in case at the time of his first appointment thereof he is the holder of a post which has been included in another service but for which no probation has been prescribed, if he has put in that post satisfactorily service or a total period of two years within a continuous period of three years.
- o) "Regular appointment" means the appointment made by the authorities concerned in accordance with the rules or orders in force governing the respective posts.
- p) "Scheduled Caste" means the communities defined as such in the Andhra Pradesh State and Subordinate Service rules for the time being in force.
- q) "Scheduled Tribes" means the communities defined as such in the Andhra Pradesh State and Subordinate Service Rules for the time being in force.
- r) "Service" means a group of persons classified as the Andhra Pradesh Judicial Ministerial Service and includes the non-Gazetted members of the Andhra Pradesh High Court Service.

Note:- where the context so requires "Service" means the period during which a person holds a post in accordance with these rules except rule 14 or rule 27 or a lien on a post or is a member of a service as above defined.

- s) "Telengana Area" means territories specified in sub-section (1) of Section 3 of the State Reorganization Act, 1956 (Central Act 37 of 1956)
- t) The "Unit Office" means the District Judge in the mofussils and in the case of Hyderabad city, the Chief Judge, City Civil Court, the Chief Judge, City Small Causes Court and the Metropolitan Sessions Judge having jurisdiction over the Metropolitan Sessions Courts and Criminal Courts in the Metropolitan area of Hyderabad.

**3. Pay, Allowances, Leave, Leave Salary, Pension and other condition of service:** - The Andhra Pradesh Civil Service (Classification, Control and Appeal) Rules, 1991 the rules regulating, the pay on the services, the Government Servants' Conduct rules, 1964, the Fundamental Rules, the Andhra Pradesh Leave Rules and the Pension Rules and the rules applicable to the Government servants for the time being in force shall in so far as they may be applicable and except to the extent expressly provided in these rules, govern members of this service in the matter of their pay, allowances, leave, leave salary, pension and other condition of service:

Provided that:-

- (i) Where any such member has selected to be governed by the provisions of the Civil Service Regulations, those provisions shall apply to him;
- (ii) Save as otherwise expressly provided in these rules, nothing contained in this rule shall affect the operation of the provisions of Article 526 of the Civil Service Regulations relating to the fixation of a member of a service who is in receipt of a military pension; and
- (iii) Where any such member who immediately prior to 1<sup>st</sup> November, 1956 was in service for the former Hyderabad Government, he shall continue to be governed by the corresponding Rules applicable to him immediately prior to the said date subject to the provisions contained in G.O.Ms.No.747, General Administration (State Reorganization-A) dated: 6<sup>th</sup> May, 1957.

**4. Cadres:-** The permanent cadre of each category in each unit shall be determined by the State Government as suggested by and with the concurrence of the High Court.

**5. Constitution:-** The service shall consist of the following categories of posts in the Andhra Pradesh Judicial Ministerial Service:

**Category 1:** Administrative Officers:- (Formerly designated as Sheristadars of the District Courts including posts formerly designated as Superintendents of the Civil and Criminal Courts in the City of Hyderabad Superintendents in (telengana area).

**Category 2:** Superintendents: (formerly designated as Central Nazirs, Head Clerks or District Courts and Additional District Courts and Hyderabad City Courts and Sheristadars of the Sub Courts, Translators, Head Clerks of District Munsif Courts, U.D. Record Keepers of District Courts and Senior Superintendents of Copyists of District Courts).

**Category 3:** Senior Assistants: (Formerly designated as U.D.Cs, Head Clerks of Sub Court, U.D.Bench Clerks of District Courts and Sub-Courts and Deputy Nazirs of the Munsiff Magistrate Courts.)

**Category 4:** Junior Assistants: (Including posts formerly designated as L.D.Cs, Junior Superintendents of Copyists and Assistant Superintendents of Copyists and Assistant Nazirs.)

**Category 5:** Personal Assistants: (Formerly designated as Steno-Typists).

**Category 6:** Typists.

**Category 7:** Examiners (Including the posts formerly designated as Readers).

**Category 8:** Copyists.

**Category 9:** Field Assistants: (Formerly designated as Amins and Bailiffs).

Note (1):- The respondents-designation of the posts as above will be only prospective and will not affect the gradation or seniority of persons holding posts as on the date of commencement of these rules.

Note (2):- The posts in categories 1 to 3 above are the selection posts, promotion to which shall be made on grounds of merit and ability seniority being considered only where merit and ability are approximately equal.

