

**TELANGANA STATE JUDICIAL ACADEMY**  
**SECUNDERABAD**



**A GUIDE FOR THE**  
**MINISTERIAL OFFICERS**  
**OF DISTRICT COURTS**  
**WORKING UNDER THE CONTROL OF**  
**THE HIGH COURT FOR THE STATE OF**  
**TELANGANA**

For Private Circulation – Educational Purposes only

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STATE OF TELANGANA**

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# INDEX

## PART I

<b>TOPIC</b>	<b>PAGE No.s</b>
1. General Principles in Checking of Suits -----	1 - 27
a) Territorial Jurisdiction. -----	3
b) Pecuniary Jurisdiction -----	3
c) Court Fees -----	4
d) Mandatory procedural aspects laid down under CPC, Civil Rules of Practice, the Limitation Act, 1963 (in short Limitation Act) and also with reference to C.F. & S.V. Act -----	5
e) Parties to the Suit.-----	7
f) Reliefs.-----	7
g) Cause of Action.-----	7
h) Suits by GPA holder or an agent of the Plaintiff.-----	8
i) Suits instituted under representative capacity under Order 1 Rule 8 C.P.C -	8
j) Suits filed by Partnership firm-----	8
k) Suits by or against Corporation.-----	8
l) Suits against trustees, executors and administrators.-----	8
m) Suits against Government or a Public official.-----	8
n) Verification of schedule-----	9
o) Process -----	9
p) Address for service -----	9
q) Suit documents – Compliance under Rule 18 C.R.P -----	10
2. Tips for checking of some of the suits frequently filed suits -----	11 - 15
a) Suit based on Promissory Note -----	11
b) Suits for Partition -----	12
c) Suits for Injunction -----	12
d) Suit for declaration Suits -----	12
e) Suits for cancellation of decrees and other documents -----	13
f) Suits for Easementary Rights -----	13
g) Mortgage Suits -----	13
h) Suit for Specific Performance -----	14
i) Suit for payment of Arrears of Maintenance -----	14
j) Suit to set aside a Transfer of Property made by the guardian of ward -----	14
k) Suits for Movable Property -----	14
l) Suits based on Tortious liability and for Breach of Contract -----	14
m) For collection of Arrears of Rent -----	15
n) Suits for recovery of Possession by Landlord for from a Tenant -----	15

<b>TOPIC</b>	<b>PAGE No.s</b>
3. Checking of Original Petitions:-----	15 - 18
a) Applications for the grant of Succession Certificates -----	15
b) Motor vehicles accident claims petitions-----	16
c) Marriage OP's-----	17
d) Custody of Minor children and their properties-----	17
e) Land Acquisition Petitions under the land Acquisition Act, 1894 (Old Act)---	18
4. Checking of Interlocutory Applications:-----	18 - 22
a) Caveat Petitions-----	19
b) Amendment applications filed under Order 6 rule 17 C.P.C-----	19
c) Petition filed for adding or striking of parties under Order 1 Rule 10 C.P.C----	19
d) LR Petitions-----	19
e) LR Petitions in Execution Proceedings-----	20
f) Petitions to set aside Ex-parte Orders and Decrees-----	20
g) Final Decree Petitions(FDs)-----	20
h) Cheque Petitions -----	21
i) Procedure for depositing the Amounts-----	21
j) Review Petitions filed U/s 114 of C.P.C & under Order 47 Rule 1 of C.P.C ----	22
5. Checking of Execution Petitions.-----	22 - 27
6. Role of Nazareth in Administration of Justice-----	28 - 56
7. Preparation of decrees and awards in Civil Proceedings-----	57 - 85
8. Manual for 'Execution of Decrees'-----	86 - 100
9. Rules and Regulations in respect of copyist establishment-----	101 - 108
10. Maintenance of case records and record room, classification of records into parts and destruction-----	109 - 142
11. Hierarchy and Jurisdiction of Criminal Courts-----	143 - 150
12. Registers to be maintained on Civil side-----	151-157
13. Registers to be maintained on Criminal side-----	158 - 173
14. Miscellaneous Registers, Proceedings on Criminal side -----	174 - 200
15. a) Maintenance of property room, custody, preservation and disposal of case properties-----	201-209
b) Disposal of case property under NDPS Act, 1985-----	209-218

# INDEX

## PART II

<b>TOPIC</b>	<b>PAGE No.s</b>
1. Forms of Correspondence; Note files and Drafts -----	1 - 7
2. Duties and responsibilities of Court Managers -----	8 - 9
3. Salient features of Service Rules & Regulations of Judicial Officers and Employees-----	10- 71
a) The Telangana State Judicial Service Rules 2017-----	11-14
b) The Telangana State Judicial Ministerial & Subordinate Service Rules 2018-----	15-71
4. Important Provisions of Telangana Civil Service (Conduct) Rules 1964----	72- 76
5. The Telangana Civil Service (CCA) Rules 1991-----	77-86
6. Fundamental Rules and Subsidiary Rules -----	--87-132
7. Treasury Code-----	133- 159
8. Various kinds of leave, Entitlement and Limitation-----	160-171
9. Various kinds of advances to the Government Employees and salient aspects-----	172- 186
10. Important provisions of Telangana Civil Services (T.A) Rules 1996-----	187- 212
11. Brochure on the Maintenance of Cash Accounts-----	212 - 238
12. Brief notes on various statements to be submitted to the High Court and District Court.-----	239-242
13. Relevant G.Os with regard to conferment of Financial Powers to the Unit Heads-----	243-265
14. Miscellaneous.-----	266
15. Important Excerpts Of District Manual-----	267-276



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# INDEX

## PART I

<b>TOPIC</b>	<b>PAGE No.s</b>
1. General Principles in Checking of Suits -----	1 - 27
a) Territorial Jurisdiction. -----	3
b) Pecuniary Jurisdiction -----	3
c) Court Fees -----	4
d) Mandatory procedural aspects laid down under CPC, Civil Rules of Practice, the Limitation Act, 1963 (in short Limitation Act) and also with reference to C.F. & S.V. Act -----	5
e) Parties to the Suit.-----	7
f) Reliefs.-----	7
g) Cause of Action.-----	7
h) Suits by GPA holder or an agent of the Plaintiff.-----	8
i) Suits instituted under representative capacity under Order 1 Rule 8 C.P.C -	8
j) Suits filed by Partnership firm-----	8
k) Suits by or against Corporation.-----	8
l) Suits against trustees, executors and administrators.-----	8
m) Suits against Government or a Public official.-----	8
n) Verification of schedule-----	9
o) Process -----	9
p) Address for service -----	9
q) Suit documents – Compliance under Rule 18 C.R.P -----	10
2. Tips for checking of some of the suits frequently filed suits -----	11 - 15
a) Suit based on Promissory Note -----	11
b) Suits for Partition -----	12
c) Suits for Injunction -----	12
d) Suit for declaration Suits -----	12
e) Suits for cancellation of decrees and other documents -----	13
f) Suits for Easementary Rights -----	13
g) Mortgage Suits -----	13
h) Suit for Specific Performance -----	14
i) Suit for payment of Arrears of Maintenance -----	14
j) Suit to set aside a Transfer of Property made by the guardian of ward -----	14
k) Suits for Movable Property -----	14
l) Suits based on Tortious liability and for Breach of Contract -----	14
m) For collection of Arrears of Rent -----	15
n) Suits for recovery of Possession by Landlord for from a Tenant -----	15

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3. Checking of Original Petitions:-----	15 - 18
a) Applications for the grant of Succession Certificates -----	15
b) Motor vehicles accident claims petitions-----	16
c) Marriage OP's-----	17
d) Custody of Minor children and their properties-----	17
e) Land Acquisition Petitions under the land Acquisition Act, 1894 (Old Act)---	18
4. Checking of Interlocutory Applications:-----	18 - 22
a) Caveat Petitions-----	19
b) Amendment applications filed under Order 6 rule 17 C.P.C-----	19
c) Petition filed for adding or striking of parties under Order 1 Rule 10 C.P.C----	19
d) LR Petitions-----	19
e) LR Petitions in Execution Proceedings-----	20
f) Petitions to set aside Ex-parte Orders and Decrees-----	20
g) Final Decree Petitions(FDs)-----	20
h) Cheque Petitions -----	21
i) Procedure for depositing the Amounts-----	21
j) Review Petitions filed U/s 114 of C.P.C & under Order 47 Rule 1 of C.P.C ----	22
5. Checking of Execution Petitions.-----	22 - 27
6. Role of Nazareth in Administration of Justice-----	28 - 56
7. Preparation of decrees and awards in Civil Proceedings-----	57 - 85
8. Manual for 'Execution of Decrees'-----	86 - 100
9. Rules and Regulations in respect of copyist establishment-----	101 - 108
10. Maintenance of case records and record room, classification of records into parts and destruction-----	109 - 142
11. Hierarchy and Jurisdiction of Criminal Courts-----	143 - 150
12. Registers to be maintained on Civil side-----	151-157
13. Registers to be maintained on Criminal side-----	158 - 173
14. Miscellaneous Registers, Proceedings on Criminal side -----	174 - 200
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b) Disposal of case property under NDPS Act, 1985-----	209-218

## GENERAL PRINCIPLES IN CHECKING SUITS

The checking of the complaints is a major ministerial act done by the Chief Ministerial Officers in the Civil Courts. A lot of importance is attached to the checking of the complaints, as the same is the first step at the initiation of civil litigation. Whatever may be the magnitude of the litigation to which the *lis* may ultimately be moulded into with its ramifications from time to time developed during the course of the pendency of the litigation, the initiation of the same is that of its institution and hence the checking at the stage of the institution is of enormous importance. If the complaint is found to be in proper order, that will be accepted and, accordingly, the suit will be registered and in case any irregularity or infirmity or infraction of rules is found, the complaint is liable to be returned for the compliance of the objections. Therefore, a lot of care and caution is necessarily to be taken while checking the complaints. Besides the attention paid by the Chief Ministerial Officers, sometimes it is also expected of the Presiding Officers to go through the notes put up by the Chief Ministerial Officers and also the entire complaint and the enclosures thereto so as to find out whether the note was correctly prepared by the Chief Ministerial Officers or not. These efforts are required in order to check the frivolous and vexatious litigation and to frustrate the false litigation at the threshold. If there is any inefficiency in checking the complaints, that will result in allowing an incompetent litigation forming part of the records of the Court and thereby increasing its dimensions in course of time. While checking the complaints, the facts of the case constituting the cause of action, principles relating to the Law of limitation, the aspects of the court fee and the jurisdiction of the Court - both territorial and pecuniary - and the necessary mandates like guarding the interests of the minors being the parties are to be carefully considered. Besides these aspects, some other requirements laid down by Law such as the permission required for filing a suit in the capacity of a General Power of Attorney or a representative of several others interested in the litigation in the shape of a representative suit, the partner representing a partnership firm and the person representing a company or a banking institution are also to be carefully observed. These aspects relate to the very maintainability of the suit and the proper checking of the compliance of these mandatory requirements not only helps the parties in guiding themselves in correct manner, but also in helping the Court in admitting the suit on correct lines. Sometimes, there is a danger of entertaining a litigation which is camouflaged in such a manner thereby hiding the real question of limitation. Now-a-days, we are coming across these difficulties. For example, a party may sue for a declaration in respect of a particular property without disclosing the fact that he did not seek the cancellation of a particular document executed in respect of the suit property by the original owner within the period of limitation. So also, the facts with regard to the acknowledgment of a debt by a doubtful or insufficient acknowledgment (like that of a rubber stamp acknowledgment or acknowledgment by only a few of many debtors) may be sometimes presented in a different manner by over imposing the other fact so as to divert the attention of the Court in order to surpass the important question of limitation. These later discussed things normally happen in the banking suits.

So far as the aspect of the court fee is concerned, the Chief Ministerial Officers should have a thorough knowledge of the principles governing the Court fee under the Andhra Pradesh Court fee and Suits Valuation Act (in short 'the C.F. & S.V. Act'). The bulk of the present litigation is only about the injunctions. Generally, the relief of injunction is valued notionally. However, the total value of the property should be necessarily mentioned in form No. 8 to be appended to the plaint as per the Civil Rules of Practice wherein the market value of the property should be mentioned. The Court must formulate its opinion basing on the total value of the property and if the Court feels that the notional value of the property is made too low, it is at liberty to increase the value suitably. There is a clear distinction between the suits for injunctions wherein the payment of the Court fee is required to be paid U/s. 26(a) and the other suits for injunction where the Court fee is payable U/s 26(c) of the Court Fee Act. If the title of the plaintiff is denied by the defendant by the time of filing of the suit itself, the plaintiff has to pay the Court fee U/s 26(a), but not U/s 26(c) of the Act. Unfortunately, this distinction is not followed in several cases now-a-days and as a consequence, the Courts are not insisting for the payment of the Court fee U/s 26(a) even if there is clear averment in the reply notice got issued by the defendant prior to the filing of the suit denying the title of the plaintiff.

In partition suits, there is a benefit of paying the fixed Court fee by the plaintiff in case he is able to establish the joint possession of the property, but in case he is out of the possession of the property, he has to pay the Court fee on the valuation of his share in the property. This distinction is mentioned in section 34 of the Court Fee Act. In order to see whether the plaintiff is in joint possession or out of the possession of the suit schedule property, the person checking the plaint should necessarily pursue the averments in the plaint carefully and to come to final conclusion with regard to accepting the Court fee paid by the parties.

Certain safeguards are imposed by law in order to protect the rights and interests of the minors. If a minor is represented through his next friend in a suit, the Court should necessarily insist for filing of an affidavit by a disinterested third party under Rule 172 of the Civil Rules of Practice and Circular Orders of the High Court (in short C.R.P.) swearing to the facts that the next friend of the minor had no interest or an adverse interest in the property of the minor and that he is acting for the benefit and in the best interest of the minor. In case a suit is filed against the minor defendant, the plaintiff should file a petition under order 32 Rule 3 C.P.C. seeking the appointment of a guardian to the minor to represent the minor in the suit and in case the guardian does not show any interest in representing the minor, the plaintiff should ask for the appointment of a Court guardian. (These are more elaborated in pointwise hereafter.)

In the case of suits filed under the representative capacity, the requirements insisted under Order 1 Rule 8 C.P.C., should be necessarily complied with. So also, in other cases in which the plaintiff is represented by his general power of attorney holder or any other representative, the Courts should insist for an affidavit under Rule 32 of the Civil Rules of Practice by the said representative seeking the permission of the Court to represent the plaintiff. These things are also necessary in case of the suits filed by the chit fund companies

and banking institutions where such occasion arises to represent the plaintiff through an agent.

**For the sake of convenience and to serve as a ready reckoner, the mandatory requirements to be taken care of by the Ministerial Staff at the time of checking a plaint are given as follows:**

1. **Territorial Jurisdiction** – Territorial Jurisdiction of the Civil Courts is governed by the provisions under the A.P. Civil Courts Act, 1972 (Act 19 of 1972) which is adapted by the State of Telangana *mutatis mutandis* wherever the word ‘State of Andhra Pradesh’ appears as that of ‘the State of Telangana’ as per G.O.Ms. No. 17 LAW (LA& LA & J, Home Courts.A2) Department, dt.06.12.2014. Local limits of the territorial jurisdiction of the District Courts, the Courts of Senior Civil Judges and the Junior Civil Judges are fixed by the Government in consultation with the High Court as contemplated in Article 15 of the above said Act (Act 19 of 1972).

U/s 15 (2) of the said Act, the said territorial jurisdiction can be altered from time to time by the State Government in consultation with the High Court (to dispel the doubts, it is essential to keep it in mind that it is a settled proportion of Law enunciated in ‘B.Gopal Rao Vs. State of Andhra Pradesh (1997 (3) ALD 77)’ that even when by a legislative enactment, the territorial jurisdiction is taken away from a Court from a particular date, the legal proceedings pending in that Court will not be affected by any such enactment.

For City Civil Courts in the twin cities of Hyderabad and Secunderabad, the territorial jurisdiction is fixed by the Government in consultation with the High Court, as stipulated U/s 3 of the above said Act.

2. **Pecuniary Jurisdiction:** After bifurcation of the states into the States of Andhra Pradesh and Telangana, the necessary amendments were made to Sections 5, 16 and 17 of Act 19 of 1972 for the enhancement of the pecuniary jurisdiction of the Courts in entertaining the original suits and appeals and the jurisdiction that exists as on date is given below:

**Telangana Area:** By G.O.Ms. No. 17 LAW (LA& LA & J, Home Courts.A2) Department, dt.06.12.2014, the amendments were made to Sections 5, 16 of Act 19 of 1972. After these amendments, the pecuniary jurisdiction of the Court is as follows:

- i) District Judges: Above Rs.15,00,000/- and unlimited.
- ii) Senior Civil Judges : From Rs.3,00,000/- to Rs.15,00,000/-
- iii) Junior Civil Judges: Upto Rs.3,00,000/-

Further amendment was made to Section 16 by Act 10 of 2019 passed by the State of Telangana and thereafter, the present pecuniary jurisdiction of the Civil Courts in Telangana area is as follows :

- i) District Judges: Above Rs.50,00,000/- with unlimited jurisdiction.
- ii) Senior Civil Judges: Rs. 20,00,000/- to Rs.50,00,000/-
- iii) Junior Civil Judges: Upto Rs.20,00,000/-

The appellate jurisdiction conferred on the District Judges U/s 17 of the above said Act is increased in Telangana area from Rs.5,00,000/- to Rs. 20,00,000/- by Act 10 of 2019. By way of further amendment made under Act 18 of 2020 with effect from 21/09/2020, the Appellate Jurisdiction of District Judge on Civil side is enhanced to Rs. 35,00,000/-.

**Court Fees:** The questions relating to the payment of court fee should be decided by the Court before the registration of the suit as contemplated U/s 11 of Court Fee Act. In case the defendant, on making his appearance, raised any objections on the payment of court fee, the Court may, on hearing both sides, pass appropriate orders on the sufficiency or deficiency of the court fee paid by the plaintiff. In case the Court is of the opinion that the court fee payable by the plaintiff is insufficient or deficit, the Court should direct the plaintiff to pay that deficit court fee. That order passed by the Court is subject to review and revision.

By a circular in Roc. No. 12/SO-1/2002 dt. 24.03.2003 issued by the High Court in pursuance of a letter No. GSO. 3/7699/02, dt. 11.03.2003 from the Inspector General of Registration and Stamps, A.P. Hyderabad, the Court fee remitted by the parties in a court fees account of the Courts with the banks, of which the remittance receipts should be enclosed to the plaints filed before the Courts, should be consolidated and the aggregated amounts should be sent to the District Registrar of Stamps for confirmation and, on receipt of the same, the certified list may be placed in the relevant case bundles and so far as the interests accrued on the said deposits, the total accrued interest on the principal amounts should be remitted to the credit of the Chief Justice Relief Fund account. Under the circular No. 12/SO-1 dt. 19.06.2003 issued by the High Court, it was directed to open a separate bank account in the name of the Presiding Officer and to remit the amount into the said account and the compliance is called for by Roc. No. 12/SO-3, dt. 05.08.2004 and Roc. No. 12/SO-1 dt. 24.08.2004. Necessary instructions were given by the High Court to verify and reconcile the deposits everyday, so that there would not be any fake receipts being filed before the Courts and cases of fraud, can be detected without any delay and with ease. By a circular in Roc. No. 1057/2004 Vigilance Cell dt. 14.09.2016, the High Court issued strict instructions relating to everyday reconciliation of the amounts referred in the court fee challans so as to detect the fraud and to avoid embezzlement. By Circular in Roc. No. 1911/SO/2017 dt. 25.07.2017, the High Court directed the payment of Court fees through e-Stamps module instead of collection of court fees in cash and credit the same in the SB Account of the Government Treasury. The said instructions were in force till the issue of the letter in Roc. No. 1911/SO/2017 dt. 14.06.2018 by the High Court. By this later circular, the High Court intimated that in view of the difficulties faced by the Advocates in payment of the court fee by e-Stamp module, the earlier procedure adapted for remittance of court fee in the SB Accounts of the Courts is revived. Every care should be taken by the Chief Ministerial Officer of the institution Court to ensure daily reconciliation of challans/vouchers/pay-in-slips filed in lieu of the court fee with a court fee bank account statement. To avoid fraud by unscrupulous litigants, the Presiding Officers of the institution Courts should also make it a habit of making random checks of the challans/vouchers/pay-in-slips while registering the plaints. If any fake challan/voucher/pay-

in-slip is discovered, they shall initiate appropriate legal action against those responsible for such a fraud and also take steps for collection of the court fees. The Presiding Officer of the institution Court should obtain the bank's statement concerning the court fee account and make a comparison with the receipts available in the concerned files and also the entry regarding the amount of remittance of court fee shown in the relevant column in C.R. 17 every day maintained by the Courts. For more caution, the totals of the court fee found for the day in C.R. 18 in synchronization with C.R.17 should also be compared with the total amount of credit remittance for that particular day in the bank statement.

*Prepared by*

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**Mandatory procedural aspects laid down under CPC, Civil Rules of Practice, the Limitation Act, 1963 (in short Limitation Act) and also with reference to C.F. & S.V. Act.**

- 1) Order IV Rules 1 and 3 C.P.C.                      Plaint should be filed in duplicate
- 2) Section 26 (2) C.P.C.                                The facts in the plaint proved by an affidavit
- 3) Order VI Rule 15 (4) C.P.C.                        Verifying the pleadings by an affidavit
- 4) Order VII Rule 9 C.P.C.                             Plaint shall be enclosed with the sufficient number of copies for service on the defendant and requisite fee to serve the summons – Compliance of – Within 7 days of registration of plaint.
- 5) Order VII Rule 14 C.P.C.                            The Plaintiff should produce all the Documents in his possession, copies thereon and list of documents along with the plaint and also mention in whose possession the documents are lying in case of the documents not in possession of the plaintiff.
- 6) Order VII Rule 11 C.P.C.                            Rejection of plaint in case of non-compliance of Order VI Rule 1 and Order VII Rule 9 C.P.C., in addition to other existing grounds.