**6. Method of appointment and appointing authority:-**

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

Category and Name of the post (1)	Method of Appointment (2)	Appointing authority (3)
1. Administrative Officers	By promotion of Superintendents (category.2)	District Judge
2. Superintendents	By promotion of Senior Assistants (category.3)	District Judge
3. Senior	By promotion of Junior Assistants (category.4), Personnel Assistants (category.5), and Typists (Category.6), from a combined seniority list.	District Judge
4. Junior Assistants	(i) By direct recruitment (ii) By promotion of Examiners (category.7), Copyists (category.8) and field Assistants (category.9) from a combined seniority list.	District Judge
5. Personal Assistants	(i) By direct recruitment (ii) By conversion of Typists (category-6)	District Judge
6. Typists	(i) By direct recruitment (ii) By promotion of field Assistants (category.9)	District Judge
7. Examiners	(i) By direct recruitment (ii) By conversion of field Assistants (category.9) (iii) By appointment by transfer of Record Assistants in Andhra Pradesh General Subordinate Services.	District Judge
8. Copyists	(i) By direct recruitment (ii) By conversion of field Assts. (cat.9) provided they possess qualification in Type writing by Higher Grade.	District Judge
9. Field Assistants	(i) By direct recruitment By appointment by transfer of Record Assistants in Andhra Pradesh General Subordinate Services and Attenders in Last Grade Service in Judicial Department in the Ratio of 1:1.	District Judge

Provided that the members from categories 6 to 9 possessing Special Qualifications required for holding the post in category-5, shall be considered for promotion or conversion to category-5 as the case may be. Similarly, members from categories 7 and 9 possessing special qualifications required for holding the posts in categories 6 and 8 shall also be considered for conversion or promotion to the posts in categories 6 and 8 as the case may be.

**Note (1):** For the purpose of appointment to the posts of Senior Assistants, a combined seniority list of Junior Assistants, Personal Assistants and Typists shall be prepared with reference to the date of their regular appointment to the respective categories.

**Note (2):** The percentage of direct recruitment to substantive vacancies in the categories mentioned below shall be indicated against each.

(i) Junior Assistants	.....50%
(ii) Personal Assistants	.....50%
(iii) Typists	.....50%
(iv) Examiners	.....50%
(v) Copyists	.....50%
(vi) Field Assistants	.....50%

**Note (3):** For appointment to remaining posts the seniority list of other persons in the feeder category shall be prepared with reference to the existing gradation lists and the ranks inter-se.

**Note (4):** The appointing authorities shall exercise their power subject to the control of High Court.

#### **7. Reservation of appointments:**

- The rule of special representation (General rule 22(A) of the Andhra Pradesh State and Subordinate Service Rules, 1996) shall apply to appointment by direct recruitment to the various posts in the service.
- In the matter of direct recruitment to the posts for which women and men are equally suited, there shall be reservation to women to an extent of 33 1/3 of the posts in each category of O.C., B.C (Group A), B.C (Group B), B.C. (Group.C), B.C. (Group.D), S.Cs and S.Ts and Physically Handicapped and Ex-service men quota.

#### **8. Qualifications:**

- No person shall be eligible for appointment to the categories specified in Column (1) of Annexure-1 to these rules by the method specified in Column (2) unless such person possessed the qualification specified in the corresponding entry in column (3) thereof.
- Linguistic qualification:** A candidate shall not be eligible for appointment if he does not possess an adequate knowledge of the language or languages of the district in

which he is to be appointed. The language or language of the districts is as specified in Annexure – III to these rules.

Provided that where two or more languages are specified for a district and sufficient number of candidates who have an adequate knowledge of all the languages are not available, candidates who have an adequate knowledge of any one of the said language according to the needs of the district may be selected and such candidates shall be eligible for appointment in that district.

**9. Age:**

No person shall be eligible for appointment by direct recruitment if he has completed 33 years of age on the first day of July of the year in which the notification for selection is made or such age as prescribed by the Government of Andhra Pradesh from time to time.

**10. Unit of appointment:**

“Except as otherwise provided herein below, the unit of appointment for the purpose of direct recruitment, transfer, seniority, appointment as full member and discharge for want of vacancy shall be revenue district. But in the case of Hyderabad City, the unit of appointment will be the City Civil Courts, Hyderabad, City Small Causes Court, Hyderabad and Metropolitan Sessions Court, Hyderabad. Further in the case of any Special Court constituted interest he City of Hyderabad, for purpose of staff in appointing authority. In the case of any Special Court constituted for the disposal of matters of Civil nature similarly, the Metropolitan Sessions Judge, Hyderabad shall be the appointing authority in the unit in respect of the staff of the Special Courts constituted for adjudication of matters of criminal nature. Likewise in respect of special courts constituted for adjudication of matters of any nature in the districts, the Principal District Judge shall be the appointing authority.

**11. Manner of appointment by Direct Recruitment:-**

The manner of appointment by direct recruitment shall be as prescribed in Annexure-II to these rules.

**12. Revision of orders promotion to selection posts:-**

An order promoting a member of the service to a selection category made by a competent authority, may be revised by an authority to which an appeal would lie against an orders of dismissal passed on such member, such revision may be made by authority aforesaid either sue moto at any time or on a petition submitted by any person aggrieved by the order, within six months from the date of passing of such order:

Provided that the revisional authority if sufficient may extend the said period of six months cause is shown for the delay in the submission of petition.

**13. Re-allotment of approved candidates:-**

All re-allotments of approved candidates from one unit to another in the service or from this service to another or vice versa may be made by the unit officers concerned in consultation with each

other with the concurrence of High Court and subject to the condition that persons seeking re-allotment shall forego the unit list and take their rank last in the approved list in the administrative unit to which they seek respondents-allotment and to receive no traveling allowance for their journeys to the unit to which they are respondents-allotted.

**14. Temporary appointments**:- Omitted.

**15. Probation**:-

- (a) Every person appointed by direct recruitment to any post in the service shall, from the date on which he commences probation, be on probation for a total period of two years on duty within a continuous period of three years.
- (b) Every person appointed to any of the posts either by promotion or by transfer shall, from the date on which he commences probation, be on probation for a total period of one year on duty within a continuous period of two years.

**Special provision in respect of Probation and seniority in certain cases:**

- (c) Notwithstanding anything contained in these rules, a person promoted or appointed by transfer on or after the 23<sup>rd</sup> January, 1969 to a category, shall be deemed to have commenced his probation in that category from the date on which he has been continuously on duty in that category for a period of not less than two months from the date of promotion or appointment by transfer.

**16. (1) Probation – Suspension – Termination or extension:**

At any time before the expiry of the period of probation referred to in rule 15 or where such period of probation has been extended under rule 17 the appointing authority may, at any time before the expiry of the prescribed period of probation or the extended period of probation, as the case may be.

- (i) Suspend the probation of a probationer and discharge him for want of a vacancy, and
- (ii) At its discretion by an order, either extend the period of probation of the probationer in case the probation has not been extended under Rule 17 or terminate his probation and discharge him from service after giving him one month's notice or pay in lieu of such notice:

Provided that if the termination or probation and the discharge of the probationer from service is to be made as a measure of punishment on the ground of misconduct, negligence or any specific fault on the part of the probationer, the procedure prescribed in sub rule (2) of Rule 19 of the Andhra Pradesh Civil Service (Classification, Control and Appeal) Rules, shall be followed and it shall not be necessary to give him one month's notice or pay in lieu of such notice.

**Explanation:** In cases where the discharge of a probationer is made reverting him to his lower officiating or substantive post, the pay in lieu of one month's notice shall be limited to the difference in pay between the officiating post and that of the lower officiating or substantive post to which he is reverted.

**(2) (i):** If such probationer has appeared within the original or extended period of probation for any such tests and the results of the tests for which he has so appeared are not known before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests for which he has appeared or the first of them in which he fails pass, as the case may be. In case the probationer fails to pass any of the probation tests for which he has so appeared, the appointing authority shall forthwith, by order discharge him unless the period of probation is extended under rule 17 (ii) where a probationer has, before he commenced his probation, already passed any of the special tests prescribed, he shall not be required to pass such special test again.

**(3) (i) Approved Probationer:** If, at the end of the period of probation or of the period of probation as extended under rule 17, the appointing authority considers the probationer to be suitable for full membership, it shall issue an order declaring the probationer to have satisfactorily completed his period of probation. On the issue of such order, the probationer, the probationer shall be deemed to have satisfactorily completed his probation on the date of the expiry of the prescribed or extended period of probation; if the appointing authority decided.

**(ii) Termination of Probation:** - If the appointing authority decided that the probationer has failed to give satisfaction in regard to his suitability for full membership he shall unless the period of probation is extended under rule 17, by order discharge him from service, after giving him one month's notice or pay in lieu of such notice:

Provided that if the discharge of probationer is as a measure of punishment on the ground of misconduct, negligence or any specific fault on the part of the probationer, the procedure prescribed under rule 20 of the Andhra Pradesh Civil Service (Classification, Control and Appeal) Rules, 1991 shall be followed and it shall not be necessary to give him one month's notice or pay in lieu of such notice.

**Explanation I:-** The decision of the appointing authority that the probationer has failed to give satisfaction in regard to his suitability for full membership may be based also on his work and conduct till the date of the decision, inclusive of the period subsequent to the prescribed or extended period of probation.

**Explanation II:** In case where the discharge of the probationer is made by reverting him to his lower officiating or substantive post, the pay in lieu of one month's notice shall be limited to the difference in pay between officiating post and that of the lower officiating or substantive post to which he is reverted.

**(ii) Decision on declaration of probation:** The decision whether a probationer is suitable for such membership or his probation be extended shall be taken soon after the expiry of the prescribed period of probation i.e., within a period of six months after such expiry and communicated to him. The appointing authority shall communicate the lapse on the part of the probationer well in advance of the expiry of the prescribed period of probation so that he may rectify such lapse.