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|-----------------------------|--|
| 7) Section 148 C.P.C.       | Enlargement of time only by (30) days for representing the returned plaint.  |
| 8) Section 27 C.P.C.        | Summons to be served on the defendant within (30) days from the date of institution of the suit.   |
| 9) Order V Rule 1 C.P.C.    | Summons should contain a direction to the defendant to file his written statement within (30) days from the date of service of summons. [This time can be extended by the Court upto (90) days]. |
| 10) Order V Rule 7 C.P.C.   | Summons should contain a direction to the defendant to produce the documents or the copies thereof on which he intends to rely upon.   |
| 11) Order V Rule 2 C.P.C.   | Summons shall be enclosed with the copy of plaint.   |
| 12) Order V Rule 9 C.P.C.   | Summons by speed post or by courier service  |
| 13) Order V Rule 9-A C.P.C. | In addition to the service through the Court, the plaintiff can as well serve the summons in accordance with the procedure prescribed herein   |
| 14) Order V Rule 21 C.P.C.  | Summons by courier or by fax or by electronic mail service when the defendant is residing within the jurisdiction of another Court.  |
| 15) Order V Rule 24 C.P.C   | Service of summons if the defendant is in prison.  |
| 16) Order V Rule 25 C.P.C.  | Summons in case the defendant is residing in abroad and has no agent – Service by post or courier service, by fax or by electronic mail service.   |
- 17) Limitation for filing suits subject to Sections 4 & 24 of the Limitation Act, 1963 (some of the important provisions of the Limitation Act are separately dealt with in respect of the suits which are majority in number for those specified reliefs).



- 18) The plaint should be presented within the period of limitation and Courts should be circumspect in noting this aspect. (See Section 3 of the Limitation Act.
- 19) The exclusion of the time spent in the legal proceedings in case of any previous litigation pending before a competent Court of which the leave was sanctioned by the Court for filing a subsequent suit by which the present suit is filed should be considered U/s 12 of the Limitation Act (that period spent on previous litigation can be excluded).
- 20) **Parties to the suit:** Check as to whether the necessary parties are before the Court or if the plaint is bad for non-joinder or misjoinder of parties, by making a reference to Order 1 C.P.C. and its Rules.
- 21) **Reliefs:** Framing of suit with inclusion of all the reliefs that should be claimed at one time without exclusion of any relief of which a further litigation may commence at a later stage should be carefully examined. In case a relinquishment of a part of a relief is made, that should be necessarily mentioned in the plaint and so also, if a relief is kept to a future date of which the leave of the Court is obtained under Order 2 Rule 2(3) C.P.C., that aspect should also be carefully scrutinized.
- 22) **Cause of Action :** When the reliefs are interlinked basing upon the cause of action, those can be allowed to be claimed in the same suit and in case there are separate and distinct reliefs based upon different causes of action, that may not be accepted by the Court and a Court may order for separate trials as contemplated under Order II Rule 6 C.P.C. In this context it is apposite to note that for the separate and distinct reliefs based on different causes of action, the valuation should be made separately under the C.F. & S.V. Act and the jurisdiction can be ascertained basing upon the aggregated value of those reliefs.
- 23) If a plaint is filed by a next friend of a plaintiff who is under a disability whatever form may be like that of minority or insanity, an affidavit is mandatory under Rule 172 C.R.P. by a disinterested third party to the effect that the said next friend has no adverse interest to the plaintiff nursing under that disability.
- 24) If a plaintiff is minor or a person of unsound mind, he should be represented by the next friend under Order 32 Rule 1 C.P.C.
- 25) If a minor or a person of unsound mind is a defendant, he should be represented by his next friend for which an application should be filed under Order 32 Rule 3 C.P.C. – Such an application should have the mandatory requirement that it should be accompanied by an affidavit of the plaintiff to the effect that the person to be appointed as next friend for the minor defendant has no adverse interest to that minor and that he is a fit person to be so appointed. In case that next friend does not come forward to be appointed as guardian for the minor defendant, a court guardian should be appointed under Order 32 Rule 3 (4) of C.P.C. to safeguard the interest of that minor defendant.

26) **Suits filed by GPA holder or an agent of the plaintiff:** – An affidavit under Rule 32 of C.R.P. should be filed by that agent or GPA holder seeking permission/leave of the Court to file a suit on behalf of the plaintiff. (a copy of the GPA or any authority given to that person should be enclosed to that effect).

27) **Suits instituted under representative capacity under Order 1 Rule 8 C.P.C.:** - A proper compliance of Rule 12 of C.R.P. should be done. An affidavit by the plaintiff or affidavits of the plaintiffs in case there are more than one plaintiff, who instituted the suit that he/they has/have got a fixed abode, a common interest in the subject matter, the nature of his/their interests, the best means of giving notice of the institution of the suit to the said persons, and the probable cost thereof. In case the Court grants permission to file that suit in a representative capacity, the Court shall, at the expense of the plaintiff or plaintiffs, give a notice of the institution of the suit to all persons who are interested in the litigation by personal service and also by public advertisement by publishing in a popular newspaper. Any person interested in the same litigation also can seek the permission of the Court to be added as a party to that suit.

28) **Suits filed by partnership firm:** – Persons claiming as partners of the firm or the Managing Director intending to file the suit on behalf of the partnership firm should sign and verify the pleadings on behalf of the firm. The plaint should be filed in the name of the firm represented by the partners or Managing Partner, whatever the case may be and those representing the partnership firm should sign and verify the plaint by affixing signatures on the plaint on behalf of the firm being represented by them as contemplated under Order 30 Rule 1 C.P.C. Any deviation is fatal to the suit. (See para 19 of ‘M/s Sanjana Granites, Madras and Anr. Vs. Mandava Srinivas Rao and Ors. (2002 (2) ALD 436 = 2002 (1) ALT 466’).

29) **Suits by or against Corporation:** - Plaint with compliance Order 29 C.P.C. – The pleadings should be signed and verified on behalf of the corporation by the Secretary or any Director or any other Principal Officer of the Corporation who is able to depose to the facts of the case. The authorization given to such person by way of a resolution passed by the Board of Directors as per the provisions of the Companies Act and a copy of the Articles of Association should also be enclosed to the plaint.

30) **Suits against trustees, executors and administrators:** plaint should be filed in accordance with the provisions under Order 31 C.P.C.

31) **Suits against Government or a public official:** – Compliance of Section 80 C.P.C and under Order 27 Rule 5(A) C.P.C. should be made. In case of non-compliance of a mandatory notice under Section 80 C.P.C. within a period of Two months prior to the filing of the suit due to certain reasons explained by the plaintiff including that of urgency or some irreparable loss or damage likely to be suffered by the plaintiff or of any imminent danger to the rights of the plaintiff in case of such a waiting, an application seeking the leave of the

Court to file the suit in the circumstances of emergency should be filed under Section 80 (2) C.P.C.

32) Vakalat filed by an advocate representing the plaintiff or plaintiffs should be under Rules 30 & 31 of C.R.P.

33) **Verification of schedule:** The plaintiff should verify the correctness of the schedule appended to the plaint under Rule 26(2) of C.R.P.

34) Every page of the plaint should be signed by the plaintiff (the non-compliance of this mandatory requirement is severely commented in M/s. Sanjana Granites, Madras Vs. Mandava Srinivasa Rao (cited supra).

35) **Process:** Process fee together with notice forms duly filled in should be filed in compliance of Rule 70 of C.R.P.

36) **Suits relating to Immovable Property:** Compliance of Rule 14 of C.R.P. – Market value of the property under the Basic value Register of the Sub Registrar should be filed under Rule 3 of A.P.C.F. & Suits Valuation Rules, 1987. The description of the property, the registration district, sub-district, the name of the village, municipality or corporation in which the property is situated, the survey number or house number, if any, should be clearly mentioned in a schedule. Form 8 appended to C.R.P. duly signed by the party of all the particulars mentioned therein should be filed. The value of the property in case the same is let out should also be mentioned therein. Basing upon this, the notional value, if any, for the purpose of valuation of injunction suits can be properly done.

37) **Address for service :** Full description of the parties with correct address for service of summons should be given. At the time of the institution, the process for service of summons both through the process of the Court and by registered post should be filed. In case of the service of summons by a courier, a necessary application should be filed under Order 5 Rule 9(A) C.P.C. (under Rule 69 (3) C.R.P. summons shall be sent through a panel of courier service approved by the District Judge for that purpose, but such an approval is not found in many districts and hence now the practice adapted by the Courts is to order summons through the recognized courier services).

38) All the documents should be duly stitched and the list of documents should be mentioned at the foot of the plaint duly signed by the plaintiff or his Advocate in compliance of Rule 16 C.R.P.

39) For the suits based upon the un-registered documents or the documents not written and properly stamped, the necessary stamp duty and penalty should be collected unless the party says that he would take steps for impounding of documents under the provisions of the Stamp Act.

40) **Suit documents** : The documents which are considered as the suit documents i.e., the fundamental or predominant documents on which the suit claims are based, should be necessarily filed under Order 14 Rule 1 C.P.C., unless the parties show a reasonable cause or justifiable reason to the Court with regard to the non-availability of that document at that stage.

41) **Compliance under Rule 18 C.R.P.**: In case of documents of other languages, the true translation into English duly certified of its correctness to the original document or documents should be filed.

42) Compliance under Order 6 Rule 2(3) C.R.P. should be done by giving the dates, sums and numbers expressing the pleadings in figures as well as in words.

43) In case a plaint is returned and is not submitted within the time granted by the Court, an application under Section 148 C.P.C. should be filed showing a reasonable or sufficient cause to condone the delay.

44) In case of the deficit court fee, necessary application should be filed under Section 149 C.P.C. seeking time for payment of court fee.

45) In case the court fee paid by the party is excess than the required court fee, the court fee paid should be invariably noted in the plaint. Every plaint filed in the ordinary course other than that filed with an out of order petition under Rule 57 C.R.P. should be invariably checked within three days and all the relevant objections should be taken simultaneously without raising objections in a piecemeal manner. If the objections raised by the court are not complied with or if they remain the same even after three times of return, that represented plaint should be placed/called at bench (before the Court) for hearing the advocate and for passing necessary orders. The plaint filed with an out of order application should be immediately checked and placed for numbering, if it is otherwise in order.

46) For money suits, *ad valorem* the court fee is paid U/s 20 of Court Fee Act. In partition suits, if the plaintiff is in joint possession of the suit schedule property, a fixed court fee can be paid U/s 34(2) of the C.F.and S.V. Act. For multifarious reliefs, C.F. is computed U/s 6 of the said Act. In case of suits of Specific Performance, court fee is not required on the alternate relief if the same is out of the same cause of action and is of same value of the main relief. (some of the important provisions of the C.F.Act are dealt with hereafter for a quick reference).

47) Whenever the plaint is returned with objections, the compliance should be made and in case of any corrections made to the plaint for making that compliance, a neat copy of the plaint should be filed while representing the corrected plaint. All the corrections should be properly initialed by the plaintiff or his advocate.

48) The brief note of checking of the plaint should be prepared by the Chief Ministerial Officer (Administrative Officer in case of District Courts) on checking of the plaint with the requirements as noted above observed.

49) **For the applications filed seeking the leave of the Court :** If a party seeks the leave of the Court U/s 20(b) C.P.C. to institute a suit, that application should be enclosed by an affidavit of that party stating the residences and occupation of the several defendants and the reasons for instituting the suit. If the leave to sue is granted, the summons to the defendants shall contain the notice set out in Form 9 appended to C.R.P. In its discretion, the Court may, sometimes issue notice of the application to the defendants before passing an order thereon.

50) **Certification of the condition of the documents in case of defaced or torn or suspectedly altered or super imposed documents:** Where a document produced with any pleading appears to be defaced, torn or in any way damaged, or where its condition or appearance required special notice, a note to its condition and appearance shall be made on the list of documents by the party producing the same and should be checked and initialed, if corrected by the receiving officer.

51) **Interpleader suit:** The plaint filed in interpleader suit should contain the statement from the plaintiff that he claims no interest in the subject matter in dispute other than for charges or costs, that the claims made by the defendants severally of which the plaintiff is unable to decide and more particularly, that there is no collusion between the plaintiff and any of the defendants. Fee shall be computed in the plaint at the rates specified in Section 47 of C.F.Act. Value for the purpose of determining the jurisdiction of Courts shall be on the amount of the debt, or the sum of money or the market value of the movable property or 3/4<sup>th</sup> of the market value of the immovable property to which the suit relates (See Section 45 of the C.F.Act).

## **2. Tips for checking of some of the suits frequently filed Suits**

01. **Suit based on Promissory note:** The limitation for such suit is three years under Article 35 of the Limitation Act. In case any part payment is made prior to the filing of the suit, the limitation has to be reckoned U/s 19 of the Limitation Act. The Court fee is paid U/s 20 of the Court Fee Act. If the suit is for recovery of money based on more than one promissory note, the claim under each promissory note shall be recorded as separate claim U/s 6(2) of the Court Fee Act and the court fee should be paid separately. The aggregated value of such claim is taken for the purpose of determining the pecuniary jurisdiction of the Court. By the amendment made to Section 35 of the Stamp Act under the Finance Act, 2006 with effect from 18.04.2006 , the earlier embargo attached to the insufficiently stamped pronotes is removed and now the insufficiently stamped pronotes are amenable for collection of stamp duty and penalty under the provisions of the Stamp Act.

02. **Suits for partition:** If the plaintiff is in joint possession with other co-owners, the plaintiff can pay fixed court fee of Rs.200/- u/s 34(2) of C.F.Act. In case the plaintiff is out of possession, the *ad valorem* court fee is payable u/s 34(1) of C.F.Act on the valuation of the

share of the plaintiff. The valuation of the share of the plaintiff decides the pecuniary jurisdiction of the Court but not the valuation of the total suit property. If the plaintiff is dispossessed from joint possession, the period of limitation is twelve years from the date on which the plaintiff was dispossessed from the joint possession before the ouster comes to operate. If the demand of the plaintiff for partition is denied by the other co-owners, the period of limitation is twelve years under Article 110 of the Limitation Act from the date on which the plaintiff has knowledge of denial of that right of the plaintiff. For mesne profits for which a decree is passed under Order 20 Rule 18 C.P.C., there is no impediment as that of the period of expiration of three years from the date of the decree that otherwise comes into play for a decree for mesne profits passed under Order 20 Rule 12 C.P.C. If the plaintiff seeks the cancellation of a decree or any instrument executed by the defendants thereby affecting the rights of the plaintiff in the suit schedule property, a separate court fee should be paid u/s 37 of Court Fee Act. However, there are decisions to the effect that a share of a co-owner in joint property with other co-owners is over every inch of the property till the property is divided by metes and bounds and if any alienation is made affecting the joint rights of the plaintiff, such alienation made by the other co-owners detrimental to the rights of the plaintiff is void *ab initio* and hence the cancellation need not be sought by paying a separate court fee on the separate valuation U/s 37 of Court Fee Act.

03. **Suit for injunction:** Court fee should be paid U/s 26 of C.F. Act – The limitation for filing such suits is three years under Article 113 of Limitation Act, 1963. The court fee has to be paid U/s 26 of the Court Fee Act on the relief of injunction sought by the plaintiff. If the plaintiff notionally values the relief, the court fee has to be paid on that notional valuation u/s 26(c) of Court Fee Act. If the Court accepts this notional valuation done by the plaintiff, the Court has to specifically mention regarding that acceptance of that notional value made by the plaintiff before registering the suit. In case the Court feels the need of any enhancement in the notional value, the Court has to make that enhancement by ordering for the collection of DCF. Here, the Ministerial Staff should be very careful in drawing the distinction between Section 26(a) and 26(c) of Court Fee Act. If the title of the plaintiff is denied by the defendant even prior to the filing of the suit, the plaintiff has to pay the court fee for the relief of injunction on half of the market value of the property for which the injunction is sought as laid down U/s 26(a) of the Court Fee Act (such a fact can be observed on the perusal of the exchange of notices issued between the parties prior to the filing of the suit or any of the document that came into existence prior to the filing of the suit). If the relief sought by the plaintiff relates to the exclusive rights to use, sell, exhibit any mark, claim, design, or any other thing and is based on infringement of such exclusive right, the fee shall be computed on the amount at which the relief is sought or valued in the plaint or at which such relief is valued by the Court whichever is higher.

04. **Declaration suits:** The limitation for filing of the suit is three years under Article 58 of Indian Limitation Act from the date on which the right to sue first accrues. If the suit is for declaration and possession in respect of an immovable property, the limitation for that relief is 12 years under Article 64 of the Limitation Act from the date from which the possession of the plaintiff becomes adverse to the defendant. If the relief is for declaration and for the

consequential relief of recovery of possession of the suit schedule property, the fee shall be computed on 3/4 of the market value of the immovable property. If the relief is for declaration and for a consequential injunction, fee shall be computed on half of the market value of the immovable property or Rs.300 whichever is higher. If the relief relates to the declaration in connection with the plaintiff's right or title over a copy right to sell, use, exhibit any mark, claim, book, picture, design etc. or based on any infringement of such exclusive right, fee shall be computed at the value of that right. If the subject matter of a suit is incapable of valuation, fee shall be computed on the notional value under 24 (d) of C.F.Act. This normally occurs in case of the bank lockers of a deceased for which a declaration of right of ownership is sought by his legal representatives without the possibility of knowing the value of the articles kept therein and so on.

05. **Suits for cancellation of decrees and other documents:** Limitation for such a suit is governed under Article 59 of the Limitation Act from the date on which the right accrues to the plaintiff. In case the plaintiff has no knowledge of that document, the limitation is within three years from the date of the actual knowledge. Court fee has to be paid U/s 37(1)(a) of Court Fee Act on the value of the property for which the decree was passed or the document executed. For any suit for cancellation of a part of decree or other documents, fee shall be paid on such part of the amount or of the value of the property U/s 37(b) of Court Fee Act.

06. **Suits for easementary rights:** The limitation is Three years under Article 58 of the Limitation Act from the date when the right to sue accrues. Court fee has to be paid U/s 30 of Court Fee Act on the valuation of the relief made by the plaintiff in the plaint or on the valuation made by the Court whichever is higher.

07. **Mortgage suits:** Reliefs in the Mortgage Suits are mainly for the right of redemption or foreclosure. The limitation to file a suit to enforce payment of money secured by a mortgage or otherwise charged upon immovable property is 12 years under Article 62 of the Limitation Act, 1963 from the date when the money sued for becomes due. In case the payment is made before the expiration of limitation, a fresh period shall be computed for such payment or acknowledgement U/s 19 of the Limitation Act. For a suit filed by the mortgager for redemption etc., the period of limitation is under Articles 61 and 62 of the Limitation Act and for a suit filed by the mortgagee for foreclosure, the limitation is under Article 63 of the said Act. If the holder of a prior mortgage or charge impleaded as a defendant in a suit prays in his written statement for the determination of the amount due on his mortgage or charge and for a direction in the decree for the payment of such amount to him, fee shall be payable on the written statement computed on the amount claimed. In a suit by a co-mortgagee, fee shall be computed on the amount claimed on the entire mortgage. In a suit by a sub-mortgagee to recover the amount claimed on the sub-mortgage by sale of the mortgagee's interest in a mortgaged property, fee shall be computed on the amount claimed under the sub-mortgagee. In a suit by a sub-mortgagee, if the prayer is for the sale of the property mortgaged to the original mortgagee and the original mortgager is also impleaded as a defendant, fee shall be computed on the entire amount claimed on the original mortgage which is sub-mortgaged to him.

08. **Suit for specific performance:** The period of limitation is three years under Article 54 of Limitation Act from the date fixed for the performance or if no such date is fixed, when the plaintiff has notice that performance is refused. The court fee shall be paid U/s 39 of the Court Fee Act on the amount of the consideration mentioned in the document. In a suit for possession of immovable property filed u/s 6 of the Specific Relief Act, 1963 (corresponding to Section 9 of the Specific Relief Act, 1877) fee shall be computed on one half of the market value of the property or on Rs.200/- whichever is higher (see Section 28 of C.F.Act). The limitation for such suit under Article 64 of the Limitation Act is within 12 years from the date of dispossession of the plaintiff.

09. **Suit for payment of arrears of maintenance:** The limitation is three years under Article 105 of Limitation Act from the date when the arrears become payable. The court fee is payable U/s 20 of Court Fee Act. In respect of the future maintenance, the court fee is payable U/s 22(a) of Court Fee Act on the amount claimed to be payable for one year. For enhancement or reduction of maintenance, court fee should be paid on the amount by which annual maintenance is sought to be enhanced or reduced.

10. **Suit to set aside a transfer of property made by the guardian of ward:** The period of limitation is three years under Article 60(a) of Limitation Act from the day on which the ward attained majority. In case the ward dies after attaining majority, his legal representative can file the suit within three years from the date on which the minor attains the majority. If the ward dies before attaining majority, that period is three years from the date of the death of the ward. Court fee is payable for the relief is U/s 37 of Court Fee Act.

11. **Suits for movable property:** The limitation is three years under Articles 68 & 69 specified in Part VI of the Limitation Act. For movable property other than documents of title, court fee shall be computed on the value of the subject matter where the subject matter has a market value or where the subject matter has no market value, on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court whichever is higher. In a suit for possession of documents of title, court fee shall be computed on 1/4<sup>th</sup> of the amount or of the market value of the property secured by the document where the plaintiff's title to the money or the property secured by the document is denied. If the plaintiff's title is not denied, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which the relief is valued by the Court whichever is higher.

12. **Suits based on tortious liability and for breach of contract:** Such suits based on infringement of legal right for claim of damages on the principle of tortious liability, the period is one year from the date on which that infringement of legal right is caused (see Part VII of the Limitation Act). For a suit seeking compensation for breach of promise to do anything at a specified time or upon happening of a specified contingency, the limitation is three years under Article 27 of the Limitation Act from the date when the time specified arrives or the contingency happens. The court fee is payable u/s 20 of Court Fee Act.



13. **For collection of arrears of rent:** The limitation is three years under Article 52 of the Limitation Act from the date when the arrears become due. The court fee is payable U/s 20 of Court Fee Act.

14. **Suit filed by the Landlord for recovery of possession from a tenant:** The period is twelve years from the date when the tenancy is determined. The court fee is payable U/s 29 of the Court Fee Act on 3/4<sup>th</sup> of the market value of the property or on Rs. 300/- whichever is higher.

### **Original Petitions**

The Rules relating to suits shall *mutatis mutandis* apply to Original Petitions unless a contrary intention appears from the rules governing such petitions made under the Special Acts. Every Original Petition shall comply with the mandatory requirements laid down under Rules 9, 10 & 11 of C.R.P., viz., the heading with a cause title as in Form 1 appended to C.R.P. thereby setting out the name of the Court, the names of the parties described in a serial number and also a short description of the contents as in Forms 5 & 6 appended to C.R.P. immediately after the cause title, the full description of the names, residences and descriptions of the parties, and also the address for service with full description of the particulars such as Municipal and Panchayat Numbers, number of the house and name of the street and locality etc. Besides these particulars, the Original Petition should also state the Act or Rule or other authority under which the same is presented as in Forms 5 & 6. In case the Court directs any person to be added as a party, the cause title shall be amended accordingly.

### **3. Some of the Original Petitions frequently filed are dealt as below with insistence on the requirements to be noted while checking the petitions:-**

a) **Applications for the grant of Succession Certificates :** Under Section 214(1)(iii) of the Indian Succession Act, 1925, no Court shall pass a decree against a debtor of a deceased person for payment of his debt to a person claiming on succession to be entitled to the effects of the deceased person or to any part thereof, or proceed upon an application of a person claiming to be so entitled, to execute against such a debtor a decree or order for the payment of his debt except upon the production of a Succession Certificate granted under Part X of the said Act and having the debt specified therein. An original application for the grant of Succession Certificate to recover the debts payable to the deceased and also to have a right on the securities of the deceased is filed U/s 372 of Indian Succession Act, 1925 before a District Judge competent u/s 371 of the said Act. Such a petition should be filed and verified by or on behalf of the applicant in the manner prescribed by C.P.C. That should be a verified petition setting out the particulars viz., the time of the death of the deceased, the ordinary residence of the deceased at the time of the death, the family or other near relatives of the deceased and their respective residences, the right to which the petitioner claims, the absence of any impediment u/s 370 of that Act or of any other provision of that Act or under any enactment to the grant of such certificate and the details and particulars of debts and the securities more fully described and specified in the schedule annexed to that petition, in respect of which the

certificate is applied for. U/s 372 (3), an application for such a certificate may be made in respect of any debt or debts due to the deceased creditor or in respect of the portions thereof. That application can be filed before the District Judge having jurisdiction over the place where the deceased died, or ordinarily resided by the time of his death or if, at the time he had no fixed place of residence, the place where any part of the property of the deceased is found. Every application filed for the grant of Succession Certificate shall be accompanied by a deposit of a sum equal to the fee payable under the Court Fee Act in respect of the Certificate and that sum should be deposited before the Court by the applicant and that sum shall be expended, under the direction of the Judge, in the purchase of the Court fee stamp to be used for denoting the fee payable as aforesaid. On the registration of the original application, a date shall be fixed for hearing and in the meantime, the notice shall be issued to any person who, in the opinion of the Judge, should be heard for the grant of the Certificate. A public notice should also be issued by way of a publication in a widely circulated news paper and also by keeping in a conspicuous place part of the Court house. While granting the Succession Certificate, the District Judge shall specify the debts and securities of the deceased in the Certificate thereby empowering the applicant to receive the interests or dividends or to negotiate or transfer and to do the both. Succession Certificate should be engrossed on Court Fee stamps and the original certificate itself can be delivered to the applicant unlike in the case of a partition suit where the final decree of partition engrossed on the NJ Stamps shall not be returned to the Petitioner.

**b) Motor vehicles accident claims petitions:** These are normally filed u/s 166 or 163-A of the Motor Vehicles Act, 1988 (M.V.Act) as the case may be before the M.A.C. Tribunals of which the District Courts are presently designated so. If the claim based on the negligence of a wrong doer is made by an injured, the claim petition lies under 166(1)(a) and in case the injured died and his legal representatives are seeking the compensation for the death of the deceased in the motor accident, claim lies under 166 (1)(c) of Motor Vehicles Act. In case of no fault liability, the claim is laid U/s 163-A of the Motor Vehicles Act. The liability to pay compensation in certain cases on the principle of no fault liability arises u/s 140 of that Act. As per the settled law reiterated in New India Assurance Company Limited Vs. Margham Padmavathi (MACMA No. 188 of 2007 decided by the A.P. High Court on 16.12.2014) the driver of the offending vehicle is a necessary party to the claim petition and the non-joinder is fatal to the proceedings. As per the High Court circular in Roc. No. 4907/E1/97, dt. 25.07.1997, the array of the respondent in case the respondent is a corporation shall be proper with full details as contemplated in the Order 29 C.P.C. As per the High Court Circular Roc. No. 5689/98/OP Cell-E dt. 11.04.2000, every claim petition filed under the Motor Vehicle Act should require to have an affidavit filed by the claim petitioner swearing that similar application is not filed before any other Forum or Tribunal seeking compensation. U/s 168(3) of the Motor Vehicles Act. It is mandatory that the awarded amount should be deposited by the respondents within 30 days from the date of the award. The MACA Tribunal would also award the subsequent interest payable on the claim amount till the date of realization. In case of the payments of the awarded compensation to the claimants on an application filed under Rules 231 to 235 of C.R.P., the compensation amount awarded to be paid to the claim petitioners should be sent to the respective banks wherein their accounts are lying with a

request to the concerned Branch Managers to remit the amount to their respective accounts. For the purpose of identification of the claimants before allowing the said petitions, the Court may insist them to place some official records like that of Voter ID Card, driving license, ration card, Aadhar Card etc. In case of minors, the compensation amount awarded to them should be kept in the fixed deposits till the time the minors attain majority and in case of their attaining majority, the amounts kept in the fixed deposits will be paid with matured amounts inclusive of the accrued interests on the deposits.

**c) Marriage OPs:** The exclusive jurisdiction rests with the Family Court U/s 7 of Family Courts Act, 1984 and there is a bar constituted U/s 8 of the Act for exclusion of the jurisdiction of any other Court. Where there is no Family Court established in that area, the appropriate petitions or suits with the matrimonial reliefs under the Hindu Marriage Act, 1955 and for the remedies under Special Marriage Act and the Foreign Marriage Act are maintainable before the Courts of the Senior Civil Judges having jurisdiction on those subject matters. For Muslims, the dissolution of the Marriage can be sought by way of filing the suit before the Junior Civil Judges having jurisdiction, under the provisions of the Muslim Marriage Act, 1939 and the Muslim Marriage and Divorce Registration Rules, 1975. For Christians, the Indian Christian Marriage Act, 1872 and the Indian Divorce Act, 1869 apply and those proceedings can be filed before the District Court having jurisdiction. For dissolution of marriage and Restitution of Conjugal Rights and for annulment of marriage etc. of Muslims, the Muslim Personal Law would govern and the provisions under the Muslim Marriage Act, 1939 and the Muslim Marriage and Divorce Regulation act, 1975 apply. Right of a Muslim man to pronounce Triple Talaq has been abolished as it was held to be unconstitutional in the case of Shayara Bano Vs Union of India (2017) 9 SCC 1. If the marriage is between two different religions, that marriage has to be registered under the Special Marriage Act under the provisions of the Special Marriage Act, 1954. In case one of the spouses is an Indian citizen and the marriage took place in a foreign country before a Marriage Officer, the provisions of the Foreign Marriage Act, 1969 would apply.

**d. Custody of minor children and their properties:** For the custody of minor children, and also for any permission to deal with their properties including the alienation in the interests of the minors, the guardians have to invoke the provisions under the Guardians and Wards Act, 1890 before the District Court having jurisdiction. For the appointment of a person to be the guardian of the ward, a petition has to be filed under Sections 7 & 8 of the Act. For the permission petitions for the sale of the property of the minor, the petition has to be filed U/s 29(2) of the said Act. The petition should necessarily contain the crucial facts showing the relationship of the minor, the claim to be appointed as guardian for the minor, the facts regarding the best interests of the minor and the need and necessity for seeking permission for the alienation of the property of the minor in the bonafide interests of the minors. Though the custody of children for Hindus can be given U/s 26 of the Hindu Marriage Act, 1955, that order is not final and does not bar the filing of regular OP under the Hindu Minority and Guardianship Act R/w the Guardians and Wards Act. It is important to mention in the same context that after once the custody of a minor is given, a second application in the changed circumstances can also be filed. In the case of custody for the

purpose of in country and inter country adoptions, besides the provision of the Guardians and Wards Act and personal laws of the respective religions, the CARA guidelines and the Government Orders issued in G.O.Ms. No. 16 & 17 of 2001 also apply.

**e. Land acquisition petitions under the Land Acquisition Act, 1894 (old Act):** (Prior to the advent of new Act i.e., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013) – The petitions are generally filed under this Act in respect of the claims relating to inadequacy of the compensation or in respect of a dispute regarding the right of ownership over the acquired property to receive the compensation (for apportionment of compensation). In respect of a dispute regarding the inadequacy of the compensation, that reference is made u/s 18 of that Act to a civil court having jurisdiction, by the Land Acquisition Officer (LAO) and in respect of a title dispute regarding apportionment, such a reference is made u/s 30 of that Act. If a number of references are made by several claimants in respect of the inadequacy of the compensation determined by the LAO in a common award, all those references can be clubbed and a common order can be passed by the Reference Court. The pecuniary jurisdiction of the Courts for making the references under the Land Acquisition Act is governed under Section 16 of Act 19 of 1972. It is incumbent on the part of the Reference Court to order for keeping the compensation amount awarded by the LAO under the impugned award, in a fixed deposit with a nationalized bank so as to facilitate the accrue of interest on that amount by the time the reference is answered and final payment is made.

Under the new enactment i.e., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act, the jurisdiction of Civil Courts is barred under Section 63 of the Act. “The Land Acquisition, Rehabilitation and Resettlement Authority” is established under Section 51 of the Act. A reference to the said Authority is made under Section 64 of the Act by the Collector on an application made by any person interested who has not accepted the award.

#### **4. Interlocutory Applications**

An Interlocutory Application is defined under Rule 2(j) of C.R.P. as that of an application made to the Court in a pending suit or appeal or proceeding other than an execution application. Interlocutory Applications shall be headed with the cause title of the plaint, OP or appeal as in Form 13 appended to C.R.P. (Rule 53). Such an application shall state the provision of Law under which the same is made, Order prayed for or relief sought in clear and precise terms and shall be signed by the applicant or his advocate with the date (See Rule 54). For each distinct prayer, a separate application should be filed (Rule 55). Under Rule 58 C.R.P., a notice to that party is mandatory on such application and that notice shall be given within three days. The dispensation of that notice can be sought under Rule 58 (4) C.R.P. in case that party remained *exparte* in the main proceedings.

**Some of the important Interlocutory Applications (IAs) which are regularly filed before the Civil Courts and the mandatory requirements of the same are as follows:**

1) **Caveat Petitions:** A Caveat Petition is filed u/s 148-A C.P.C. r/w Rule 294 of C.R.P. by an applicant who apprehends an ex parte order passed against him by a court without notice to him on a petition or proceedings likely to be moved against him by the other party in respect of a property in dispute between them. Such an application should be lodged along with an affidavit of the caveator thereby stating his name, place of abode, description, occupation, address of service, the names of the respondents whom he is apprehending or expecting to obtain some order against him without prior notice to him, the full particulars of the claim or a subject matter in respect of which that application is filed, the nature of relief likely to be sought and the full description of that subject matter with clear identification. Such an application should be accompanied by a notice in duplicate duly filled in by the party or his counsel and a court fee of Rs.10/- shall be charged on every caveat. On the registration, the caveat shall be entered in the 'Register of the caveats' and that caveat shall be watched for a period of ninety days.

2) **Amendment applications filed under Order 6 Rule 17 C.P.C.:** Such an application can be filed by either of the parties to a suit or proceedings seeking amendment to the pleadings of the respective parties. A court fee payable on this application is Rs.1/-. Under Rule 28 of C.R.P. such an application shall also contain a prayer for all consequential amendments and in case of non-compliance of the same, that application can be rejected. The verbal corrections, if any, can be made in the pleadings at any time with the permission of the Court. Under Order 6 Rule 18 C.P.C., the amendment that is allowed under Order 6 Rule 17 C.P.C. should be necessarily carried out within 14 days from the date of the order. After the advent of Act 22 of 2002, no application for amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement of the trial.

3) **Petition filed for adding or striking of parties under Order 1 Rule 10 C.P.C.:** These applications can be filed not only by the parties to a suit but also by third parties in case the interests of the third parties are also involved in the suit subject matter and an effectual adjudication of that suit subject matter is not possible without the presence of the third parties before the Court or the repetition or multiplicity of the proceedings can be avoided by allowing the third parties to take part in the proceedings. In the same manner, a party who is unnecessarily added to a proceedings can be struck out. The court fee payable on this application is Rs.1/-. The mandatory compliance under Rule 28 C.R.P. is necessary by seeking all the consequential amendments to the pleadings in pursuance of the petition filed under Order 1 Rule 10 C.P.C.

4) **Petitions filed to add the legal representatives of the plaintiff or defendant:** These petitions are popularly known as LR applications. A petition filed to bring the legal representative of a deceased plaintiff is filed under Order 23 Rule 3 C.P.C. and such an application to bring the legal representatives of a deceased defendant is filed under Order 23 rule 4 C.P.C. These applications should be filed within 90 days, under Article 120 of Limitation Act from the date of the death of the plaintiff or defendant. In case that application is not filed within that period of limitation, the suit abates against that dead person and, in

order to set aside the abatement, a separate petition is required to be filed under Order 23 Rule 9 C.P.C. within a period of 60 days from the date of the abatement and this period of limitation is governed by Article 121 of the Limitation Act. If, for any reason, no such applications are filed within the stipulated period, a petition can be filed u/s 5 of the Limitation Act thereby showing sufficient cause for the non filing of the above two petitions. In case a party to a proceedings dies *pendent lite*, a note to that effect shall be added against the name of that party and necessary consequential amendments in the body of the pleading shall also be made under Rule 29 of C.R.P. When the heirs of the deceased party are substituted for him, they shall be entered and numbered consecutively and described as the legal representatives of the deceased party.

5) **LR applications in execution proceedings:** Execution petition (EP) is defined under Rule 2(e) of C.R.P. and execution application (EA) is defined under Rule 2(f) of C.R.P. An LR application to bring the LRs of a deceased DHR or JDR is by way of EA in EP. There is no limitation prescribed for filing such an application. For bringing the LRs of deceased DHR, that petition is filed u/s 146 C.P.C. and for bringing the LRs of the JDR, such a petition is filed u/s 50 C.P.C.

6) **Petitions filed to set aside exparte orders or exparte decrees in the suits:-**

a) For an application filed under Order 9 Rule 4 C.P.C to set aside an Order of dismissal of the suit for non payment of batta, the limitation is 30 days under Article 122 of the Limitation Act.

b) For an application filed under Order 9 Rule 9 C.P.C to restore the suit by setting aside the default order passed on the default of the plaintiff, the limitation is 30 days under Article 121 of the Limitation Act from the date of the dismissal order.

c) When a defendant is set exparte during the proceedings of a suit, a petition to set aside that order can be filed under Order 9 Rule 7 C.P.C. There is no limitation for this period and it can be filed during the pendency of the proceedings.

d) A petition to set aside the exparte decree can be filed by a defendant under Order 9 Rule 13 C.P.C. within a period of 30 days under Article 123 of the Limitation Act from the date of the decree if the summons/notices are served on that defendant and if publication etc., is made or if there is no sufficient notice to the defendant, then in such a case, from the date of the knowledge.

7) **Final decree petitions (FDs):** The final decree petition of the mortgage preliminary decree should be filed within three years from the date of the preliminary decree. The period of redemption granted by the Court is saved from the computation of this period of three years. In case of partition, there is no limitation to obtain a final decree since the partition of property is deemed to be pending even after the passing of final decree. For final decree regarding mesne profits enquiry in a suit for possession and profits, the limitation is three years under Order 20 Rule 12 (1)(b)(a)(3) C.P.C. In respect of the partition suits, such a bar does not come into play, since the decree therein is under Order 20 Rule 18 C.P.C.

There is no limitation for filing LR application in a final decree petition. Order 22 C.P.C has no application with the same. In case a final decree petition in a mortgage suit is filed within time, the LRs can be brought on record.

8) **Cheque petitions:** A cheque petition is filed under Rules 231 to 235 of C.R.P. That application should be accompanied by an affidavit of the party, the payment schedule under Rule 233 C.R.P., the advanced receipt under 235 C.R.P., the Full Satisfaction (FS) or Part Satisfaction (PS) memo whatever the case may be, the calculation memo in case some of the payments earlier received and also the identification proof such as a passport size photograph, the recognized identity proofs issued by the Government such as Voter's ID, Ration Card, Aadhar Card, Driving license etc. and also the details of the bank account. The account section shall certify on that application about the amount lying in the CCD (Civil Courts Deposit) without any attachment thereon. A cheque cannot be issued directly to the party and the amount payable to the party as per the orders passed on that application should be sent to the bank where that applicant is having an account, by way of an account payee (A/c) cheque drawn to the credit of that account, with a request to the concerned Branch Manager to credit that amount to the account of that applicant lying in that branch. If any amount is lying in the CCD for a long period with no cheque petition filed by the party for whatever reasons that may be, every effort should be made by the Ministerial Staff, especially the accounts section, to bring to the notice of the Judge about such a deposit so as to see the possibility of keeping that amount in a fixed deposit with the nationalized bank carrying some interest on the deposit, so that that will be beneficial to the party. The High Court passed the circulars in Roc. No. 515/SO/2000 dt. 20.02.2000, Roc. No. 223394/99/OP Cell-E dt. 26.07.2000 and Roc. No. 3227/91-B.Spl., dt. 05.01.1998 & 22.06.1999 in respect of the court deposits. Strict instructions were given to the Ministerial Officers in Circular Roc. 515/SO/2000 dt. 20.07.2000 that whoever failed to obtain necessary order from the Presiding Officer for keeping the amounts in interest yielding fixed deposits, will be held liable for the loss of interest likely to be caused to the respective claimants.

Except in case of urgency, no order for payment of money out of Court shall be issued after the 25<sup>th</sup> day of each calendar month.

Whenever a cheque petition is allowed and the amount is ordered to be paid to that applicant, the accountant shall prepare an account payee cheque drawn on the name of that applicant with his bank account details and place the same before the Judge for his signature on the cheque and while placing that cheque, he should also place the closed entry/entries of that deposit in the deposit register, the debit entry in the concerned ledger, the cheque issue register showing the issuance of the cheque and also the cash book showing the payment in the payments column.

9) **Procedure seeking permission to deposit the amounts:** Whenever a party obtained the permission of the Court to deposit an amount in the Court or a direction is given by the Court to that party to make such a deposit, that party desirous of paying the money into the Court shall bring into Court a lodgment schedule in Form 57 headed with the cause title of the suit/ the appeal or proceeding, the particular account therein, if any, to which the money

is to be credited, the decree or order in pursuance of which the payment is made, the reasons for the payment, and several sums on the total amount to be paid in the Court. If the lodgment schedule is placed for an order, the Judge passes the order as 'issue challan'. An order for lodgment in triplicate in Form 58 stating the date of issue and bearing the serial number shall then be filled in except as to the date of payment and the signature of the receiving officer, by the officer of the Court and issued to that applicant. The particulars of the currency notes, coins and cheques shall be noted on the reverse side of the form of the challan accompanying each remittance. When deposits are made under Rule 85 of Order 21 C.P.C. one single challan shall be used in entering the sale proceeds and the amount required for the general stamps for the preparation of the sale certificates. A copy of the challan filed before the Court showing the remittance in the treasury shall be noted and an entry regarding that deposit is made in the deposit register and correspondingly a credit entry in the ledger maintained by the Court for CCD deposits.

10) **Review Petitions filed u/s 114 C.P.C. and under Order 47 Rule 1 C.P.C.:** As per Order 47 Rule 3 C.P.C., a Review Petition should be in the form of an appeal memorandum. The period of limitation prescribed under Article 124 of the Limitation Act for such an application is 30 days. The review petitioner should pay half of the court fee paid on the Order/Decree of the original matter for which the review is sought.

#### **5. Checking of Execution Petitions:**

1) Though the Execution Petition (EP) and the Execution Application (EA) are defined under Rule 2(e) and 2(f) of the C.R.P. with a sense of meaning conveyed under those two definitions that the execution application is an application filed in a pending Execution Petition, the 'application for execution' filed under Order 21 Rules 10 & 11 and also under Rule 209 C.R.P. should be construed as an 'Execution Petition' for all practical purposes, since that is the petition filed seeking the execution of a decree or order, but not an application filed in a pending E.P.