17. **Extension of probation:-** In the case of any probationer falling under sub-rule (2) or clause (II) of sub-rule (3) of rule 16, the appointing authority may extend his probation to enable him to acquire the special qualifications or pass the prescribed tests or, as the case may be, to enable the appointing authority to decide whether the probationer is suitable for full membership or not. Such extended period of probation or the period of probation as extended under clause (ii) of sub-rule (1) of the rule 16 shall terminate at the latest when the probationer has, after the date of expiry of the period of probation prescribed for the class or category in which he is on probation, completed one year of duty in such category.

In case where the probation is extended increments of the probationer shall be postponed until he completes his probation satisfactorily by the period for which his probation is extended. Such postponement of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he has passed the prescribed tests of examinations or after he completes his probation satisfactorily.

18. **Appeal against termination or probation:-**

- (1) A probationer who is discharged under clause (ii) or sub-rule (1) or under sub-rule 93) of rule 16 shall be entitled to appeal to the High Court within the period of limitation within which an appeal would lie against an order or dismissal passed against a full member of the division or category as the case may be to which the probationer belongs.
- (2) **Revision of order to termination of probation:-** The High Court may, either of its own motion or otherwise revise any order discharging a probationer under any of the provisions referred to in sub-rule (1) within one year of the date of such order.
- (3) **Condition of service on restoration of discharge probationers:-** (i) When an order discharging a probationer is set aside on appeal under sub-rule (1) or on reversion under sub-rule (2) and the probationer is restored to the service, the period on and from the date of discharge to the date of such restoration may be treated as duty except for purposes of probation. The period of probation undergone by such probationer at the time of his discharge shall, however, count towards the period of probation prescribed by the rules applicable to him.

19. Discharge of probationers and approved probationers for want of vacancies:

- (ii) Such probationer may, during the period on and from the date of his discharge to the date of his restoration, be paid such pay and allowances, not exceeding the pay and allowances to which he would have been entitled if he had not been discharged, as the High Court may, with the previous sanction of the State Government, determine.

19. Discharge of probationers and approved probationers for want of vacancies: (1) Probationers and approved shall be discharged for want of vacancies in the following order:-

- (i) First the probationers in order of juniority and

- (ii) Second, the approved probationers in order of juniority. The order of discharge may be departed from in cases where such order would involve excessive expenditure on traveling allowance or exceptional administrative inconvenience.

**Explanation**:- A member of the service who is transferred at his own request from one unit to another shall, for the purpose of this sub rule, be treated as junior to all probationers appointed in the new unit prior to his joining that unit, notwithstanding the fact he is already an approved probationer or will complete probation earlier than the other probationers in that unit.

- (2) Reappointment of probationers and approved probationers: Approved probationers and probationers who have been discharged for want of vacancies shall be reappointed as vacancies arise, in the inverse order laid down in clause (i) or (ii) or sub-rule (1).

Provided that the said order may be departed from in cases where such order would involve excessive expenditure on travelling allowance or exceptional administrative inconvenience.

20. **Appointment of full member**: - (1) Subject to the provision of Rule 34 an approved probationer shall be appointed to be full member in the category for which he was selected at the earliest possible opportunity in any substantive vacancy which may exist or arise in the permanent cadre of such category and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date or as the case may be, from such subsequent date from which he was continuously on duty as member of the service in such category or in a higher category:

Provided that, where more than one approved probationer is available for such appointment as full member, the senior-most approved probationer on the date of the vacancy shall be appointed:-

Provided further that where by reason of administrative convenience a member of the service completes his probation earlier than another member of the service who is senior to him, the member who so completes his probation earlier shall not be confirmed before the member who is senior to him. The senior member shall be confirmed according to his seniority in the service after he completes satisfactorily the period of his probation.

- (ii) A member of the service who is transferred on his own request from one unit to another shall not, by reason of having completed his probation earlier than the other probationers in the new unit, be confirmed before them.

(2) No person shall, at the same time, be a full member of this and another service, state or sub-ordinate.

A probationer, approved probationer or full member of this service who is appointed to be full members of another service shall cease to be a member of this service.

21. **Seniority**:-

- (1) The seniority of a person in a category shall, unless he has been reduced to a lower rank as a punishment, be determined by the date of his first appointment to such

category. If any portion of the service of such person does not count towards probation under rule 14(4) or rule (27) (4), his seniority shall be determined by the date of commencement of his service, which count towards probation.

- (2) The appointing authority may, at the time of passing an order appointing two or more persons simultaneously to a category or fix either for the purpose of satisfying the rule of reservation of appointments or for any other reason, the order of preference among them, and where such order has been fixed seniority shall be determined in accordance with it.
- (3) The transfer of a person from one category to another category carrying the same pay or scale of pay after commencement of these Rules shall not be treated as first appointment to the latter for purposes of seniority, and the seniority of a person so transferred shall be determined with reference to the date of his first appointment to the division of category from which he was transferred. Where any difficulty or doubt arises in applying this sub-rule, the appointing authority shall determine seniority and such decision shall be final.
- (4) Where a member of any category is reduced, for a specified period, to a lower category,
  - (a) in cases where the reduction does not operate to postpone future increment, the seniority of such member on repromotion shall, unless the terms of the order of punishment provide otherwise, be fixed in the higher category at what it would have been but for his reduction.
  - (b) In cases where the reduction operates to postpone future increment, the seniority of such member on repromotion shall, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher category.
  - (c) In case where an order of punishment passed prior to the 10<sup>th</sup> June 1963, does not specifically provide otherwise, such member shall, on completion of such period, be promoted automatically and his seniority shall be determined in accordance with the provisions of clause (a) or clause (b), as the case may be.

22. **Scope of application or rules:** For the purpose of first appointment, discharge for want of vacancies, reappointment, seniority and appointment of full members, every post or group of posts in a category for which qualification in a particular subject is prescribed shall be deemed to be a separate category.

23. **Training:-** (a) Every person selected for appointment by direct recruitment as Junior Assistant shall undergo training for a period of not less than three months or for such period as the High Court may prescribe from time to time.

(b) Every person appointed to the service by direct recruitment shall, before the commencement of training, execute an agreement bond that he shall serve the Department for a period of three years after the completion of training referred to in sub-rule (a).

(c) He shall be liable to refund to the Government the pay and allowances or any other remuneration received by him in addition to the amount spent by the Government in his training:-

- (i) If he fails to serve the Department for a period of three years after the completion of his training, for any reasons; 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.

(d) The period of training shall count for purposes of probation, increments, 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.

#### 24. **Security**:-

(a) Where the State Government have, by general or special order, direct that the holder of any specified posts or category of posts shall deposit security for the due and faithful performance of his duties.

(b) Every person appointed to the following posts shall for the due and faithful performance of duties attached thereto, deposit security in the sum specified below:

(i) Post in Category 2	.....	RS.1,500/-
(ii) Category 3	.....	Rs.1,000/-
(iii) Category 9	.....	Rs. 500/-

(c) If within a month from the date of his appointment or promotion person concerned fails to deposit security required, his probation shall be deemed to have been terminated and the appointing authority shall forthwith, by order, discharge him from service or revert him to the post from which he was promoted as the case may be unless he has already been otherwise discharged or reverted.

Provided that the termination of probation under sub-rule shall not disentitle a person to promotion to any post in the service which does not require security and for which he would have been eligible for promotion otherwise that by reasons of his promotion or appointment to those posts.

#### 25. **Probationers – desiring courses of study not connected with probation**:-

(1) A probationer who desires to undergo any course study, which though not essentially connected with his probation is likely to enhance his usefulness as a member of the service, may, on his application and subject exigencies of service, be permitted by the appointing

authority to undergo the desired course of study. He shall also be granted the entire amount of leave, if any, admissible under the rule applicable to him, if but for such leave he would have continued to be on duty.

- (2) Such a probationer shall, on the completion of the course of study, be entitled to respondents-appointment according to the rank and seniority held by him in his unit in the category before undergoing the said course of study. He shall also be entitled to count his continuous service immediately before his undergoing the said course of study for increment in the time scale of pay applicable to him but for his absence from the service (whether on leave or otherwise) for undergoing the said course study, he would have continued to be on duty.
- (3) The absence of an employee as above shall be regularized in accordance with the provisions of Fundamental Rules.

**26. Special provisions relating to Copyists and Process Establishment:**

Nothing in these rules shall affect the operation of the copyists and process establishment rules in the Civil Rules of Practice and Circular Orders, Volume-I.

**27. Temporary Promotions:**

- (1) (i) Where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of a higher category of the service by promotion from a lower category and there would be undue delay in making such promotion in accordance with these rules the appointing authority may promote a person otherwise than in accordance with these rules, temporarily, until a person is promoted in accordance with these rules. Such promotion shall not, except with the specific permission of the High Court, exceed a period of six months. The High Court may grant such permission only for stated reasons and in very exceptional cases without prejudice to the normal claims of any other employees.
- (ii) No person who does not possess the qualifications prescribed for the post shall ordinarily be promoted under clause (i). Every person who does not possess such qualifications and who has been or is promoted under clause (i) shall be replaced as soon as possible by promoting a person possessing such qualifications.
- (2) Where it is necessary to fill a short vacancy in a higher category in any division of the service by promotion from a lower category and the appointment of the person who is entitled to such promotion under these rules would involve excessive expenditure on traveling allowance or exceptional administrative inconvenience, the appointing authority may promote any other person who possesses the qualifications, if any, prescribed for the higher category.
- (3) A person temporarily promoted under clause (i) of sub-rule (1) shall, whether or not possesses the qualification prescribed for to the post to which he is promoted, be replaced

as soon as possible by the member of the service who is entitled to promotion under these rules.