2) Execution of a decree can be sought either by an oral application under Order 21 Rule 11(1) C.P.C. or by way of a written application under Order 21 Rule 11(2) C.P.C. (it is always safe if such an application is in a written form). If a written application is filed under Order 21 Rule 11(2) C.P.C. R/w Rule 209 C.R.C., that application shall be a verified application containing the particulars of the number of the suit wherein the decree or order sought to be executed is passed, the names of the parties (DHR(s) and JDR(s)), the date of the decree, the mention as to whether the appeal has been preferred from the decree, whether any payment or adjustment is made and, if so, what amount, whether any previous applications have been made for execution of the decree and, if so, the dates of such applications and the results thereon, the amount with interest due on the decree, the particulars of the cross decree, if any, the amount of the costs awarded, against which J.Dr or J.Drs the execution is sought and the mode of the reliefs as specified u/s 51 C.P.C. in which the assistance of the Court is required. The first EP should be enclosed with a certified copy of the decree.



3) The limitation for EP other than the EP for execution of a mandatory injunction is 12 (twelve) years under Article 136 of the Limitation Act. For the enforcement of a decree granting a mandatory injunction, the limitation is 3 (three) years under Article 135 of the Limitation Act from the date of the decree or where a date is fixed for performance, from such date. For delivery of a portion of the immovable property to a purchaser in execution of decree, the period of limitation is 1 (one) year from the date when the sale becomes absolute. For enforcement of a decree passed for permanent prohibitory injunction, the execution can be sought under Order 21 Rule 32 C.P.C. and there is no period of limitation prescribed under the Limitation Act for such an execution. For a permanent mandatory injunction, the period is 3 (three) years. The limitation is three years for filing a final decree petition on a mortgage preliminary decree passed by the Court. There is no limitation to file a final decree in a partition suit, since the plaintiff/the decree holder under the preliminary decree continues to be in joint possession with other sharers (the JDRs) till the property is divided by metes and bounds. The period of 12 (twelve) years for execution of a decree includes the time taken for drafting of decree, since the decree speaks from the date of the judgment. The period, if any, taken by the decree holder for depositing the NJ Stamps, in the case may be, is not saved in the period of 12 (twelve) years for the execution of the decree.

4) In case of the transfer of a decree, such an application is maintainable under Section 39 r/w Order 21 Rule 6 C.P.C. r/w Rule 206 C.R.P. Such an application should be a verified application headed with the cause title of the suit and other particulars required to be given under Order 21 Rule 11(2) C.P.C. Such an application should be accompanied with a copy of the decree. The Court sending the decree for execution to another Court should give a certificate setting forth that the decree has not been satisfied (this is known as N.S. Certificate) or in case any part satisfaction is made, the extent to which that satisfaction has been made and the remaining part of the decree to be executed. If the decree holder who sought the transfer of the decree did not apply for the execution of the decree within six months from the date of the receipt of the decree by the transferee Court, that court [the Court to which the decree has been sent] shall certify the fact of non-filing of EP within that period and shall return the decree to the transferor Court.

5) The territorial jurisdiction to execute the decree is strongly embodied in C.P.C. by inserting Section 39 (4) C.P.C. by Act 22 of 2002. The only exception is that of the execution by way of salary attachment of the J.Dr sought under Order 21 Rule 48 C.P.C.

6) **Attachment by way of Precept sought under Sec.46 C.P.C.**

This is one mode by which a Dhr can seek the attachment of the property of the J.Dr by an order of Precept issued by the Court which passed the decree to the other court within whose jurisdiction that property of the J.Dr is lying. However, the attachment made under Sec.46 C.P.C. exists (continues) for a period of two months only. Therefore, it is imminent for the DHR to take steps for the transfer of the decree to that court by filing an application for the transfer of decree under the provisions of the C.P.C. and C.R.P.as stated above before the expiry or determination of the attachment made by way of Precept issued u/s 46 C.P.C.

7) The application for arrest of JDR should necessarily contain an affidavit of the DHR (known as Means affidavit) setting forth the mandatory requirements insisted under Section 51 C.P.C. which are the pre-conditions for issuing a warrant of arrest against the JDR. No arrest of JDR can be ordered if the total amount of the decree does not exceed Rs.2000/- (See Order 58(1-A) C.P.C.). The detention of a JDR in the civil prison shall not be for a period more than six weeks if the amount of the E.P. does not exceed Rs.5000/- but exceeding Rs.2000/-. That detention can be for a period of three months if the amount payable under the decree exceeds Rs.5000/- (See Sec. 58 (1) (a) & (b) C.P.C.). In case of the mode of execution chosen by the DHR by way of arrest of the JDR having sufficient means, and in conformity with the mandatory requirements u/s 51 C.P.C as stated above, a show cause notice shall be issued under Order 21 Rule 37 C.P.C. calling upon the JDR to appear before the Court and to show cause why he should not be committed to the civil prison. In case the JDR does not appear in obedience to that notice, the DHR may require the Court to issue a warrant for the arrest of the JDR (Rule 37 (2)). Such a warrant can be issued by the Court under Order 21 Rule 38 C.P.C. If the JDR is brought under arrest in execution of the warrant, the Court shall hold an enquiry under Order 21 Rule 40 C.P.C. before ordering for the detention of the JDR in the civil prison. Pending the conclusion of such an enquiry the Court may, in its discretion, order the JDR to be detained in the custody of the Officer of the Court or release on his furnishing security to the satisfaction of the court for his appearance when required. On the conclusion of that enquiry and upon satisfaction of the requirements laid down under 51 C.P.C. the Court may order for the detention of the JDR in the civil prison. The JDR so arrested can be released from detention if the amount of the decree is fully paid or on the request of the person on whose application he is so detained (DHR) or on the omission of the DHR to pay the subsistence allowance.

8) If the attachment of movable property not in possession of a JDR is sought in EP, that application shall be annexed with an inventory of the property to be attached containing a reasonable description of the same. An application for attachment of an immovable property shall necessarily contain the description of such property sufficient to identify the same such as the boundaries, the numbers in a record of settlement or survey etc. In case of execution of a joint decree, the execution of whole decree can be sought in case the same is beneficial to all the decree holders, unless the decree imposes a condition to the contrary. Where a Court sees sufficient cause for allowing the decree to be executed on such an application, it shall make such order as it deems necessary for protecting the interests of the persons who have not joined in the application. In case of execution of cross decrees passed in two separate suits, the satisfaction shall be entered upon both decrees if the sums calculated under the respective decrees are equal and in case the sums are unequal, the execution may be taken out only by the holder of the decree for the larger sum. Where the execution is of the cross claims under the same decree, the satisfaction for both shall be entered upon the decree if the two sums are equal and in case two sums are unequal, the execution may be taken out only by the person entitled to the larger sum.

9) The simultaneous execution can be sought both against the person and the property of the JDR with the permission of the Court obtained under Order 21 Rule 21 C.P.C. but in the ordinary course, that is an exception.

10) A prior notice under Order 21 Rule 22 C.P.C. regarding the executability of the E.P. is ordered in the following cases:-

- a) When the E.P. is filed beyond two years from the date of the passing of the decree.
- b) When the E.P. is filed against the LR's of the party to the decree.
- c) When the E.P. is filed for execution of a decree under the provisions of Sec. 44 (A) C.P.C. (in case of decrees passed by Courts in reciprocating territory).
- d) When the E.P. is filed against the assignee of a decree (when a decree is transferred by assignment, a notice shall be given to the transferor and the JDR and the decree shall not be executed unless the Court has heard their objections, if any, to its execution (See Order 21 Rule 16 C.P.C.)).
- e) When the execution is sought against the receiver in insolvency where the party to the decree has been adjudged to be an insolvent.

(11) Under Order 21 Rule 17 (4) C.P.C., in case of a decree for payment of money, the value of the property attached shall, as nearly as may be, correspond with the amount due under the decree.

(12) Under Section 60 (1) (i) C.P.C., the first Rs.1000/- of salary of the JDR is exempt from salary attachment and the 1/4<sup>th</sup> of the remaining is only attachable. That salary attachment shall not continue for a period of more than 24 months and there should be a gap of twelve months period for other attachment, if any, under a different decree and in case of the same decree, the further salary attachment cannot be ordered.

13) When the defendant against whom an *ex parte* decree is passed, which is sought to be executed by the DHR, files a petition under Order 9 Rule 13 C.P.C. to set aside the *ex parte* decree and, in the mean time, he seeks the stay of the execution of the E.P., he can avail that remedy under Order 21 Rule 26 C.P.C. by filing that application before the Executing Court so as to obtain some breathing space to obtain the necessary orders on his application filed under Order 9 Rule 13 C.P.C. before the Court which passed the *ex parte* decree. It is also open to the JDR to move such an application under Order 21 Rule 29 C.P.C. before the Court which passed the *ex parte* decree, seeking stay of execution of the E.P. against him till the disposal of the petition filed under Order 9 Rule 13 C.P.C., For granting such stay of the execution of a money decree, the Court may insist the JDR for security or otherwise. In case the Court grants stay without requiring security, it shall record its reasons for doing so.

(14) In case of execution of decree for specific performance of execution of a document, the remedy is under Order 21 Rule 34 C.P.C. If the JDR neglects or refuses to obey the decree, the decree holder prepares a draft to the document and files the same before the Court which will be sent to the JDR under Rule 220 C.R.P. If the JDR raises any objections on such

a draft, the Court may, if the case demands, order for altering of the draft. If the JDR fails to execute the document, the Court shall see the same executed as per the procedure laid down under Order 21 Rule 34 C.P.C. Where the registration of the document is required under any law for the time being in force, the Court or such officer of the Court as may be authorized in this behalf by the Court, shall cause the document to be registered in accordance with such law. Where the registration of the document is not so required, but the DHR desires it to be registered, the Court may make such order as it thinks fit. Where the Court makes an order for the registration of a document, it may make such an order as it thinks fit as to the expenses of the registration.

(15) In case of the delivery of immovable property, remedy can be sought by DHR under Order 21 Rule 35 C.P.C. If the delivery could not be effected due to the reason of the act of the JDR in keeping that property under lock and key without giving access to the Amin/Bailiff of the Court so as to obstruct the delivery, the DHR can seek an order under Rule 35 (3) to break open of the lock.

(16) Simply because a claim petition is filed under Or.21 R.58 at the time of the sale of an attached immovable property when all the preparations are made for that sale, the sale need not be stopped. The execution Court may make such an order which it deems fit under those circumstances that the said sale will be subject to the final order on that claim-petition. (that the sale will not be confirmed till the finality of that litigation). In case the court intends to grant a stay under Or.21 R.59 C.P.C., that order may be made subject to such terms and conditions as to security or otherwise as the court thinks fit.

(17) For the purpose of fixing the Upset price, for conducting the sale, the guidance to the court is the reasonable assessment by comparing the respective valuations made by the Dhr and the Amin. (Normally, a Dhr tries to keep a lower value so as to avail the benefit of getting the bid at a lower price, where as the valuation given by the Amin/Bailiff to a higher sum. The court has to strike a reasonable balance between the same and to assess a fairly reasonable Upset price.) In case of the mortgaged property brought to sale in the execution proceedings, the valuation done by the Amin/Bailiff at the time of execution of the Test-Warrant issued by the court can be taken for guidance.

(18) A Dhr can also participate in the court auction by obtaining the permission of the court on an application filed by him under Or.21 R.72 C.P.C. When the sale is knocked down in favour of the highest bidder, one fourth of the sale amount (bid amount) should be immediately deposited by him under Or.21 R.84 C.P.C. In case the Dhr himself is the highest bidder in whose favour the bid is knocked down, he can claim set-off to that amount of purchase money under R.84(2), provided the E.P amount is more than that amount. The remaining amount shall be deposited within the period before the Court closes on the fifteenth day from the sale of the property as mandated under R.85 of Or.21 C.P.C. In case the DHR himself is the purchaser and the amount due to him under the E.P. is more than the total bid amount, he can claim set-off for this amount. The court has to necessarily wait for 60 days for the petitions, if any, likely to be filed under rules 89 and 90 of Or.21 C.P.C. A

purchaser of the court sale can also file an application under Or.21 R91 C.P.C., questioning the saleable interest of the J.Dr in the sold property. Where no application is made under Rules 89, 90 and 91, or when such application is made and disallowed, the Court shall make an order under Rule 92, confirming the sale and thereupon the sale becomes absolute. Where the sale is set aside under Rule 92, the purchaser is entitled to the repayment of his purchase-money ,with or without interest as the court may direct against any person to whom it has been paid. Where the sale of immovable property has become absolute as aforesaid, the court shall grant a Sale Certificate under Rule 94 of Or.21 C.P.C. thereby specifying the details of the property sold and the name of the person declared as the purchaser and such application shall bear the date on which the sale became absolute. The delivery of that property can be sought under Or.21 R.95 C.P.C.

*Prepared by*

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# **ROLE OF NAZARATH IN CIVIL PROCEEDINGS**

## **IN ADMINISTRATION OF JUSTICE**

### **TOPICAL INDEX**

- Para 1. Establishment of Nazarath Section in Courts
- Para 2. Ministerial Staff of the Section
- Para 3. Relevant Acts and Rules
- Para 4. Role of Nazarath in Execution and Service of Processes
- Para 5. Various Registers maintained by the Nazarath Establishment
- Para 6. Where to file the Process Applications with Process Memos; What are A, B & C registers of the Nazar?
- Para 7. How and by whom the Process shall be Filed and Filled
- Para 8. Language of Process
- Para 9. Verification of Process and Entrustment for Execution/Service:
- Para 10. Process ordered other than through Court
- Para 11. Payment of Process Fee
- Para 12. Process received from other Courts
- Para 13. Process to other Courts
- Para 14. Particulars on return of Service from other court
- Para 15. Method of Service
- Para 16. Return Report of the Process Server
- Para 17. Verification before the Nazir
- Para 18. Service By Affixture
- Para 19. Service on defendants within the jurisdiction of another court
- Para 20. Service in case of Public Officer
- Para 21. Handover Process [Order V Rule 9A & XVI R 7A]
- Para 22. Summons through email, Whatsapp etc.
- Para 23. Signing of other Processes
- Para 24. Summons to Witness and Payment of TA and DA to witness
- Para 25. Emergent Process/Urgent Process
- Para 26. Process for service in same village
- Para 27. Special Process Server to serve outside the jurisdiction
- Para 28. Warrants of Arrest
- Para 29. Execution of Attachment Warrants
- Para 30. Proclamation of Sale of Movable and Immovable Property
- Para 31. Mode of service of proclamation

- Para 32. Directions to Nazir
- Para 33. Report of Execution of Proclamation of Sale
- Para 34. Place of Sale
- Para 35. Collection of Poundage
- Para 36. Registers of Attachment and Sale of Movable and Immovable Livestock
- Para 37. Duties of Nazir
- Para 38. Sending Periodical Statements by the Nazirath
- Para 39. Observation List of Nazir
- Para 40. Calculation of Process
- Para 41. Computation of Success and Failure rate of each Process Server
- Para 42. Fixed Traveling Allowance (FTA) to the Process Servers
- Para 43. When process fee can be paid in Cash and whom to be paid [Rule 238 CRP]
- Para 44. Refundable amounts
- Para 45. Role of Nazirath in Administration of Justice (other than in Execution and Service of Process)
- Para 46. Securities
- Para 47. Seals, verifications and Endorsements required in Execution and Service of Process
- Para 48. Forms of Processes
- Para 49. Format of CR 51 - A Register
  - Format of CR 53 B - Register
  - Format of CR 53-A - C register
  - Format of CR 54 Nominal Register of Process servers Roster C
  - Proforma Application to issue summons

# **ROLE OF NAZARATH IN CIVIL PROCEEDINGS IN ADMINISTRATION OF JUSTICE**

## **1. Establishment of Nazarath Section in Courts:**

Rule 1 of “Process Service Rules” framed under Section 20 of Court Fees Act, Act VII of 1870 and incorporated in the Madras High Court Circulars Vol I in the year 1884, originally provided for establishment of Central Nazarat for Execution and Service of processes of all courts. Conventionally, the Section in the Courts look after the Service of Process and Tappals, Guard duties and Protocol is Nazarath Section. Service of processes likes Summons and Notices to the parties and witnesses is the most important duty of the Nazarath Section. Timely and Proper service of process is must for smooth functioning of the Court. If the process entrusted to a process server is served as per law, much time of the Court will be saved.

## **2. Ministerial Staff of the Section:**

Nazarath Section will be headed by the Central Nazir now called as the Senior Superintendent or the Deputy Nazir/Senior Assistant, who will oversee the entire section. The Senior Superintendent/Senior Assistant will be assisted by Field Assistants (Bailiffs/Amins) & Process Servers.

## **3. Relevant Acts and Rules:**

- Code of Civil Procedure, 1908
- Civil Rules of Practice and Circular Orders, 1980
- Process Fee Rules, 1965.
- For Guidance: Process Service Rules and other Rules and formats in Vol I & Vol II of Madras Circular Orders,

## **4. Role of Nazarath in Execution and Service of Processes:**

Through Nazarath Section, summons to parties and witnesses to appear and produce documents and do other acts, notices to parties and witnesses and others, service of supplementary and incidental orders like Injunction Orders are affected. Attachment before Judgment Orders etc., Letters to Other Courts and Public Offices and Public servants and other types of processes during trial and proceedings are issued for execution. Similarly, through Nazarath Department only, all the process are sent for execution in Execution Proceedings.

## **5. Various Registers maintained by the Nazarath Establishment:**

1. Poundage Register CR 22
2. Reg. of movables attached and livestock CR 30



3. Reg. of Movables attached –	CR 31
4. Immovable properties attached –	CR 32
5. Nazar’s Receipt Book –	CR 51 Form A
6. Nazar’s Register of Processes	CR 53 Form B
7. Nazar’s Register	CR 53-A Form C
8. Nazar’s Cash Register	CR 53-B
9. Register of Receipt of Process Memos by the Chief Ministerial Officer	CR 53-D
10. Process Servers Nominal Register – ‘Roster C’	CR 54
11. Diary of the Process Server and Field Assistant (Tour Diary)	CR 75
12. Observation List	
13. Field Traveling Allowance (FTA) Register	
14. Register of Jewelry and Cash Attached and deposited	CR 61

### **6.1 Where to file the Process Applications with Process Memos; What are A, B & C registers of the Nazar?**

Mainly Four registers are associated with the Nazar in maintenance of processes. They are called as A, B & C registers which actually are Form A, Form B and Form C and CR 54 which is the nominal register of the process servers which is also called as Roster C. These registers are -

- (1) CR 51 Form A which is Nazar’s Receipt Book printed in duplicate and called as ‘A Register’.**
- (2) CR 53 Form B which is ‘B Register’ containing 25 columns.**
- (3) CR 53-A Form C which is ‘C Register’ containing 11 columns.**
- (4) CR 54 Nominal Register of Process Servers i.e. ‘Roster C’.**

The process which accompany the complaints etc will be filed with the Chief Ministerial Officer or the Section Clerk concerned. Such Processes, after the suit, application etc, has been admitted and after verification by the clerk concerned, will be sent to the Nazir who will cause the process application particulars to be entered in the Civil Register 53 [Nazir’s B Register containing 25 columns]. The present practice is to file the processes before the Chief Ministerial Officer or the Section Clerk as the case may be.

**6.2** As per the old Process Service Rules of Madras Circular Orders, the process when they do not accompany the plaints, petitions, appeals, cross-appeals, cross-objections etc., have to be filed with the Nazir. These processes have to be entered in CR 53-A [Nazir's C Register containing 11 columns]

**7. How and by whom the Process shall be Filed and Filled:**

**7.1 Process to be Filed and Filled by Parties or their Advocates except the date of issuance of Process and Date of Appearance:**

A duly stamped application along with affidavit and summons/notices is to be filed for service of summons/notices (R.69). The summons/notices shall be issued within 30 days of institution of suit. Summons and Notices including notice of an Interlocutory Application have to be filed by the Parties or their Advocates on whose behalf such summonses or notices have to be issued. All the particulars except the date of Issuance of Process and the date of Appearance shall be filled up by the party or his advocate at whose instance the process were issued. (Rule 70 (1) CRP)

7.2 Date of issuance of Process and Date of Appearance in the Process will be filled by the authorized officer of the Court, mostly the Bench Clerk or the Section Clerks, after verifying the Judges Orders. [R 70 (1) CRP]

7.3 Process Forms shall be filled in Bold, clear and legible handwriting. The parties or the Advocates shall sign on the left bottom corner of the Form. [R 70 (3) CRP]

7.4 In case of summons, the combined **Form No. 19** shall be used and the party or his Advocate shall leave the portion relating to the purpose of the summons intact and the Court Officer shall fill the purpose for which the summons were issued as per the orders of the Court and convert the summons into one as per form No.1 or 1-A or 2 of Appendix B of First Schedule CPC. [R 70 (2) CRP]

**8.1 Language of Process:**

Process should be filled in the language of the court in the prescribed forms. [Rule 72 CRP]

**8.2 Process sent to other language Court:**

Process sent for service to other place where the language is different **shall be accompanied with translation** of that other language or English. Presently all process forms are in English language only. [R 71 (2) CRP]

**8.3 Process issued to Armed Forces:**

Processes issued to Army, Navy or Air Force personnel shall be in English or with English translation. [R 71 (3) CRP]

**9.1 Verification of Process and Entrustment for Execution/Service:**

All Processes so filed and filled shall be verified by the Section clerk. If the process is summons for appearance of a defendant, the section clerk will check if the form is in proper form and if the particulars given in the process are correct. He then should obtain the signature of the Judge and hand it over to the Nazirath Section. Handing over of this process by the Section clerk to the Nazirath Section will be noted in Civil Register 53-D for internal convenience.

9.2 On receipt of the process, the Nazir will check the process on the sufficiency of the Process Fee and if the necessary copies are appended to the process forms for service. Process Fee will be calculated as laid down in Process Fee Rules, 1965 as amended from time to time and will be collected in Court Fee Labels or Cash. If Cash is received, the same shall be entered in the Register and receipt as in ( A Register CR 51) shall be issued.

9.3 The process so received will be entered in CR 53 (Form B) by assigning a **PSA No./B No.** (Process Service Application No./Batta No.).

9.4 The Process memos if returned (for being defective) have to be entered in the Register immediately and the signatures of the Nazir are to be obtained at the end of each day and are to be placed for taking delivery of the return Process memos by the party or his advocate. The preparation of process or return of defective Process memos shall be done within 3 days of filing. In case of delay in preparation of process or delay of clerk in sending the process after verification of records and delay in return of process entrusted, Nazir has to place the matter before the Presiding Officer periodically. If the process is not verified and entrusted within 3 days of filing, there will be less time for service.

**Note:-** The same procedure has to be followed in preparation of notices, proclamations, warrants of attachment, injunctions and warrants of arrest and other warrants etc..

9.5 Nazir has to verify the court fees and deposit amounts regularly and he shall submit the cash and process account regularly for verification, to the Presiding Officers of the courts concerned. The process fee and cash received directly by the Nazir should be reported to the Chief Ministerial Officer of the courts concerned for entering the Court Fee & documents in the regular Register CR 17 of that court. Likewise, receipt of poundage amount should also be intimated and entered in CR 17.

9.6 Nazir has to Prepare Daily Abstract of the Court Fee received showing the particulars of opening balance, receipts, total payments, balance and should obtain the signature of the Judge as in CR 53-B Nazir's Cash Register.

## **10. Process ordered other than through Court:**

In addition to the court process, the party has to file process fees if any for Order by speed post or by approved courier service or by fax message or by E-mail service or by personal service as per Order 5 R9 & R9A r/w Rules 21 to Rule 30 CPC. Sufficient summons/notice forms have to be enclosed for each Process memo as per Order 5 Rule 19 CPC & Rule 69 (3) CRP. Where the Service of summons is ordered through a courier

service, such summons shall be sent through panel Courier service approved by the Principal District Judge.

**11. Payment of Process Fee:**

Process Fee of all Process sought to be executed through Court **shall be paid in Court Fee stamps**, and in cash in certain cases. [Rule 73 CRP].

Process Fee leviable under Process Fee Rules, 1965 for service of process includes transport Charges in some cases of arrest and attachment. Apart from such Process Fee, the witnesses summoned have to be paid Travelling Allowance as per Rules 93 to 100 CRP.

**12. Process received from other Courts:**

Process received from other courts shall contain a certificate that fee has been received and after satisfaction of the same, the court which received the process shall cause it to be served without further charge. [Rule 74 CRP]

**13. Process to other Courts:**

Process to other Courts not being the High Court, shall be sent directly to the Presiding Officer of the Court concerned by designation and not to the Nazir or Deputy Nazir. [Rule 75 CRP]

**14. Particulars on return of Service from other court:**

The court to which summons were sent under O V R 21 shall retransmit the process to the court which issued the process along with -

- Nazir's return about the service or non-service with reasons.
  - If served, with affidavit or statement on oath of the Process Server.
  - The record of further inquiry, if any by the court.
  - If it is in other language, it should accompany a translation in English.
- [Rule 80 CRP]

**15. Method of Service : [Rule 77 CRP]**

- The mode of service of summons/letter etc., is enunciated under Order 5 CPC r/w Sec 142, 143 CPC, Sec 27 to 32 CPC and Rules 69 to 98 CRP. The Process server shall see that the person who accepts the service of the process corresponds with the description given in the process.
- If the process is served on some person other than the person named therein, and if he accepts the process on his behalf, it shall be stated whether such person is adult member of the family and living with him/her [Rule 77(2) CRP].
- If the process is accepted by Agent, it shall be stated whether such person is duly authorized to accept the service [Rule 77(3) CRP].

- Where the person refuses to accept the service, the same shall be endorsed by a witness and it shall be stated how the individual was identified [Rule 77(4) CRP].
- If process is affixed owing to the absence of the individual named, then it shall be stated if possible, both when he left home and when he is likely to return [Rule 77(5) CRP].
- When process is refused by pardanashin woman, it may be effected by service on an adult male member of the family [Rule 77(6) CRP] .
- Where the process is served on the proposed guardian, the fact that the said guardian consented to act as guardian of the minor mentioned in the process shall be got endorsed on the notice by the guardian. [Rule 77 CRP]

**16. Return Report of the Process Server:**

The return report of the process server shall state [Rule 78 CRP] -

- If the process server personally knew the individual, if not, how he was identified. If the individual was identified by village officer or by a respectable person, their verification at the foot of the report and also with the full name and address of the respectable person who identifies the individual.

- the manner in which the process was served,
- the place, date and month of service.

**17. Verification before the Nazir:**

The return report shall be verified by an affidavit of the process server. It should be as in Form 11 of Appendix B CPC. All Nazirs and Dy. Nazirs are authorized to administer oath to and to take affirmation from any process server. [Rule 79 CRP & Rule 39 CRP R/W Sec.139 CPC]. Follow: HC ROC 1119/SO-3/2011 Dt.09-08-2011 Circular No.8/2011 on service of process and what the Report shall contain.

**18. Service By Affixture [Rule 81 CRP] :**

If the process is affixed, the report should contain -

- The number of times the Process Server visited with dates and hours,
- The attempt made to find the individual, whether the individual is trying to evade the service,
- Whether there is any adult person and if yes, why service could not be effected on him/her,
- If summons are affixed, the Process Server shall also affix a notice therewith that the defendant can obtain copy of concise statement of contents of plaint from the court.

**19. Service on defendants within the jurisdiction of another court:**

Service on defendants anywhere within State or out of the State, within jurisdiction of another court is provided under Order 5 R 21 CPC. In such cases for service -

- Within limits of twin cities to be sent to the City Civil Court, Secunderabad (as per O V R 21 proviso by AP Amendment w.e.f., 23.3.67]

- Within limits of Towns of Bombay, Madras & Calcutta be sent to the Small Causes Courts there in [O V R 22].

- If defendant is in prison, to be sent to the officer in charge of prison for service. [Order V R 24]

- If defendant resides out of India and has no agent in India empowered to receive process by post, fax, Email or other means of service, process to be sent by post to place where he is residing. Provided if he resides in Pakistan or Bangladesh, can be sent to any court (except High Court) in that country for service. If the defendant is a Public Officer in Pakistan or Bangladesh, service shall be made on the public officer through competent authority notified by Central Government to serve [Order V R 25]. If defendant is residing in Foreign territory, summons to be sent through a court established or a political agent appointed by Central Government [Order V R 26] or through the Ministry of Govt. of India dealing with foreign affairs specified by Central Government [Order V R 26-A].

**20. Service in case of Public Officer:** As per Order V R 22 process is to be sent to the public officer through the head of office for service.

**Armed Forces:** In case of soldiers, sailors or army man, process is to be sent to their commanding officer for service on defendant. [(Order V R 28)].

The summons, notices etc., intended to be sent outside the court shall be transmitted by post addressed to the Presiding Officer by designation but not to the Nazir [Rule 75 CRP].

The summons/notices to a public officer as defendant or as a witness shall be sent to his head of the office [Order V Rule 27 CPC r/w R 83 CRP].

**21. Handover Process: [Order V Rule 9A (party) XVI Rule 7A (witness)]**

As per Order V Rule 9A process may be given to party for service on the other party. As per Rule 73 (2) of CRP, when process is permitted to be served by the party on other party, process fee for that process shall not be collected. As per Order XVI R 7A, the Court may, on the application of any party for the issue of summons for attendance of any person, permit such party to effect service of such summons on such person and shall, in such a case, deliver the summons to such party for service.

Service of such summons shall be effected by or on behalf of such party by delivering or tendering to the witness personally a copy thereof signed by the Judge or such officer of the Court as he may appoint in this behalf and sealed with the seal of the Court.

The provisions of Rules 9 to 19 of Order V shall apply to a summons personally served under this rule as if the person effecting service were a serving officer.

If such summons, when tendered, is refused or if the person served refuses to sign the acknowledgment of service or for any reason such summons cannot be served personally, the Court shall, on the application of the party, re-issue such summons to be served by the Court in the same manner as a summons to a defendant. All handover process after preparation shall be handed over only through Dispatch by noting the Dispatch number and Date, with Dispatch Seal and case number.

## **22. Summons through email, Whatsapp etc.:**

Service of summons through email was permitted by the Apex Court in **Indian Bank Association & Ors vs Union Of India & Anr** (2014) 5 SCC 590. Also See **Tata Sons Limited & Ors vs John Does 2017 LawSuit(Del) 6730** where Delhi High Court permitted to serve summons to the defendant via Whatsapp texts as well as by emails to a defendant. Same was permitted in **Madhav Vishwanath Dawalbhakta (dead) Thru Lrs vs Bendale Brothers 2018 LawSuit(Bom) 1533**. In **Neerja Realtors Pvt. Ltd. Vs Janglu (Dead) Thru LR 2018 (2) SCC 649** – the Apex Court dealt with Rules and the mode of service and manner of service of Summons on a defendant. All process sought to be served through email or Whatsapp shall also be verified by the Nazir and the signed process shall be handed over to the Advocate or Party concerned. Scanned copy of such process or Soft copy of such process has to be served. Served report has to be filed in writing along with Screen Shot of the Whatsapp text or downloaded copy of email report.

## **23. Signing of other Processes:**

Warrants of Arrest & Committal Warrants and Warrants of Attachments have to be signed by the Judge of the respective Court only. Nazir is not competent to sign these processes.

Likewise, the letter of request for production of documents, commission warrants and committal warrants have to be signed by the Judge of the respective court.

## **24. Summons to Witness and Payment of TA and DA to witness:**

While issuing witness summons, the anticipated expenditure of the witness to attend the court shall be collected from the party (more particularly when a Government servant is summoned) and entrust such summons with such amount to the Process Server for service of summons on witness & payment of the amount to witness towards his TA and DA (Rules 93 & 94 CRP r/w Order XVI R 2 (4) CPC.)

The amount of deposit has also to be noted on the summons. For official witnesses, when certificate of attendance is issued payment or non-payment of DA & TA if any, has to be noted thereon and such summons shall be served in the manner prescribed in R 77 CRP. **See:** 1. High Court ROC No.514/SO/91 14-08-1992. Summons on Medical Officers, Expert Witnesses and Investigating Officers to be served through Heads of Departments concerned in addition to provisions contained in Rule 12 CRP.

2. High Court ROC NO.2345/96-D1 dt.03-01-1997 – Judicial Officers to ensure that batta is paid to the official witnesses and witnesses summoned.

**25. Emergent Process/Urgent Process:** Emergent process has to be shown separately. Emergent process should be prepared immediately after the order of issue is passed by the Presiding Officer and on collection of proper Court Fee/ Cash with sufficient forms (duly filled and submitted by the party/Advocate).The urgent process should be entrusted for service/execution on the same day as far as practicable. In case of urgent process, it shall be prepared and got signed by CMO only after obtaining the orders of the Presiding Judge. Process fee (for urgent process) shall be collected at 1½ times the process fee fixed under Rules 1 (1) & (2) of Process Fee Rules. [As per R 3 (3) Process Fee Rules 1965].

**26. Process for service in same village:** In case of process of one village sought to be served at a time, they have to be entrusted to the same Process Server.

**27. Special Process Server to serve outside the jurisdiction:** Where a special process server is deputed by a superior Court to an outlying Court, an additional charge shall be levied in advance at the rate of Rs.30/- a day for process Server and Rs.40/- a day for Field Assistant for the time for which he is likely to be employed on such duty.

**28. Warrants of Arrest:** Arrest warrant shall direct the Nazir/Filed Assistant to produce the JDR on or before a particular date. Whenever any JDR is brought under arrest by Field Assistant, Nazir has to produce the JDR before the court concerned. If such person under arrest is ordered to be detained, the party at whose instance the person was arrested, has to pay subsistence allowance for such days of detention. Nazir has to prepare the detention warrant after collecting the amount for detention and handover the person under arrest to Process Server on Guard Duty after duly entering in the 'C' Register and after obtaining the acknowledgement from the PS concerned.

If the person arrested (JDR) is committed to civil prison by the Court, Nazir shall collect from DHR the subsistence allowance, bus or train charges for the arrested person and for two Process Servers besides TA and DA payable to the said Process Servers. Then only a committal warrant has to be prepared and signed by the Presiding Judge besides noting the amount due under the said warrant to the DHR. Sections 55 to 59 CPC & O XXI R 37 to 40 CPC deal with arrest, detention & committing to civil prison of JDR in execution of Decree.

**29. Execution of Attachment Warrants:** Movable property shall be attached by due identification of property in the manner provided under Rule 252 CRP. Immovable property shall be attached in the manner provided under Order 21 Rule 55 CPC. As per Sec 136 CPC, when property sought to be attached is situated outside the jurisdiction of the court to which the application is made, the attachment warrant shall be sent to the District Court in whose limits the property is situated along with probable costs of attachment.



Attachment by way of Precept under Section 46 on execution side shall be issued. As per Sec 46 proviso, such attachment shall not continue for more than 2 months unless extended by an order of the court which passes the decree or unless before that time the decree has been transferred to the court which attached the property & DHR applied for sale of the property.

**30. Proclamation of Sale of Movable and Immovable Property:**

**Of Movable property:** Proclamation of sale of movable property shall be affected before seven days of the actual date of sale. Proclamation shall contain clear description of the property ordered to be sold, date of sale, place and time of sale with the values. DHR has to pay the necessary charges for causing proclamation & service of notices, including for notice to sureties for production of movables or livestock etc. attached if given to sureties' custody.

**Of immovable Property:** Proclamation of sale of immovable property shall be effected before 15 days of the actual date of sale. Proclamation shall contain the full description of property with survey number, extent, in full or if part in survey number with boundaries, wet/dry etc., nature of land & place where it is situate, encumbrances if any with values of the DHR and the Field Assistant.

Copy of proclamation has to go to the Collector of the District in which the property is situated.

**31. Mode of service of proclamation [Order XXI Rule 67] :**

Proclamation of the property to be sold shall be made by way of

1. Affixture in Court House, affixture in the Village office where the property is situated and Affixture in Village Centre Place.
2. By Beat of Drum or Tom-Tom in the Village/Place where the property is situated.
3. In case of Immovable property, proclamation may also be ordered by way of publication in Daily Circulated Newspaper.

**32. Directions to Nazir:**

Warrants of attachment with directions to Nazir and notice of attachment and prohibitory order against the JDR will be handed over to the Nazir for execution of warrant and service of notice.

In cases of sale, the Nazir will be ordered to serve the proclamation of sale (Appendix-E Form 30 CPC) and Nazir may also be ordered to conduct sale (Appendix-E Form 27 CPC).

**33. Report of Execution of Proclamation of Sale:**

After service of Proclamation in the Mode prescribed as per rules, the Field Assistant shall submit report to the Court. The Report shall contain -

1. Report of Field Assistant about the manner in which he made the proclamation.
2. Receipt of Tom Tom charges (Presently Rs.200/- as per ROC No.1867/2016-C1 Dt.27-02-2017].
3. Proof of causing proclamation made by getting the signatures of the Village Officers/Local persons on a copy of proclamation wherever proclamation was made. One copy is sufficient for this purpose and the signature shall contain, name of witness, date and name of locality and this copy should be filed into court.

**34. Place of Sale:** [Rules 255 & 262CRP] Generally, the sale of livestock, agricultural produce & articles of local manufacture attached, has to be dealt with at the place where attachment was effected. The Court may direct sale at a particular place to save expenses of transport etc., which may be to the advantage of JDR. In case where immediate sale is necessary, Court may as per Rule 263 CRP authorize the Nazir or Curator to sell the same by public auction by giving such directions like date & place of sale and the manner of publishing the same.

**35. Collection of Poundage:** Poundage shall be collected by way of court fee as per the Process Fee rules, 1965. It should be collected from the auction purchaser/DHR on the value of sale consideration and the same is to be deposited before Court immediately.

**36. Registers of Attachment and Sale of Movable and Immovable Livestock.** Nazareth has to maintain two attachment registers under CR 31 and CR 32, one for movables and other for immovables. Another register CR.30 is to be maintained by Nazareth for attached movables, other valuables, stock and for persons arrested where there is Sub-Jail. For jewelery and other valuables in court custody, a register CR 61 is to be maintained. (Rules 252 & 237 CRP)

These registers should be maintained regularly by the Field Assistant as and when the occasion arises i.e. as and when any property is attached under a warrant. Nazir has to verify each entry with reference to report of the Field Assistant by assigning a **G.No.(General Number)** with date and shall attest the entries about their correctness. These registers contain details of proceedings of attachment of properties or livestock etc., i.e. case number, description of property, date of attachment, security or surety with guarantee furnished if any for custody of the attached movables or livestock etc and for its production as and when required, further orders there on as to attached property, orders of release/raising of attachment, orders of property sold etc.

The final results of attachment should be made in these registers after final verification of the records and registers of the courts concerned.

In case of sale of any property entered in the register, the details of date of sale, name of the auction purchaser with full address, besides details of amount of sale consideration, poundage fee collected and any other remarks shall be noted.

**37. Duties of Nazir:** Primary duty of the Process Servers is execution of process entrusted. Nazir has to entrust the processes to the Process Servers equally by maintaining roster. Warrants are to be entrusted to the Field Assistants equally and judiciously by maintaining roster separately for each Field Assistant.

**38. Sending Periodical Statements by the Nazirath.** Monthly statements have been prescribed to stream line the work of Nazareth & observation of performance of each member for effective administration. Monthly statements of each court in a District have to be submitted to the Dist. Court by the 5<sup>th</sup> date of succeeding month.

**39. Observation List of Nazir:** As per Process Service Rules (Of Old Madras Circulars), Nazir shall prepare two statements every month in Forms A & B for each Amin/Process Server in respect of all the processes and warrants entrusted for execution. If execution is less than 50% in arrest warrants and less than 60% in other processes for two consecutive months, said statements should be placed before the Presiding Officer and such PS has to be noted in observation list for two months. Nazir has to guide him for improvement in execution of the processes, and in case of continued failure to improve the rate of successful execution, he has to be removed from such list.

**40. Calculation of Process:**

1. Process Fee computation should be as per the rules prescribed in this regard. Process Fee Rules, 1965 which are amended from time to time regulate the fee for service of summons, fee for service of summons on witnesses, minor's guardian, fee for execution of warrants etc. These rules also provide the fee for service of emergent process.

2. Necessary rules in summarized manner are mentioned here under.

- 1) Suit summons & Notices - Rs.30/-
- 2) Conveyance charges @ Rs.1.00 per KM.

**Note:**

- 1) If there are more defendants in the same village, process and Conveyance charge is Rs. 15/- on each additional defendant.
- 2) If there is only one guardian for more minor-defendants, only one process should be collected.
- 3) For witnesses also, fee shall be collected as above.

3. Collection of process fee for warrants of injunction, proclamations, test warrants, attachment warrants, delivery warrants, pro-orders, receiver & commission warrants, etc., other than summons from the matter pending are as follows:

	Jr.Civil Judge Court	Sr. Civil Judge & Dist.Court
Upto 30 miles per day & below	-- Rs.30/-	Rs.30/-
For every additional Day after 3 days (one process)	- Rs.40/-	Rs.30/-
Additional CC. Rs.1.00 Per KM.		

**Note:** Field Assistant has to collect one extra process fee for each date and affix the same to the warrant at the time of return of warrant which should be accounted for in CR 53 Form B.

4. Emergent process: Half of the amount payable for each process should be collected in addition to regular process fee levied for service of urgent process.

5. If the plaintiff was permitted to sue as indigent person by the court i.e. if he was exempted from payment of court fee/ process fee, the same is to be noted in the Decree and a Copy of the Decree has to be transmitted to the Collector by including the process fee to be recovered.

6. In land acquisition matters, court notices have to be issued and the process fee is to be recovered from the party concerned at the time of execution of decree.

7. Poundage is to be collected as under -

- i) Upto Rs.500/- - 10 paise for every rupee
- ii) From 501 to 1000/- - 5 paise for every rupee
- iii) Above Rs.1000/- - 3 paise for every rupee

Note: 1. Each sale to be treated as one lot.

2. Poundage Fee should be paid by way of deposit in the shape of Court Fee stamps, now to be deposited in the relevant Head of Account vide challan.

#### **41. Computation of Success and Failure rate of each Process Server:**

The relevant rules are Rule XXI and XXII of Chapter 1 of Process Service Rules of Vol I Madras Circular Orders (Old). The process entrusted to each process server shall be entered in Nominal Register which is called as Roster C or Civil Register 54. This register is maintained separately for each process server.

The process entrusted should be entered (in columns 10 & 9) and the process returned after execution should also be entered in the register at relevant columns (11 to 15). The entries in CR 54 should tally with corresponding entries in Nazir's Register (CR 53 Form B).

The Nazir while entrusting processes and warrants for execution, has to give sufficient time to the process staff and deliver the same after obtaining acknowledgement in

Diary CR 75 and CR 76. These Registers are called Tour Diaries and they contain the particulars of the processes, the village visited and the date of visit and should be endorsed by the signature of the village Officer or the Ryot in token of acknowledging the visit of the particular village by the process server.