- (4) A person promoted under sub-rule (1) shall not be regarded as a probationer in the higher category or be entitled by reason only of such promotion to any preferential claim to future promotion to such higher category. If such person is subsequently promoted to the higher category in accordance with these rules, he shall commence his probation, if any, in such category from the date of such subsequent promotion or from such earlier date as the appointing authority may determine.
- (5) The appointing authority shall have the right to revert to a lower category any person promoted under sub-rule (i) of sub-rule (2) at any time without assigning any reason and without notice.

**28. Transfers and postings:-**

- (1) The transfers and postings of person shall, ordinarily be made by the appointing authorities within the unit.
- (2) Transfer of members of the service who are full members or approved probationers from the jurisdiction of one appointing authority to that of another shall be made by the High Court of Judicature, Andhra Pradesh.

Provided that the seniority of a member who is transferred on administrative grounds shall be fixed with reference to the date of his appointment in the unit from which he is transferred, seniority of a member transferred on his own request from one Unit to another shall have his seniority fixed in the later Unit with reference to the date of his first appointment in that Unit.

- (3) Transfers of Administrative Officers from one Unit to another shall be made by the High Court of Judicature, Andhra Pradesh.
- (4) It shall be competent for the High Court to combine two or more districts into one unit of appointment for purposes of transfer and posting of personnel working in the district or units. In cases of transfer of any such personnel, the provisions of Rule 38 of Andhra Pradesh State and Subordinate Rules shall, unless specifically ordered otherwise, apply.

In cases of such combination of Units of appointment, each appointing authority may submit proposals for transfer to the High Court, which shall pass final orders in that regard with the concurrence of both the unit heads, the High Court shall transfer candidate from one unit to other unit.

- 29. Consequences of resignation:-** A member of the service shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of resignation but all his previous service under the Government of Andhra Pradesh or any other State Government in India.

The reappointment of such person to the service shall be treated in the same way as a first appointment to the service by direct recruitment and all rules governing such appointment shall apply; and on such reappointment shall not be entitled to count any portion of his previous service for any benefit of concession admissible under any rule or order;

Provided that nothing contained in this rule shall effect the operation of clause (b) of Article 418 of the Civil Service Regulations.

30. **Military duty to count for pension:-** Notwithstanding anything in these rules and notwithstanding anything contained in the pension rules made or deemed to be made by the State Government, a member of the service who was deputed for military duty shall be entitled to count the periods spent on military duty for purpose of pension if he would have counted for that purpose his service in the civil department but for his deputation for military duty.

**Explanation:-** This rule, shall, in its application to a member who has been or may be called to or employed in service paid for from Defence Services Estimates, be subject to the condition specified in the letter of the Government of India, War Department (Army Branch) to the Adjutant – General in India, No.11008/AGAINST – 14(a), dated the 11<sup>th</sup> June, 1944, recorded in G.O.Ms.No.465, Finance, dated 6<sup>th</sup> September, 1944.

31. **Reduction of full member:-** If a full member of any category in the service is subsequently reduced to a lower category, he shall be deemed to be a full member of the latter and the permanent cadre thereof shall, if there is no vacancy in which he could be absorbed, be deemed to be increased by one so long as such member continues therein;

Provided that against every such addition, an officiating or temporary vacancy, if any, in such lower category shall be kept unfilled and such addition shall be absorbed in the first permanent vacancy that subsequently arises in such lower category.

32. **Appointment in place of members dismissed, removed or reduced:-**

Where a person has been dismissed, removed or reduced from any category in the service, no vacancy caused thereby or arising subsequently in such category in the service shall be subsequently filled to the prejudice of such person except temporarily until the appeal, if any, preferred by him against such dismissal, removal or reduction is decided and except in conformity with such decision, or until the time allowed for preferring an appeal has expired, as the case may be.

33. **Relinquishment of Rights by members:** Any person may in writing, relinquish any right or privilege to which he may be entitled under these rules, if, in the opinion of the appointing authority, such relinquishment is not opposed in public interest and nothing in these rules shall be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.

34. **Members absent from duty:** These absence of a member of the service from duty, whether, on leave, on foreign service or on deputation or for any other reason and whether his lien in a post borne on the cadre of the service is suspended or not, shall not if he is otherwise fit, render his ineligible in his turn.

- (a) For re-appointment to a substantive or officiating vacancy in the category or post in which he may be a probationer or any approved probationer.
- (b) For promotion from a lower to higher category in the service; or
- (c) For appointment to any substantive or officiating vacancy in another service for which he may be an approved candidate, as the case may be, in the same manner as if he had not been absent. He shall be entitled to all the privileges in respect of appointment, seniority, probation and confirmation, which he would have enjoyed, but for his absence, subject to his completing satisfactorily the period of probation on his return.

Provided that a member of the service who is appointed to another service and is a probationer or an approved probationer in that latter service, shall not be appointed under clause (c) to any other service for which he may be an approved candidate unless he relinquishes his membership in the latter service, in which he is a probationer or an approved probationer.