**42. Fixed Traveling Allowance (FTA) to the Process Servers :**

Process Servers are entitled to FTA as per Rules. Process server shall give an application containing the particulars of the process entrusted to him and of their service and execution and claim FTA as per rules. The Nazir after verifying the Tour Diary and the Observation List and CR 53 entries, shall prepare a note stating whether the Process Server is entitled for sanction of FTA or not. Sanction orders have to be passed by the Presiding Officer in control of the Nazarath Section and separate proceedings have to be issued and these proceedings shall be enclosed with the Bill for claiming the FTA.

**43. When process fee can be paid in Cash and whom to be paid [Rule 238 CRP]:**

Subject to the period of spending the amount, in the following cases, payment of process fee may be made in cash to the Nazir of a court:-

1. Service of summons in respect of which the fees cannot be paid in stamps.
2. Allowances to witness.
3. Commission Fees.
4. Money-order commission for transmission of commissioner's fees.
5. Judgment-debtor's subsistence money.
6. Tom-Tom charges.
7. Charges for the conveyance of attached property and for feeding attached cattle.
8. Postage and other charges for calling for records for reference, or for transmissions or of decrees to other Courts for execution.
9. Moneys representing the values of non-judicial stamps for sale certificate when the amount does not exceed Rs.5/-.
10. Safe custody charges payable under Rule 237.

**44. Refundable amounts:** Sometimes, when an arrest warrant was issued and when the Subsistence Allowance and Conveyance charges are deposited in cash, the case may be settled out of court. In such instances, the amounts deposited remain unexpended and they will be shown in the monthly extracts of the Nazir's registers. Notice should be displayed in the notice board regularly about the unexpended amount pending in processes, for taking refund by the party/advocate. In case of failure by the party/advocate to take refund of said amount, the same has to be remitted to the Treasury. [As per Chapter I Rule X of Process Service Rules (of Madras)].

**45. Role of Nazarath in Administration of Justice (other than in Execution and Service of Process):**

Other than their role as the most important wing in execution and service of process, Nazareth section performs other duties in administration of justice. The Hon'ble High Court issued circular regarding the legitimate duties of the Process Servers cum attenders in its circular in Roc.No.116/92/C1/dt.24.2.1992. The duties assigned are as follows:

- 1) Punching of court fee stamps (both round and diamond punching), punching & sealing of process memorandum.
- 2) Second punching of disposed of records and other miscellaneous duties in the office including carrying boxes, papers etc., from one section to another.
- 3) Serving process entrusted.
- 4) Guard duty in court.
- 5) Carrying office boxes, boxes & records etc to Judges residences.
- 6) Night guard duty at the residence of the Judicial Officers.
- 7) Bench duty of the Court.
- 8) Doing duties of Dalayats.
- 9) Attending of postal, treasury and Bank duties & clearing & booking railway parcels.
- 10) Delivery of local tappals
- 11) Other duties entrusted by the Nazir like taking custody of Judgment Debtors or other persons brought before court and handing over them to the central civil of prison etc.,

[Also see **T. M Mani Kumar Vs II Addl. JCJ, Guntur 2002 (2) ALD 428**]

**46. Securities:** Sec. 22 of AP Judicial Ministerial and Subordinate Service Rules, 2019, lay down the categories of staff and the value of security to be furnished. Similarly, Section 22 of Telangana State Judicial Ministerial Service Rules, 2018 also mandate furnishing of Security by all staff.

**Value of Security by different Categories of Staff in AP and TS:**

Andhra Pradesh	Value in Rs.	Telangana	Value in Rs.
Category – 1 & 2	50,000/-	Category – 1 & 2	50,000/-
Category - 3	25,000/-	Category - 3	25,000/-
Category – 4 to 16	10,000/-	Category – 4 to 16	10,000/-

**Note:** (For categories of staff, See relevant State Rules)

Security has to be furnished in cash/Fixed Deposit or by pledge of properties and the like. Said securities should be checked periodically and they should be kept in the custody of the PO/AO.

**47. Seals, verifications and Endorsements: Process in a Civil Suit Example:**

**When Process is filed before the Civil Section:**

After the suit is numbered, the Section clerk will send the process to Nazareth after checking and noting in their Tappal Book.

**After receipt of Process - By Nazir -**

Putting Date stamp containing court name and date

Canceling the stamp by signing in red ink

Noting in CR 53 Form B. Assigning PSA No/B. No.

**If correct, the Nazir will note on the Application as (Note-1) -**

*“Proper Process Fee paid*

*Sr. Superintendent*

*Central Nazir*

*City Civil Court*

*Secunderabad”*

**If defective, return by Nazir as (Note-2) -**

*“Deficit Process paid”*

*or*

*“Sufficient forms not supplied”*

*or*

*“Sufficient copies not enclosed”*

If Deficit Process is paid, forms and copies are supplied and defect is cured, again note as in Note 1.

**For Service sent to Other Court (Note-3) -**

*“Process Fee Paid*

*Forwarded to the .....*

*.....  
for favor of Service and Return duplicate copy  
before the date of hearing after service*

*// By Order //*

*Dy. Nazir*

*City Civil Court*

*Secunderabad”*

**Unserved other Court Process (Note-4) (tick whichever is applicable)**

*“Returned*

- (1) For want of Sufficient time,*
- (2) As Received after date of hearing*
- (3) For want of House No.*
- (4) For want of plaint/petition copies*
- (5) Not of this Jurisdiction*

*Dy. Nazir*

*City Civil Court*

*Secunderabad”*

**After Process fee is found correct and the forms are in order it should be endorsed on the application as – (Note-5) -**

*PSA No./B. No.....*

*Name of PS.....*

*Allotted on.....*

*Returnable on .....*

*Dy. Nazir*

*City Civil Court*

*Secunderabad*

**Handover summons should contain the endorsement as (Note-6) -**

(After verifying the process and obtaining the signature of the PO and entering in the Dispatch register and noting the Dis No.)

*“By Order of the Court,*

*Handed over to the Party for service and*

*return as per Order V Rule IXA (if party)/*

*Order XVI Rule 7A (if witness)”*

**All Process forms shall be affixed and noted with -**

1. Round Seal of the Court controlling the Nazareth Section
2. PSA No./B No. on all forms including the acknowledgment cards
3. If returnable through post, seal of “Dispatch Clerk” of the Court.



All other process not given to Process Servers of the Court will be handed over to the postman, courier, Advocate or party only after entering in the Dispatch Register and by giving a Dis. No. with date. The tour Diary/CR 75 should also contain the PSA No. and the case No.

### **National service and Tracking of electronic processes (NSTEP)**

National service and Tracking of Electronic Processes is a mechanism consisting of a centralized process service tracking application and a Mobile App for bailiffs. NSTEP is used for speedy delivery of processes and reducing inordinate delays in process serving. NSTEP Mobile APP, provided to bailiffs, helps in real time and transparent tracking of service.

- Once the process is published through CIS software by the respective Court, it becomes available at NSTEP in electronic format.
- Through NSTEP web application, published processes are allocated to bailiffs, if service is within the jurisdiction. It may be allocated to the respective court establishment if the service is outside jurisdiction i.e., inter-district or inter-state.
- The allocated processes can be viewed by bailiff on the NSTEP Mobile APP.
- Special Personal Digital Assistants (PDAs) are being provided to bailiffs for Process service and interconnecting to the Courts process service modules. Bailiff, on reaching the location of receiver, captures GPs location, photo (of the receiver or door lock) signature of receiver and reason for not service. The data captured is instantly communicated to the central NSTEP application.
- Real time updates from remote locations reduce inordinate delays in process service.
- Inter-district or inter-state service of process is electronic, thereby reducing the time required to send by post.

### **48. Forms of Processes:**

#### **Types of Process and Forms as per Appendix B CPC:**

S. No.	Form No.	Description
1.	Form 1	Summons for Disposal of Suit (O V R 1, 5)
2.	Form 2	Summons for Settlement of Issues (O V R 1, 5)
3.	Form 3	Summons to Appear in Person (O V R 3)
4.	Form 4	Summons in a Summary Suit (O XXXVII R 2)
5.	Form 4A	Summons for Judgment in a Summary Suit (O XXXVII R3)
6.	Form 5	Notice to Person who the Court considers should be added as Co-Plaintiff (O I R10)
7.	Form 6	Summons to Legal Representative of a Deceased

		Defendant (O XXII R 4 )
8.	Form 7	Order for Transmission of Summons for Service in the Jurisdiction of Another Court (O V R 21)
9.	Form 8	Order for Transmission of Summons to be Served on a Prisoner (O V R 25)
10.	Form 9	Order for Transmission of Summons to be served on a Public Servant or Soldier (O V R 27, 28)
11.	Form 10	To Accompany Returns of Summons of Another Court (O V R23)
12.	Form 11	Affidavit of Process-Server to Accompany Return of a Summons or Notice (O V R 18)
13.	Form 12.	Notice to Defendant (O IX R 6)
14.	Form 13	Summons to Witness (O XVI R 1, 5)
15.	Form 14	Proclamation Requiring Attendance of Witness (O XVI R 10)
16.	Form 15	Proclamation Requiring Attendance of Witness (O XVI R 10)
17.	Form 16	Warrant of Attachment of Property of Witness (O XVI R10)
18.	Form 17	Warrant of Arrest of Witness (O XVI R 10)
19.	Form 18	Warrant of Committal (O XVI R16)
20.	Form 19	Warrant of Committal (O XVI R 18)

**Types of Process and Forms as per Appendix D CPC:**

1.	Form 1	Order for Delivery of Interrogatories (O XI R 1)
2.	Form 2	Interrogatories ( O XI R 4)
3.	Form 3	Answer to Interrogatories ( XI R 9)
4.	Form 4	Order for Affidavit as to Documents (O XI R 12)
5.	Form 6	Order to Produce Documents for Inspection (O XI R14 )
6.	Form 7	Notice to Produce Documents ( O XI R 16)
7.	Form 8	Notice to Inspect Documents ( O XI R 17)
8.	Form 9	Notice to Admit Documents ( XII R 3)
9.	Form 10	Notice to Admit Facts ( XII R 5)

10.	Form 11	Admission of Facts Pursuant to Notice (O XII R 5)
11.	Form 12	Notice to Produce (General Form) (O XII R 8)

**Types of Process and Forms as per Appendix E CPC:**

<b>S. No.</b>	<b>Form No.</b>	<b>Description</b>
1.	Form 1	Notice to Show Cause why a payment or Adjustment should not be recorded as Certified (O XXI R2)
2.	Form 2	Precept (Section 46)
3.	Form 3	Order Sending Decree for Execution to other court (O XXI R6)
4.	Form 4	Certificate of Non-Satisfaction of Decree (O XXI R6)
5.	Form 5	Certificate of Satisfaction of Decree sent to other Court (Order XXI R 6)
6.	Form 7	Notice to show Cause why Execution should not be issued (O XXI R16)
7.	Form 8	Warrant for Attachment of Movable Property in Execution of a Decree for Money (O XXI R30)
8.	Form 9	Warrant for Seizure of Specific Movable Property Adjudged by Decree ( XXI R 1)
9.	Form 10	Notice to State Objections to Draft of Document (O XXI R)
10.	Form 11	Warrant to the Bailiff to Give Possession of Land, etc. (O XXI R35)
11.	Form 12	Notice to Show Cause why Warrant of Arrest should not be issued ( O XXI R37)
12	Form 13	Warrant of Arrest in Execution (O XXI R38)
13.	Form 14	Warrant of Committal of Judgment Debtor to Jail (O XXI R 40)
14.	Form 15	Order for the Release of a Person Imprisoned in Execution of A Decree ( S 58 & 59)
15.	Form 16	Attachment in Execution, Prohibitory Order, where the Property attached consists of Movable Property to which the defendant is entitled to subject to a Lien or right of some other persons to the Immediate possession thereof (O XXI R 46)
16.	Form 17	Attachment in Execution Prohibitory Order, where the Property consists of Debts not secured by Negotiable Instrument ( O XXI R 46)
17.	Form 18	Attachment in Execution Prohibitory Order, where the Property consists of Shares in the

		Capital of a Corporation ( O XXI R 46)
18.	Form 19	Order to Attach Salary of Public Officer or Servant of Railway Company or Local Authority ( XXI R 48)
19.	Form 20	Order of Attachment of Negotiable Instrument ( O XXI R 51)
20.	Form 21	Attachment Prohibitory Order, where the Property consists of Money or of any security in the custody of a Court of Justice or Public Officer ( OXXI R 52)
21.	Form 22	Notice of Attachment of a Decree to the Court which Passed it ( OXXI R 53)
22.	Form 23	Notice of Attachment of a Decree to the Holder of the Decree (O XXI R53)
23.	Form 24	Attachment in Execution Prohibitory Order, whether the property consists of Immovable Property (O XXI R 54)
24.	Form 25	Order for Payment to the Plaintiff etc, of Money etc in the Hands of Third Party ( O XXI R56)
25.	Form 26	Notice to Attaching Creditor ( O XXI R 58)
26.	Form 27	Warrant of Sale of Property in Execution of a Decree for Money (O XXI R66)
27.	Form 28	Notice of the Day Fixed for Setting a Sale Proclamation (O XXI R 66)
28.	Form 29	Proclamation of Sale ( O XXI R 66)
29.	Form 30	Order on the Nazir for Causing Service of Proclamation of Sale ( O XXI R 66)
30.	Form 31	Certificate By Officer Holding a Sale of the Deficiency of Price on a Re-sale of the Property by reason of the Purchaser's default (O XXI R 71)
31.	Form 32	Notice to Person in Possession of Movable Property sold in Execution (O XXI R 79)
32.	Form 33	Prohibitory Order Against Payment of Debts sold in Execution to any Other than the Purchaser ( O XXI R 79)
33.	Form 34	Prohibitory Order against the Transfer of Share sold in Execution (O XXI R 79)
34.	Form 35	Certificate to Judgment Debtor Authorizing him to Mortgage Lease or Sell Property ( XXI R 83)
35.	Form 36	Notice to Show Cause why sale should not be set Aside (O XXI R 90, 92)
36.	Form 37	Notice to show Cause why Sale Should not Be Set Aside (O XXI R91, 92)

37.	Form 37	Order for Delivery to Certified Purchaser of Land at a Sale in Execution ( O XXI R 95)
38.	Form 40	Summons to Appear and Answer Charge of Obstruction in Execution of Decree ( O XXI R 97)
39.	Form 41	Warrant of Committal ( O XXI R 98)

**Forms under Appendix F Supplemental Proceedings:**

1.	Form 1	Warrant of Arrest Before Judgment ( O XXXVIII R 1)
2.	Form 2	Security for Appearance of a Defendant Arrested Before Judgment (O XXXVIII R 2)
3.	Form 3	Summons to Defendant to Appear on Surety's application for Discharge (O XXXVIII R 3)
4.	Form 4	Order for Committal ( O XXXVIII R4)
5.	Form 5	Attachment Before Judgment, with Order to Call for Security for Fulfillment of Decree(O XXXVIII R5)
6.	Form 6	Security for the Production of Property (OXXXVIII R 5)
7.	Form 7	Attachment Before Judgment, on Proof of Failure to Furnish Security (O XXXVIII R6)
8.	Form 7A	Attachment of immovable property before judgment.
9.	Form 8	Temporary Injunctions (O XXXIX R 1)
10.	Form 9	Appointment of a Receiver ( XL R 1)

**Forms under Civil Rules of Practice and Circular Orders, 1980.**

S. No.	Form No.	Description
1.	Form 9	Notice of grant of leave to be endorsed on summons to The defendant [Rule 12(2)]
2.	Form 10	Application to sue or defend on behalf of numerous parties [Rule 13(1)]
3.	Form 11	Notice of permission to sue on behalf of numerous parties [Rule 13(2)]–
4.	Form 18	Notice of application to transfer suit - Rule 48(1)
5.	Form 19	Common form of summons for (1) settlement of issues (2) Ascertaining whether a suit is contested or not and if not contested, for immediate disposal. (3) final disposal (O V Rule 1 and 5 CPC) [Rule 49 A]
6.	Form 22	Letter or request by one Court to the Presiding Judge of another Court for the Production of records – Rule 75
7.	Form 23	Summons for the production of public records and other documents in the possession of the public servant other than a court [Rule 76]
8.	Form 23-A	Summons for production to Public records and other documents in the possession of a public servant other than a court [Rule 76]

**SOME PROFORMAS**

**Civil Register No.51 Form A (As given in Madras Civil Rules Vol-II) Nazar’s A Register Receipt Book.**

<p><i>Nazar’s Receipt Book Form A</i>  <i>Rule 171 CRP &amp;CO and Rule VI Process</i>  <i>Service Rules</i>  <i>Receipt No.</i></p> <p style="text-align: center;"><i>Cause Title</i></p> <p><i>Received the sum of</i>  <i>Rs.....</i>  <i>.....being the amount deposited by the</i>  <u><i>plaintiff/Petitioner/Appellant</i></u>  <i>Defendant/Respondent</i>  <i>for.....</i></p>	<p><i>Nazar’s Receipt Book Form A</i>  <i>Rule 171 CRP &amp;CO and Rule VI Process</i>  <i>Service Rules</i>  <i>Receipt No.</i></p> <p style="text-align: center;"><i>Cause Title</i></p> <p><i>Received the sum of</i>  <i>Rs.....</i>  <i>.....being the amount deposited by the</i>  <u><i>plaintiff/Petitioner/Appellant</i></u>  <i>Defendant/Respondent</i>  <i>for.....</i></p>
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<p><i>Court of .....</i></p> <p><i>Dated.....</i></p> <p style="text-align: right;"><i>Central or Deputy</i></p> <p><i>Nazir</i></p>	<p><i>Court of .....</i></p> <p><i>Dated.....</i></p> <p style="text-align: right;"><i>Central or Deputy</i></p> <p><i>Nazir</i></p>
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**Civil Register No.53 Form B: Nazir's B Register.**

Court:

Year:

Date	Applicati on General Number of Process	Court number of		If defective		
		Process Service Applicatio n	Suit or Procedin gs	Date of return	Signature of party or pleader	Date of representation
1	2	3	4	5	6	7

Nature of process	Court fee received	When process made ready	Number of		
			Originals	Copies	Copies of plaints
8	9	10	11	12	13

No. of process es calculat ed under rule XXII	No. of processe s declared emergen t under Rule XXIII	Witness Batta etc.		Date of Despatch	Name of Court to which sent or of process server to whom given
		Name of depositor or of court	Amount		

		by which sent		
14	15	1617	18	19

Returned with unexpended batta if any		Date of return of process to court	Signature of Sheristadar or Head clerk	Date of refund to parties	Party's signature
Date	Amount				
20	21	22	23	24	25

**Instructions:**

1. Feeding charges of cattle and livestock must be brought to the account of the court when received by a nazir.
2. The daily balance shown in this register should be verified by the presiding judge of the court to which the nazarat is attached at least once a month.

**Civil Register 53-A Form C [Nazir's C Register]**

Court

Year

Applications				Plaint Copies and Original Records etc.				Date on which processes prepared in courts excluded from the operation of the rules are handed over to Nazir	Initials of Nazir	
Date of receipt by Nazir	General Number of PSA	Receipt by the clerk incharge or the CMO		Descri ption	Given to Process writer		Receipt by the Clerk incharge of Records			
		Initial s	Date		Initials	Date	Initials			Date
1	2	3	4	5	6	7	8	9	10	11



**Civil Register 53-D Register of receipt of processes memos.**

**By the chief ministerial officer**

Serial number	Case number	Amount of court fee	Initials of central or deputy nazir.	Initials of clerk for receipt of batta memo and back.
1	2	3	4	5

**Civil Register – 54 Nominal Register of Process servers**

**Process Register – C (Roster C)**

**Rule X of Process Service Rules**

Name \_\_\_\_\_ Designation. \_\_\_\_\_ For the month of .....of  
.....

General Number as per Register B	No. of suit or proceedings	Nature of Process	Name of Village	Distance in Miles	Dispatched	Returnable	Returned	Batta for witnesses etc
1	2	3	4	5	6	7	8	9

Signature of process server or amin	Unexpended batta etc returned	Nazir's initials	Number of process calculated under rule		Manner of service	Explanation of Process server or amin for delay if any
			XXII	XXIII		
10	11	12	13		14	15

**Note:** Computation of process is provided under Process Service Rules of Madras Circular Orders. Computation is for the purpose of assessing the performance of the process server and for knowing the days toured by the Process server.

**Civil Register 75 - Diary of Process Server and Field Assistant/Amin**

Date	Village Visited	Processes Served etc..	Signature of Village Officer or
------	-----------------	------------------------	---------------------------------

			Ryot

**Observation List:**

There is no standardized form of Observation List. But it should contain two statements. Statement A and Statement B. Statement A contains the particulars of the Process servers whose success rate falls by 50%. The Judge may warn these process servers and continue them in Statement A without adding in Observation List. The Observation List should be in Ledger Form and will contain only the names of those who have been ordered to be placed in observation List after scrutiny of Statement A. [for detailed procedure see Process Service Rules at Pages 239 and 240 Vol II of Madras Circular Orders a copy of which is available in the Judicial Academy.]

**Proforma of Stamped Application to issue Summons to Party or witness:**

Application for issue of summons to a party or witnesses

Title, Names of parties, Suit/appeal number

Date fixed for hearing.....

No. of witness to be	Name and full address of each	Rank or	Distance of Residence Rail ----Road	Cash paid for Travelling exp /Diet charges	Name and
(1)	(2)	(3)	(4)	(5)	(6)

Affidavit of Party

Signature of Advocate

*Prepared by*

**[Smt. B. Prathima, XXV Additional Chief Judge, City Civil Court Hyderabad,  
Former Senior faculty Member I, Telangana State Judicial Academy]**

# **PREPARATION OF DECREES AND AWARDS IN CIVIL PROCEEDING**

## **CONTENTS**

- 1.1 Decree Means.
- 1.2 Decree Legal Definition.
- 1.3 Decree includes -
- 1.4 Preliminary & Final Decree.
- 1.5 Partly Preliminary and Partly Final Decree.
- 1.6 What is not a Decree.
- 1.7 What is Interim Decree.
- 2. Legal Definition of Order.
- 3.1 Formats of Decrees.
- 3.2 Forms in Appendix D of CPC.
- 3.3 Forms given in the Civil Rules of Practice & Circular Orders.