**35. Re-appointment of members of the service discharged on account of affliction with tuberculosis:-**

- 1) Every member of the service discharged on account of affliction with tuberculosis, shall be eligible for reappointment to the post held by him prior to his discharge as aforesaid, or to a post of the same rank and status in the service, if he is declared non-infective and medically fit for Government service by a tuberculosis specialist or a medical authority authorised in this behalf by the Government. Such person shall be eligible for reappointment in the service whenever there are suitable vacancies.
- 2) For the purpose of determining whether any such member possesses the age, qualification, the period of his service in the post held by him prior to his discharge shall be deducted from the actual age and if the age so computed does not exceed the prescribed age limit by more than three years, he shall be deemed to be within the prescribed age limit.
- 3) On reappointment of any such member, the actual service rendered by him prior to his discharge from service shall count for purposes of pension seniority and pay to the extent to which it would have been counted for the said purposes had he not been discharged. The break in service between the date of discharge and the date of re-appointment shall not, however, count for any purpose, but his service shall, otherwise, be regarded as continuous. On reappointment of such a member to the same post or to a post of the same rank and status, the service which has not been counted for increments before up to a maximum of one year and any leave to his credit under the

leave rules by which such member was governed at the time of his discharge shall also be allowed to be carried over to his account.

4) The provision of this rule shall have effect notwithstanding anything in these rules.

**36(A) Relaxation of Rules by the Governor:-**

Notwithstanding any thing in these rules the Governor of Andhra Pradesh may relax the application of the rules in relation to any member of the service or any person to be appointed to the service.

Provided that where any such rule is applicable to the case of any person, the case shall not be dealt with in a manner less favourable to him than that provided by the rules.

**36(B) Relaxation of rules by the High Court:-** Without prejudice to the power of the Governor under Rule 36-A, the High Court shall also have the powers to relax any of the rules and deal with the case of a member of the service holding a post carrying a scale of pay less than that of a Junior Assistant or any person to be appointed to such post in so far as such case relates to the service conditions governed by these rules in such manner as may appear to it to be just and equitable.

Provided that where any such rule is applicable to the case of any member, the case of any member the case shall not be dealt with in any manner less favourable than that provided by that Rule.

**37. Applicability of General Rules:-**

In respect of matters, which are not covered by these rules, the provisions of the Andhra Pradesh State and Subordinate Service Rules shall apply to the members of service.

**38. Transitory Provisions:**

In case of person who are in service on the date of issue of these rules and who are eligible for promotion or transfer to a higher post and for whom a test is now prescribed as a pre-requisite for such promotion or appointment by transfer but for whom such test was earlier required to be passed after promotion or transfer within the period of probation, may be promoted or transferred, even though they had not passed the tests, but shall be required to pass the test within the prescribed period of probation for such higher post. This concession shall be in force for a period of two years from the date of issue of these rules.

**39. Repeal and Saving:-**

The Special Rules issued in G.O.Ms.No.206, Home (Courts-A) Department, dated 7<sup>th</sup> February 1964 as amended from time to time are hereby repealed.

Provided that nothing in these rules shall effect the appointments made in accordance with the repealed rules prior to the coming into force of these rules.

**ANNEXURE**

(See Rule 8)

Sl. No.	Category and name of the post	Method of appointment	Qualifications
1.	Administrative Officer	By promotion from category 2	Must be a graduate
2.	Superintendent	By promotion	Must have passed Translation Test i.e., (i) Translation from English to the Regional Language and (ii) Translation from Regional Language to English.
3.	Senior Assistant	By promotion	<p>i) Must have passed Civil Judicial Test Parts I &amp; II and Criminal Judicial Test.</p> <p>ii) Must have passed Accounts Test for Subordinate Officers, Part-I.</p> <p><u>Note 1:</u> A person who possesses a Degree in Law of any University in India established or incorporated by or under a Central Act, Provincial Act or a State Act or an institution recognized by the University Grants Commission the syllabus of which includes procedure shall not be require to pass Civil Judicial Test Parts I &amp; II and Criminal Judicial Test.</p> <p><u>2.</u> For promotion to posts in categories 1 to 3 preference shall be give to the member who hold a degree in law of any University in India established or incorporated by or under a Central Act, Provincial Act or a State Act or an institution recognized by the University Grants Commission, besides being otherwise qualified and suitable for appointment.</p>
4.	Junior Assistant	(i) By direct recruitment (ii) or by promotion	Must have passed intermediate examination conducted by A.P. State Board of Intermediate Examination or any equivalent examination.
5.	Personal Assistant	(i) By direct recruitment (ii) By conversion	<p>i) Must have passed Intermediate Examination conducted by A.P. State Board of Intermediate Examination or any equivalent examination.</p> <p>ii) Must have passed A.P. Government Technical Examination in English Typewriting by Higher Grade.</p> <p>iii) Must have passed A.P. Government Technical Examination in English Shorthand by Higher Grade. Provided that if candidates who have passed the examination by the Higher Grade are not available those who have passed the examination by the lower grade.</p> <p>In addition to the above qualifications, if the candidates who passed Andhra Pradesh Government Technical Examination in Shorthand and Typewriting by lower grade in Telugu shall be given preference for appointment by direct recruitment.</p>

6.	Typist	By direct recruitment or by promotion or by conversion.	<p>i) Must have passed intermediate Examination conducted by Andhra Pradesh State Board of Intermediate Examination or any equivalent examination.</p> <p>ii) Must have passed Andhra Pradesh Government Technical Examination In English Typewriting by Higher Grade.</p> <p>In addition to the above qualifications, if the candidates who passed the Typewriting in Telugu by Lower Grade on Government Standard key Board shall be given preference for appointment by direct recruitment.</p>
7.	Examiner	By direct recruitment or by promotion or by conversion	Must have passed Intermediate Examination conducted by the Andhra Pradesh State Board of Intermediate Examination or any equivalent examination.
8.	Copyist	By direct recruitment or by conversion.	<p>i) Must have passed Intermediate Examination conducted by Andhra Pradesh State Board of Intermediate Examination or any equivalent Examination.</p> <p>ii) Must have passed Andhra Pradesh Government Technical Examination in English Typewriting by higher grade.</p> <p>Provided that if candidates who have passed the examination by the Higher Grade are not available those who have passed the examination by the lower Grade.</p> <p>In addition to the above qualifications, if the candidates who passed Andhra Pradesh Government Technical Examination in Typewriting by Lower Grade in Telugu on Standard Key Board shall be given preference for appointment by direct recruitment.</p>
9.	Field Assistants	By direct recruitment or by transfer	Must have passed intermediate examination conducted by Andhra Pradesh State Board of Intermediate Examination or any equivalent examination.

Note: 1:- A person who has appeared for the test on the date of occurrence of the vacancy in the higher post and passed the same subsequent thereto shall be treated as qualified on the date following the date of completion of the test or tests, if as on that date there is a vacancy in higher category remaining unfilled for want of a test qualified candidate.

Note: 2:- A person appointed to a post in accordance with the rules applicable to him at the time of his appointment shall not be required to acquire higher qualifications prescribed for that post subsequent to his appointment.

**ANNEXURE-II**

(See Rule 10)

**Manner of appointment by direct recruitment:-** for Junior Assistants, Typists and Steno-Typists

(A)

- i) Every Unit officer shall;
  - 1) Not later than the 1<sup>st</sup> of July of every year estimate the number of vacancies which are expected to arise during the following year within his jurisdiction of copyists, examiners, field assistants which are to be filled by direct recruitment.
  - 2) As soon as possible after the said date, announce the qualifications required of the candidates and the number of vacancies to be filled in each category and invite applications fixing the 1<sup>st</sup> August of that year as the last date for receipt of applications.
  - 3) Considered all applications received in time and conduct written examination/ interview such candidates as are considered most suitable for appointment; and
  - 4) Not later than the 1<sup>st</sup> December of the year draw up a list of approved candidates of such number as may be considered necessary and suitable, the names, being arrange in order of preference.
- ii) The list of approved candidates for appointment to the service of copyists, examiners, field assistants, record assistants and last grade servants shall be prepared separately in accordance with the rule of reservation of appointment (General Rule 22).
- iii) When a candidate is required for appointment to the service in a class or category referred in clause (i), the Unit Officer shall allot the senior candidate on appropriate list in force subject to his being qualified under these rules.

(B) Notwithstanding anything herein before, the names of such of the candidates included in any of the lists as have been appointed to the service before the publication of fresh list, shall, in the order in which they are arranged in that list be included in, and he placed at the top of the appropriate part of the fresh list, or if no fresh list is prepared, the current list containing only the names of the unallotted candidates in the order in which they are arranged there in shall be published as a fresh list.

**ANNEXURE-III**

<u>District</u>	<u>Language</u>
Anantapur	Telugu and Kannada
Chittoor	Telugu and Tamil
Cuddapah	Telugu
East Godavari	Telugu
West Godavari	Telugu
Guntur	Telugu
Krishna	Telugu
Kurnool	Telugu
Nellore	Telugu
Srikakulam	Telugu and oriya
Visakhapatnam	Telugu
Hyderabad	Telugu and Urdu
Adilabad	Telugu, Urdu and Marathi
Karimnagar	Telugu and Urdu
Khammam	Telugu and Urdu
Mahaboobnagar	Telugu and Urdu
Medak	Telugu and Urdu
Nalgonda	Telugu and Urdu
Nizamabad	Telugu and Urdu
Warangal	Telugu and Urdu

**K.G.SHANKAR,**  
Secretary to Government