## **PREPARATION OF DECREES AND AWARDS**

- 4.1 Preparation of Decrees.
- 4.2 The Decree shall contain the following particulars.
- 4.3 Date of Decree [Order XX Rule 7].
- 4.4 Procedure where Judge vacated office before signing the Decree [Order XX R8].
- 5.1 Decree for recovery of immovable property [Order XX R9].
- 5.2 Decree for delivery of movable property [Order XX R10].
- 5.3 Decree may direct payment by installments [O XX R11].
- 5.4 Decree for possession of immovable property and mesne profits [O XX R12].
- 5.5 Decree for specific performance of contract of sale or lease of immovable property [O XX R12(a)].
- 5.6 Decree in administration suit [O XX R13].
- 5.7 Decree in pre-emption suit [O XX R14].
- 5.8 Decree in suit for dissolution of partnership [O XX R15].
- 5.9 Decree in suit for account between principal and agent [O XX R16].
- 5.10 Special directions as to accounts [O XX R17].
- 5.11 Decree in suit for partition of property or separate possession of a share therein [O XX R18].
- 5.12 Decree when set-off or counter-claim is allowed [O XX R19].

6. Whether Decree can be shown to Advocates before it was finally Drawn?
7. Time for Drawing Decree.
8. Suit Costs – Filing Costs Memos and Fee Certificates.
9. Common Judgment passed in two or more Suits, but Decree shall be separate.

### **APPELLATE COURT DECREES; DECREES IN CROSS-APPEALS**

- 10.1 Form of The Appellate Court Decree.
- 10.2 Terms of Appellate Court Decree to be accurately set out.
- 10.3 The Appellate Court decree to contain cause title of Appeal and Lower Court.
- 10.4 Particulars of Appellate Court Decree.
- 10.5 Rule 151 of CRP when Decree is for money or delivery of possession of property.
- 10.6 When Costs “Throughout” Awarded in the Appeal.
- 10.7 When Costs “Throughout” are not Awarded in the Appeal.
- 10.8 What the Statement of Costs of Appeal Decree should contain.
- 10.9 Appellate court Decrees when there are several Appeals and Cross-Appeals against Single Trial Court Decree.
11. Amendment of Decrees.

### **LOK ADALAT AWARDS**

- 12.1 Definition of Award.
  - 12.2 Format of Award in Court Referred Cases and Pre Litigation Cases.
  - 12.3 Lok Adalat Awards shall be passed strictly with signatures of parties.
  - 12.4 Contents of Award.
- Regulation 24. Award to be in terms of Compromise or Settlement.
- Regulation 25. The award of the Lok Adalat is not an independent verdict or opinion arrived at by any decision making process.
- Regulation 32. Drawing up of the award is merely an administrative act.
- Regulation 33. To be signed by all parties and by counsel also if represented by a counsel; Language of the Award; Particulars to be mentioned in the Award; Award should mention that the parties are entitled to refund of the Court Fee paid.
- Regulation 34 & 35. Verification of identity of parties and oral enquiry of parties.
- Regulation 36. Members to sign on Award only in the LA after settlement.
- Regulation 37. Lok Adalat shall not grant any bail or a divorce by mutual consent.
- Regulation 38. Original Award shall be kept with the Judicial Record and True copies duly signed to be given to parties.

## **DECREES - STAMP DUTY AND REGISTRATION**

- 13.1 Final Decrees and Awards that require Payment of Stamp Duty and Registration.
- 13.2 What the Law says.  
Code of Civil Procedure, 1908.  
Civil Rules of Practice and Circular Orders, 1980.  
Stamp Act, 1899.  
Civil Rules of Practice and Circular Orders Issued by the High Court of Judicature at Madras for Guidance of Subordinate Civil Courts in the Presidency, Vol – I.  
Circulars of AP High court.
- 13.4 Whether Engrossing the decree on Stamp Papers is possible presently?
- 13.4 Procedure for calculation of Stamp Duty on Final Decree/Award.
- 13.5 Rate of Stamp Duty. What is the relevant Article prescribing Stamp Duty?
- 13.6 Who can seek for paying the stamp duty?
- 13.7 What is the reckoning date for calculation of Stamp Duty and Market value of the Property?
- 13.8 What if the Stamp duty was paid at much later time after passing the Final Decree?
  
- 13.9 Calculating Stamp Duty When the shares are equal and unequal.
- 13.10 Present Rate of Stamp Duty.
- 13.11 Checking the Stamp Duty.
- 13.12 When the Final Decree is passed ex parte or on contest.
- 13.13 Sending the Final Decree Stamped and Signed to the District Registrar.
- 13.14 Limitation for execution of Final Decree in Partition Suits.
14. MODEL FORMS OF DECREES AND AWARD
  - I. Model of Decree in Partition suit where the properties to be divided are movables and immovables.
  - II. Model Form of Decree in Partition suit where the properties are movables and immovables and a partnership Firm.
  - III. Model of Decree in a suit for Rendition of Accounts.
  - IV. Model Form of Decree in Suit for Specific Performance of Contract of Sale when relief of specific performance is declined and alternative relief of refund is granted.
  - V. Model Form of Decree in Money Suit where suit is decreed against D1 and was earlier rejected against D2.
  - VI. Model Form of Preliminary Decree in Partition Suit.
  - VII. Model Form of Award of Lok Adalat.

# **Preparation of Decrees & Awards in Civil Proceedings**

## **1.1 Decree Means:**

Preparation of Decree is a solemn duty of the Court. The Judgment or Order passed by the Court in the given case is made executable when it is given the shape of a Decree. The dictionary meaning of Decree is “an official Order that has the force of law”.

## **1.2 Decree Legal Definition:**

Sec.2(2) of Code of Civil Procedure, 1908 defines Decree as “the formal expression of an adjudication which so far as regards the court expressing it, conclusively determines the rights of the parties with regards to all or any of the matter in controversy in the suit and may be preliminary or final”.

## **1.3 Decree also includes:**

As per Section 2(2), Decree includes -

- The order of rejection of a plaint and
- Determination of any question within Sec.144 CPC (application for restitution).

## **1.4 Preliminary & Final Decree:**

The Explanation given to Section 2 (2) further explains when a decree is preliminary and when it is Final. Where in the suit, further proceedings have to be taken before the suit can completely be disposed of, the decree is a Preliminary Decree and where such adjudication completely disposes of the suit it is a Final Decree.

## **1.5 Partly Preliminary and Partly Final Decree:**

A Decree may be partly preliminary and partly final. Ex: When Judgment is passed in a suit ordering for recovery of possession while permitting the plaintiff to file a petition for inquiry into mesne profits. The Decree in respect of recovery of possession is Final whereas the Decree in respect of granting mesne profits and permitting to file petition for inquiry into quantum of mesne profits is Preliminary.

**1.6 What is not a Decree:** As per Sec.2(2), Decree does not include if (a) from such adjudication an appeal lies as an appeal from an order or (b) such adjudication is an order of dismissal for default. There is another circular in Roc.No.1434/S.O./91 dated:6.1.1991 directing strict adherence to Rules 143 to 155 of C.R.P.

## **1.7 What is Interim Decree:**

Rule 2 (i) of Civil Rules of Practice and Circular Orders, 1980 defines Interim decree as – “a decree declaring the rights and liabilities of the several parties and providing for the determination of the particular property or sum of money to be apportioned or paid to any party, or for otherwise giving effect to such declaration.

Such Decrees come to be passed in Partnership suits and Administration Suits. Interim Decrees come to be passed during the pendency of the suit to enable the court to pass a Final Decree in Partnership suits and Administration Suits. Interim Decree appointing Commissioner or Directing Receiver to Vouch the Accounts under Rule 137 CPC (Form 34 of CRP), Interim Decree appointing Commissioner to take Accounts (Forms 36 & 40 of CRP), Interim Decrees in a suit for Dissolution of a partnership Firm (Forms 40 & 41 of CRP) are some of them.

## **2. Legal Definition of Order:**

As per Sec.2(14) CPC, Order means the formal expression of any decision of a civil court which is not a decree.

### **3.1 Formats of Decrees:**

Every Decree shall be in the required Form. Different Forms of Preliminary & Final Decrees are given in Appendix D of CPC. Forms of Interim and Final Decrees in respect of Partnership suits and Administration Suits requiring taking of Accounts etc., are given in Civil Rules of Practice.

### **3.2 Forms in Appendix D of CPC:**

S. No.	Form No.	Description
1.	Form 1	Decree in Original Suit (O 20 R 6 & 7)
2.	Form 2	Simple Money Decree ( S 34)
3.	Form 3	Preliminary Decree for Foreclosure (O XXXIV Rule 2 – Where Accounts are directed to be taken.
4.	Form 3A	Preliminary Decree for Foreclosure (O XXXIV Rule 2 -Where the Court declares the amount due)
5.	Form 4	Final Decree for Foreclosure (O XXXIV Rule 3)
6.	Form 5	Preliminary Decree for Sale (O XXXIV Rule 4 -Where Accounts are directed to be taken)
7.	Form 5-A	Preliminary Decree for Sale (O XXXIV Rule 4 – When the court declares the amount due)

8.	Form 6	Final Decree for Sale ( O XXXIV Rule 5)
9.	Form 7	Preliminary Decree for Redemption where on Default of payment by Mortgagor a Decree for Foreclosure is Passed. (O XXXIV Rule 7 – Where Accounts are directed to be taken)
10.	Form 7-A	Preliminary Decree for Redemption where on Default of payment by Mortgagor a Decree for Sale Passed. (O XXXIV Rule 7 – Where Accounts are directed to be taken)
11.	Form 7-B	Preliminary Decree for Redemption where on Default of payment by Mortgagor a Decree for Foreclosure Passed. (O XXXIV Rule 7 – Where the court declares the amount due)
12.	Form 7-C	Preliminary Decree for Redemption where on Default of payment by Mortgagor a Decree for Sale Passed. (O XXXIV Rule 7 – Where the court Declares the amount due)
13.	Form 7-D	Final Decree for Foreclosure in a Redemption Suit on Default of Payment By Mortgagor (O XXXIV Rule 8)
14.	Form 7-E	Final Decree for Sale in a Redemption Suit on Default of Payment By Mortgagor ((O XXXIV Rule 8)
15.	Form 7-F	Final Decree in a Suit for Foreclosure, Sale or Redemption where the Mortgagor pays the Amount of the Decree (O XXXIV R 3, 5 & 8)
16.	Form 8	Decree against Mortgagor personally for Balance after the sale of the mortgaged property. (O XXXIV R6, 8A)
17.	Form 9	Preliminary Decree for Foreclosure or Sale (O XXXIV)
18.	Form 10	Preliminary Decree for Redemption of Prior Mortgage and Foreclosure or Sale on Subsequent Mortgage
19.	Form 10-A	Final Decree for Sale (OXXXIV R 5(2) or R8(4))
20.	Form 10-B	Final Decree for Redemption (OXXXIV R 5(2) or R8(4))
21.	Form 11	Preliminary Decree for Sale



22.	Form 12	Decree for Rectification of Instrument
23.	Form 13.	Decree to Set Aside a Transfer in Fraud of Creditors
24.	Form 14	Injunction Against Private Nuisance
25.	Form 15	Injunction Against Building Higher Than Old Level
26.	Form 16	Injunction Restraining Use of Private Road
27.	Form 17	Preliminary Decree in Administration- Suit
28.	Form 18	Final Decree in An Administration Suit By a Legatee
29.	Form 19	Preliminary Decree in an Administration Suit by a Legatee where an Executor is Held Personally Liable for the Payment of Legacies
30.	Form 20	Final Decree in an Administration Suit by Next of Kin
31.	Form 21	Preliminary Decree in a suit for Dissolution of Partnership and the Taking of Partnership Accounts
32.	Form 22	Final Decree in a suit for Dissolution of Partnership and the taking of Partnership Accounts
33.	Form 23	Decree For Recovery of Land and Mesne Profits
34.	Form 24	Decree Sanctioning a Compromise of a suit on Behalf of A Minor or Lunatic

### 3.3 Forms given in the Civil Rules of Practice & Circular Orders:

1.	Form 26	Rule 88 - Decree under (O.XXI.R11 (1)
2.	Form 28	Rule 91- Decree Dismissing Suit after Order in Form No.27
3.	Form 29	Rule 92 - Decree Reversing the Decree of the Lower Court, under which moneys have been recovered
4.	Form 30	Rule 92- Decree Reversing the Decree of a Lower Court, when possession has been given there under
5.	Form 34	Rule 107 - Interim Decree Appointing Commissioner to vouch Accounts
6.	Form 36	Rule 108 – Interim Decree Appointing a Commissioner to

		take Accounts
7.	Form 40	Rule 100 and 119 – Interim Decree in a Suit for Dissolution of a Partnership
8.	Form 41	Rule 119 – Interim Decree in Suit for Dissolution of a Partnership, to which persons entitled to share of net profits are made parties
9.	Form 45	Rule 123- Final Decree Subsequent to the Order in Form No.42
10.	Form 46	Rule 123 and 124 –Final decree after order in Form No. 43
11.	Form 47	Rule 123 – Final decree- Distribution of Assets, after payment of debts and liabilities among the several partners, who hold the same in various proportions

## **PREPARATION OF DECREES AND AWARDS**

### **4.1 Preparation of Decrees:**

As per Section 33 CPC, the Court, after the case has been heard, shall pronounce Judgment, and on such Judgment, a Decree shall follow.

### **4.2 The Decree shall contain the following particulars:**

- 4) Name of the Court.
- 5) Name of the Presiding Officer and the Court. If the Judgment delivered is of Court of which the Officer is holding Full Additional Charge, said Court which he is holding Full Additional Charge.
- 6) Date of Judgment in Words.
- 7) Case Number and Year.
- 8) Names of Parties., their Descriptions and Registered addresses.
- 9) Names of the Advocates of the respective parties who appeared at the Hearing.
- 10) The Date of presentation of the suit and the Date of Registration of the suit.
- 11)The particulars of the claim.
- 12)The Relief granted or other determination of the suit.
- 13)The amount of costs incurred in the suit, by whom or out of what property the costs are to be paid and in what proportions.
- 14)The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

#### **4.3 Date of Decree [Order XX Rule 7]:**

The decree shall bear the day on which the judgment was pronounced, and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

#### **4.4 Procedure where Judge vacated office before signing the Decree [Order XX R8]:**

Where the Judge vacated the office after pronouncing judgment but without signing the decree, decree drawn up in accordance with such judgment may be signed by his successor or, if the Court has ceased to exist, by the Judge of any Court to which such Court was subordinate.

#### **5.1 Decree for recovery of immovable property [Order XX R9]:**

Decree shall be appended with Schedule of the immovable property containing the description of the property sufficient to identify the same, and where such property can be identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers. It is important to note that the Judgment has been given in respect of the property given in the plaint schedule and the same should be carried in the Schedule of the Decree.

#### **5.2 Decree for delivery of movable property [Order XX R10]:**

Where the suit is for movable property, and the decree is for delivery of such property, the decree shall also state the amount of money to be paid as an alternative if delivery cannot be made.

#### **5.3 Decree may direct payment by instalments [O XX R11]:**

**Before Judgment [O XX R11(1):** In a suit where the relief granted is payment of money, Court may after hearing such of the parties who had appeared personally or by pleader at the last hearing, before judgment, pass an order that payment of the amount decreed shall be postponed or shall be made by instalments, with or without interest, notwithstanding anything contained in the contract under which the money is payable.

**After Judgment [O XX R11(2):** After the passing Decree for payment of money, the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that payment of the amount decreed shall be postponed or shall be made by instalments on such terms as to the payment of interest, the attachment of the property of the judgment-debtor, or the taking of security from him, or otherwise, as it thinks fit.

#### **5.4 Decree for possession of immovable property and mesne profits [O XX R12]:**

(1) Where a suit is for the recovery of possession of immovable property and for rent or mesne profits, the Court may pass a decree -

3) For possession of the property [O XX R12(1)(a)];

- 4) For rents which have accrued on the property during the period prior to the institution of the suit or directing an inquiry as to such rent [**O XX R12(1) (b)**];
- 5) For mesne profits or directing an inquiry as to such mesne profits; [**O XX R12(1)(ba)**]
- 6) Directing an inquiry as to rent or mesne profits from the institution of the suit until [**O XX R12(1)(c)**]-
  - (i) the delivery of possession to the decree-holder,
  - (ii) the relinquishment of possession by the judgment-debtor with notice to the decree-holder through the Court, or
  - (iii) the expiration of three years from the date of the decree, whichever whichever even first occurs.

(2) Where an inquiry is directed under clause (b) or clause (c), a final decree in respect of the rent or mesne profits shall be passed in accordance with the result of such inquiry.

**5.5 Decree for specific performance of contract of sale or lease of immovable property [O XX R12(a)]:**

When it is ordered in the Judgment in a suit for specific performance of a contract for the sale or lease of immovable property that the purchase-money or other sum be paid by the purchaser or lessee, it shall specify the period within which the payment shall be made.

**5.6 Decree in administration suit [O XX R13]:**

(1) In a suit for an account of any property and for its due administration under the decree of the Court, the Court shall, before passing the final decree, pass a preliminary decree ordering such accounts and inquiries to be taken and made, and giving such other directions as it thinks fit.

(2) In administration suit of property of any deceased person, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being, within the local limits of the Court in which the administration-suit is pending with respect to the estates of persons adjudged or declared insolvent; and all persons who in any such case would be entitled to be paid out of such property, may come in under the preliminary decree, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

**5.7 Decree in pre-emption suit [O XX R14]:**

(1) Where the Court decrees a claim to pre-emption in respect of a particular sale of property and the purchase-money has not been paid into Court, the decree shall-

(a) specify a day on or before which the purchase-money shall be so paid, and

(b) direct that on payment into Court of such purchase-money, together with the costs (if any) decrees against the plaintiffs, on or before the day referred to in clause (a), the defendant shall deliver possession of the property to the plaintiff, whose title thereto shall be deemed to have accrued from the date of such payment, but that, if, the purchase-money and the costs (if any) are not so paid, the suit shall be dismissed with costs.

(2) Where the Court has adjudicated upon rival claims to pre-emption, the decree shall direct,-

(a) if and in so far as the claims decreed are equal in degree, that the claim of each pre-emptor complying with the provisions of sub-rule (1) shall take effect in respect of a proportionate share of the property including any proportionate share in respect of which the claim of any pre-emptor failing to comply with the said provisions would, but for such default, have taken effect; and

(b) if and in so far as the claims decreed are different in degree, that the claim of the inferior pre-emptor shall not take effect unless and until the superior pre-emptor has failed to comply with the said provisions.

#### **5.8 Decree in suit for dissolution of partnership [O XX R15]:**

Where a suit is for the dissolution of a partnership, or the taking of partnership accounts, the Court, before passing a Final decree, may pass a preliminary decree declaring the proportionate shares of the parties, fixing the day on which the partnership shall stand dissolved or be deemed to have been dissolved, and directing such accounts to be taken, and other acts to be done, as it thinks fit.

#### **5.9 Decree in suit for account between principal and agent [O XX R16]:**

In a suit for an account of pecuniary transactions between a principal and an agent, and in any other suit not hereinbefore provided for, where it is necessary, in order to ascertain the account of money due to or from any party, that an account should be taken, the Court shall, before passing its final decree, pass a preliminary decree directing such accounts to be taken as it thinks fit.

#### **5.10 Special directions as to accounts [O XX R17]:**

The Court may either by the decree directing an account to be taken or by any subsequent order give special directions with regard to the mode in which the account is to be taken or vouched and in particular, may direct that in taking the account, the books of account in which the accounts in question have been kept shall be taken as prima facie evidence of the truth of the matters therein contained with liberty to the parties interested to take such objection thereto as they may be advised.

#### **5.11 Decree in suit for partition of property or separate possession of a share therein [O XX R18]:**

Where the Court passes a decree for partition of property or for the separate possession of a share therein, then,-

(1) if and in so far as the decree relates to an estate assessed to the payment of revenue to the Government, the decree shall declare the rights of the several parties interested in the property, but shall direct such partition or separation to be made by the Collector, or any gazetted subordinate of the Collector deputed by him in this behalf, in accordance with such declaration and with the provisions of section 54;

(2) if and in so far as such decree relates to any other immovable property or to movable property, the Court may, if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the rights of the several parties interested in the property and giving such further directions as may be required.

#### **5.12 Decree when set-off or counter-claim is allowed [O XX R19]:**

(1) Where the defendant has been allowed a set-off or counter-claim against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

(2) Appeal from decree relating to set-off or counter-claim- A Decree passed in a suit in which a set-off or counter-claim is claimed shall be subject to the same provisions in respect of appeal to which it would have been subject if no set-off or counter-claim had been claimed.

(3) The provisions of this rule shall apply whether the set-off is admissible under rule 6 of Order VIII or otherwise.

#### **6. Whether Decree can be shown to Advocates before it was finally Drawn?**

Yes. As per Rule 144 CRP, Decree can be shown to Advocates before it is finally drawn up, in intricate and important cases. This is to ensure that there are no mistakes in the Decree and that the Decree is in conformity with the Judgment in the case.

#### **7. Time for Drawing Decree:**

Decree shall be prepared within 15 days of pronouncing the Judgment. By that date, the Costs Memo which is supposed to be filed within 5 days of the Judgment shall be checked and placed before the Presiding Officer and after obtaining his Order on the Costs allowable, the Decree has to be prepared.

#### **Suit Costs – Filing Costs Memos and Fee Certificates:**

**8.1** Rules 154 to 157 of Civil Rules of Practice deal with the filing of Fee certificates and Costs memos after disposal of the suits. Rule 155 stipulates that Fee Certificate shall be filed by the Advocate on Record certifying the factum of receipt of fee and it shall be filed within five days from the date of judgment or order or such further period as may be allowed by the court. However, as per Rule 51 of Advocate Fee Rules, 2010, every Advocate shall produce a certificate that he has received the fee claimed in the suit or appeal within two weeks from the date of the Judgment. Order XX Rule 6 A(1) CPC says that decree shall be drafted as expeditiously as possible and in any case within 15 days from the date of Judgment. Thus,

Advocates, as per the Advocate Fee Rules, 2010 are given two weeks time for filing the Fee certificate and as such, after waiting for such time, the Decree shall be prepared.

**8.2** Forms 1 & 2 of Appendix D and Form No.9 of Appendix G of the 1<sup>st</sup> Schedule of C.P.C. give the Formats of Particulars of Costs.

**8.3** The decree shall also state the amount of costs incurred in the suit, by whom or out of what property and in what proportions such costs are to be paid. In cases where an element of champerty or maintenance is provided, the court may provide in the final decree for costs and a special scale approximating to actual expenses reasonably incurred by the defendant.

**8.4** Once the costs Memo along with Fee certificate is filed before the Section Clerk, it shall be checked by him or Officer of the Court assigned for that duty who shall note the costs allowable and place the same before the Judge. If in any case, Costs Memo and Fee Certificate are not filed by any Party, nevertheless, the Clerk concerned shall prepare as to what are the costs incurred by the parties which are allowable as per rules viz., Court Fee on Plaint, Process Fee paid etc. Rule 155 of Civil Rules of Practice further provides that unless the court otherwise orders, no allowance shall be made for the cost of or occasioned to any party by the amendment of any pleadings and for the stamp duty and penalty paid by the party in the court.

**8.5** While checking the fees claimed by the Advocate, Fee shall be calculated as per the rules in Advocate Fee Rules, 2010 framed under section 34 (1A) of Advocates Act, 1961. The amounts claimed in the Costs Memo and Fee certificate filed by the parties shall be checked by seeing the Court Record. The costs claimed and the costs allowable note by the Clerk should be made on the Costs Memo and Orders of the Judge shall be obtained. The Table containing the Particulars of Costs should contain only the Costs Allowed by the Judge. The office note and the Order of the Judge shall be as follows:

Costs claimed.....Rs...../-

Costs Allowable ..... Rs...../-

SFO

SD/- (Clerk's signature)

To be ordered by the Judge as -

**Cost Allowed Rs...../-**

**Sd/-**

**JUDGE**

**8.6** If for any reason, the costs claimed are less than the actual costs allowed, the actual costs which are less than the costs allowed should be mentioned in the table of costs by noting as claimed in respect of individual items.

**8.7** When there are more plaintiffs and more number of defendants and proportionate costs are allowed in the judgment, the actual costs allowed for and against each of the parties are to be noted in the Table of costs by denoting the actual proportionate costs arrived at on calculation, and they are to be mentioned in the table of costs and also in the operative portion of the decree simultaneously by noting “proportionate costs’.

**8.8** The court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the later.

**9. Common Judgment passed in two or more Suits, but Decree shall be separate:**

There shall be separate Decree for separate cases even though common Judgment is passed. See: HC ROC No.312/SO/2018 Dt.31-03-2018 where the Officers are instructed to draw decrees in suits, Original Petitions and in similar cases separately, even though a common Judgment is passed in those cases where two or more cases are clubbed together. The relief granted or denied, the manner in which the suit is disposed and the costs awarded/not awarded in the respective suit is to be noted in the respective decree.

**10 Appellate Court Decrees; Decrees in Cross-Appeals:**

**10.1** The Appellate Court Judgment shall state whether the Appeal is allowed or dismissed and if is Partly Allowed and Partly Dismissed. In Appellate Courts, the language used in filling in the decretal order, shall conform to the action recognized by the law, and shall direct that the decree of the lower Courts be either “affirmed”, “varied”, “set aside” or “reversed”.

**10.2** In each case in which a decree is affirmed, the terms thereof shall be recited, so as to make the appellate Court Decretal order complete in itself. In varying a decree, the relief granted, in lieu of that originally granted shall, be fully and accurately set out. Where a decree is reversed on appeal, the consequential relief granted to the successful party shall similarly be stated. Every decretal order shall be so worded as to be capable of execution without reference to any other document, and so as to create no difficulty of interpretation.

**10.3** The Appellate Court decree is similar to Trial Court Decree except that the Appellate Court Decree shall contain not only the Cause Title of the Parties in the Appeal, but also the Cause Title and the Array of parties before the Trial Court. **See From No.9 Appendix G of CPC for the format of Appellate Court Decree.**

**10.4** Order 41 Rule 32 speaks about passing of Decree or Order from the Judgment of the Appellate Court and about the particulars to be contained in an Appellate Court decree. The Appellate Court Decree shall contain the particulars like date of decree, date of judgment, number of the appeal, names and full description of appellants and respondents, specification clearly of the relief granted or other adjudication made, amount of costs incurred, payable by whom or in what proportion and signature of the judge. It shall also contain the Statement of Costs and the Schedules of Properties and other aspects.

**10.5** As per Rule 151 of CRP, the Decree of an appellant court reversing the decree of a lower court under which money or property has been recovered shall direct the payment of



the amount, or delivery of possession of the property recovered, as in **Form Nos. 29 and 30 of CRP.**

**10.6 When Costs “Throughout” Awarded in the Appeal:** If the Decree of the Appellate Court awards “costs throughout” i.e. the Costs of the Appeal and the Costs of the Suit, the Decree shall clearly state the amount awarded towards costs of the Appeal and the amount awarded towards costs of the suit as shown in Form 29 and Form 30 of CRP. Ex: When the suit was dismissed with or without costs and when the Appeal was allowed with costs throughout, it shall be ordered in the Decree as “ **The defendant do pay the plaintiff a sum of Rs. ....for his costs of his appeal and the sum of Rs.... for his costs of the suit, making in all a sum of Rs.....**” .

**10.7 When Costs “Throughout” are not Awarded in the Appeal:** If the Appellate Court does not award costs throughout, the Decree of the Appellate Court has to specify as to who has to bear the costs. It should be stated as “**The costs of this appeal, as detailed below, amounting to Rs..... are to be paid by ..... to the ..... The costs of the original suit are to be paid by .....to .....**”.

**10.8 What does the Statement of Costs of Appeal Decree should contain:** The statement of Costs to be shown in the Appellate Court Decree is only the Costs of the Appeal.

**Note:** The Costs of the suit are to be gathered from the Lower Court Record and Lower Court Decree and Fresh Costs Memo and Fee Certificate regarding the Suit should not be received in the Appellate Court.

**10.9 Appellate court Decrees when there are several Appeals and Cross-Appeals against Single Trial Court Decree:** As per Rule 152 of CRP, If more than one appeal is made against the same decree, the appeals shall, if possible, be heard together and one decree only shall be drawn up which shall be headed with the cause titles of the several Appeals. **See Model for such Appellate Court Decree.**

## **11. Amendment of Decrees:**

**11.1** Whenever an Order is made by the Court for amendment of Decree, the amendment ordered shall be carried out in the Original Decree. That portion of the Decree which is corrected by way of substitution, deletion or addition, should be rounded off and that portion which is added should be noted by hand duly noting the Docket Order date or if the amendment is made vide an Interlocutory Application, the number of the IA and its date and it shall be signed by the Judge with Date and Seal.

**11.2** If by the date of amendment of Decree, certified copies were already furnished to the parties, a direction shall be given to them to submit the certified copies and after they are submitted to the court, they shall also be duly amended under the signature and seal of the Judge and be returned to the parties through their counsel. The fact that the certified copies were submitted to the court for correction and that they have been corrected and returned to the respective party shall be noted on the Docket of the suit.

## **LOK ADALAT AWARDS:**

**12.1 Definition of Award:** Section 21 of Legal Services Authority Act defines an Award and it defines that every Award passed by the Lok Adalat shall be deemed to be a Decree of a Civil Court.

**12.2 Format of Award in Court Referred Cases and Pre Litigation Cases:** The Format of Award is prescribed in Appendix I of National Legal Services (Lok Adalat) Regulations, 2009. When a Court referred case is disposed in Lok Adalat, the same shall be noted in the Disposal Register in the Format prescribed in Appendix II of Nalsa Regulations, 2009. This Disposal Register should be maintained year wise. The Award in Court referred case should also contain the serial Number of the Disposal register which is noted as Lok Adalat Case Number in short as “LAC No.”.

**12.3** The Hon’ble High Court vide ROC No.APSLSA/LSW/54/08 Dt.22-04-2008 directed that the Lok Adalat Awards shall be passed strictly in accordance with the provisions of LSA, Act and not to pass any Award without the personal signatures of the parties concerned and never to pass any Award on the basis of signatures of the Special Vakalat Holders and the like.

**12.4** Nalsa Regulations, 2009 provide as to how the Award should be prepared, what it should contain and who should sign it. Relevant and Important regulations are given below:

**Regulation 24: Award to be in terms of Compromise or Settlement:** The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making an Award in terms of the compromise or settlement arrived at. It is made clear that no Lok Adalat has the power to “Hear” parties to adjudicate the dispute as a court does.

**Regulation 25:** The award of the Lok Adalat is not an independent verdict or opinion arrived at by any decision making process.

**Regulation 32:** Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by parties under the guidance and assistance from Lok Adalat.

**Regulation 33: To be signed by all parties and by counsel also if represented by a counsel:** When both parties sign/affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an Award. Wherever the parties are represented by counsel, they should also be required to sign the settlement/award before the members of the Lok Adalat affix their signature. (Award Format given in Appendix-I of Nalsa Regulations)

**Language of the Award:** Every Award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English.

**Particulars to be mentioned in the Award:** The Award shall contain particulars of the case like, case no, name of court and names of parties), date of receipt, Register Number assigned to the case in the permanent Register (maintained as per Regulation– 44) and date of settlement.

**Award should mention that the parties are entitled to refund of the Court Fee paid:** In cases referred to Lok Adalat from a court, it shall be mentioned in the Award that the plaintiff / petitioner and if the defendant/respondent also paid court fee, they are entitled to refund of the court fees remitted.

**Regulation 34:** Where the parties are not accompanied/represented by counsel, the members of the Lok Adalat should also verify the identity of parties, before recording the settlement.

**Regulation 35:** Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:

- (a) That the terms of settlement are not ex-facie unreasonable for unconscionable or illegal or one-sided.
- (b) That the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.

**Regulation 36:** Members of the Lok Adalat should affix their signatures only in settlement reached before them. They should avoid affixing signatures to settlement reached by the parties outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery etc.

**Regulation 37:** Lok Adalat shall not grant any bail or a divorce by mutual consent.

**Regulation 38: Original Award shall be kept with the Judicial Record and True copies duly signed to be given to parties:** The original Award shall form part of the judicial records (in pre-litigation matter, the original Award may be kept with the Legal Services Authority/Committee concerned) and a copy of the Award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member Secretary, Secretary of the High Court Legal Services Committee or District Legal Services Authority, Chairman of Taluk Legal Services Committees, as the case may be, free of charge. The official seal of the Authority/Committee shall be affixed on all Awards.

### **DECREES AND AWARDS – STAMP DUTY AND REGISTRATION:**

**13.1** Certain Decrees passed by the Courts require payment of stamp duty and some require registration and some require to be sent to the Registration office concerned. They are

-

1. Certain Final Decrees in partition Suits and Partnership suits.

2. Decree Canceling a registered instrument.

Final Decrees (whether on compromise or on contest or ex parte), passed in Partition suits and Partnership suits, when they define the rights and divide the immovable properties under that decree, require payment of stamp duty. Such Decree is an instrument of partition as per Sec.2 (15) of Stamp Act, 1889.

**13.2 What the Law says:**

**Code of Civil Procedure, 1908:**

Order XX Rule 7 : Date of decree: The decree shall bear the day on which the judgment was pronounced, and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

**Civil Rules of Practice and Circular Orders, 1980:**

Rule 184 (123) Distribution of assets where they exceed the liabilities:-

(1).....

(2) A final decree effecting a partition of partnership assets shall be engrossed on non-judicial stamp paper of the same value as that required for an instrument of partition.

**Stamp Act, 1899:**

**Section 29. Duties by whom payable**—In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

(a) .....

(b) .....

(g) in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the whole property partitioned, or, when the partition is made in execution of an order passed by a Revenue authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

**Madras Civil Rules of Practice:**

Rule 12 of “The Rules relating to partition suits under the Civil Procedure Code and Partition Act, 1893” of **Civil Rules of Practice and Circular Orders Issued by the High Court of Judicature at Madras for Guidance of Subordinate Civil Courts in the Presidency, Vol – I.**

Rule 12. Final decree : (1) The final decree shall in all cases specify the several portions of the joint property assigned to the several parties as their respective shares.

(2) The decree in Partition suits shall be engrossed on non-judicial stamp paper as provided by Art. 45, Schedule I of Act II of 1899 as amended by Art. 38 of Schedule I of Madras Act VI of 1922.

*(3) On the failure of the party in whose favour the order is made to produce the necessary non-judicial stamp paper within the time fixed or granted by the Court, the Court shall have the decree drawn up on unstamped paper and deal with it as an instrument within the operation of Chapter IV, Stamp Act II of 1899 and send the unstamped decree to the Collector for realisation of the stamp duty under S. 48 of the Stamp Act and return of the decree, duly stamped, to the Court passing the decree with a certificate, by endorsement thereon that the proper Stamp duty has been collected." (Note: This Sub Rule (3) is struck off as ultra vires)*

**Circulars of Telangana High court:** (The then the United AP High Court)

**Sub Rule (3) of Rule 12 Madras Civil Rules Vol-I held ultra vires:**

The Full Bench of Madras High Court in **Board of Revenue, Madras Vs Moideen Rowther and Others AIR 1956 Mad 207 FB** held that there is no provision in the Stamp Act, which enables a Court to adopt the procedure indicated in Sub Rule (3) of Rule, that Section 122, Civil P.C. will not cover such a rule, and held Sub-rule (3) of Rule 12 as 'ultra vires'.

In its first circular **Roc.No.135/55/B1 dated 7.9.1957**, the then High Court of AP directed all the Courts to discontinue from following the procedure prescribed in Sub Rule (3) of Rule 12 (Of Madras Rules) stating that the High Court considers said Sub Rule as ultra vires.

In its next Circular **Roc.No.861/60 dated 07.11.1960**, the then High court of AP instructed the subordinate courts concerned to retain the records in the Partition suits and not to consign them to the Record Room till Final Decree is not drawn.

In its next Circular in **Roc.No.60/74/B1 dated 14.05.1976**, the then High court of AP gave the following instructions on Final Decrees:

1. *In suits instituted in forma pauperis for partition, a preliminary decree may be passed incorporating a direction for payment of Court Fee as provided by Order 33 Rules 11 Clause (2) Code of Civil Procedure. The Preliminary decree has to be drawn up on plain paper and sent to the Collector for realization of Court Fee. (Note: Presently, this situation does not arise as Legal Aid Certificate is given as per rules)*

2. *In cases where a partition suit is compromised and the decree to be passed is a final decree itself, the court shall insist upon the production of non-judicial stamps for the purpose of engrossing the final decree before the compromise is recorded. If it is a suit instituted in forma pauperis, the court may also require the parties to pay the court fee payable on the plaint. It is only after the compliance with these two requirements that a final decree be passed in terms of the compromise.*

3. *In other cases, where a final decree is passed on merits (and not by compromise) the court may direct the parties to file non-judicial stamps for the purpose of engrossing the final*

*decree thereon. The date of the decree in partition suits for the purpose of limitation being the date on which the judgment was pronounced, limitation runs from that date although the non-judicial stamps have not been furnished for the purpose of engrossing the final decree. Therefore, if the parties fail to provide the necessary non-judicial stamps, they run the risk of the law of limitation. That was the effect of the decision of the Bench in CHINA VENKATAPPA V. PEDDA VENKATAPPA (A.I.R.1943 Madras 650). Under the Limitation Act, the period of execution of the decree is 12 years from the date when the decree becomes enforceable. Till that time the final decree has to be kept in the Court, which passed it.*

Thus, Courts are precluded from drawing up a final decree for partition on unstamped paper and even it is prepared for the sake of record, it shall not be signed by the Judge.

#### **13.4 Whether Engrossing the decree on Stamp Papers is possible presently?**

Presently, as per **G.O.Ms.No.953 Dated:10-09-2003**, Revenue (Registration) Dept., to minimize circulation of cash and to avoid fake stamps, use of Non-Judicial Stamps is restricted to stamps upto value of Rs.100/- and the remaining stamp duty on any document shall be paid through challan in the designated SBI Account in the Head of Account concerned. Thus, Stamp Paper of only the Value of Rs.100/- can be used for one instrument.

#### **13.4 Procedure for calculation of Stamp Duty on Final Decree/Award:**

As directed by the Hon'ble High court **Roc.No.60/74/B1 dated 14.05.1976**, when the parties compromised and a Final Decree has to be passed, a direction has to be given to the parties to pay the requisite stamp duty so that the Final Decree or Award of Compromise can be recorded only on payment of requisite Stamp Duty.

**13.5 Rate of Stamp Duty: What is the relevant Article prescribing Stamp Duty?** Stamp Duty has to be calculated as prescribed under *Article 40 Schedule I-A of Stamp Act 1899*.

**13.6 Who can seek for paying the stamp duty?** The petitioner\plaintiff or even the respondent\defendant can file a petition stating that the Final Decree is to be levied with stamp duty, that the value of the shares that fell to each sharer is given in Rs... (Market Value certificates of the properties has to be filed for checking) and permission may be granted to deposit the amount so calculated by filing Lodgment.

**13.7 What is the reckoning date for calculation of Stamp Duty and Market value of the Property?** The value of property for collecting Stamp duty is the market value of the property as on the date of passing of the final decree and not on the value of the property as on the date of filing of the suit – [Held in **Paramount Cooperative Housing Society Ltd. V Sirajunnisa Begum 1997(3)ALD261**]

**13.8 What if the Stamp duty was paid at much later time after passing the Final Decree?** If as on the date of final decree, the stamp duty was not paid and if it was paid at a much later point of time i.e. after a year or two, which date should be considered for

assessing the market value, whether it is the date of passing the Final Decree or the date when the Stamp duty was sought to be deposited and the date when the Judge signed on the stamped Final Decree?

**Ans:** Even if the Final Decree was prepared on payment of stamp duty after some time of passing the Final Decree, the stamped Final Decree is the Formal Decree only and the order of Final Decree was already passed by the Judge on the case docket. So, the Rate of Stamp Duty and the Market Value of the Property shall be reckoned as they were on the date of passing the Final Decree, though the Judge had signed the Formal Stamped Decree at much later point of time.

### **13.9 Calculating Stamp Duty When the shares are equal and unequal:**

**When share are Equal:** If the shares are equal, then one such equal share has to be excluded, the value of the remaining share/s has to be taken for calculating the stamp duty.

**When the shares are unequal:** When the shares are unequal, the largest share has to be excluded and the remaining shares have to be valued together and on such amount, stamp duty has to be calculated. **Example:** If there are three parties by name A,B and C in a partition deed, Party by name A got Rs.500000/- value of property. Party B got Rs.400000/- and Party C got Rs.300000/- . Now, the parties have to pay the stamp duty on the value of separated share/s i.e. on Rs.4 and 3 lakhs exempting Rs.5 lakh. A stamp duty of 0.5 % i.e. Rs.35,000/- in case it is between joint family members has to be paid.

**13.10 Present Rate of Stamp Duty:** As per G.O.Ms.No.585 Revenue (Registration-I) Dept. Dated:30.11.2013 , Stamp Duty on Partition Deeds between family members has been reduced to 0.5% on the value of the Separated share/s. As per G.O.Ms.No.463 Revenue (Registration- I) Dept. Dated:17.08.2013, Registration charges are Rs.1000/-.

**13.11 Checking the Stamp Duty:** After the party files a petition seeking to deposit the stamp duty, the Stamp duty so arrived at by the petitioner in his petition, has to be checked by the presiding Officer, and if he if finds the calculation proper, will permit the petitioner to deposit the stamp duty in the Head and Account concerned by way of challan. Lodgment has to be filed for the Permitted amount, challan will be taken for the stamp duty, Registration and user charges if any, under the relevant head and Account and it will be submitted before the Court.

After such Challan is filed before the Court, Fair Copy of the Final Decree will be prepared and it shall contain an endorsement as *“A Sum of Rs...../-(Rupees .....only) is paid towards Stamp duty, Registration Charges and user charges as required under Article 40 Schedule I-A of Stamp Act 1899, as per G.O.Ms No.585, dated 30-11-2013 vide challan No.....dated ..... of SBH, Hyderabad Branch.”*

**13.12 When the Final Decree is passed ex parte or on contest:** As of now, there is no uniform procedure or process for stamping and registration of final Decree, but in case the

Decree comes to be passed on Compromise or before Lok Adalat, a direction has to be given for payment of stamp duty and only after payment, the Final Decree or the Award has to be prepared, as instructed in the Circular of the Hon'ble High Court.

If the Case is disposed otherwise or on contest, still it is the duty of the Court to direct the petitioner/plaintiff or the parties to pay the stamp duty as laid down under section 29 of Stamp Act. The Court can also direct the parties to pay the proportionate stamp duty as per their shares. Court may also permit one party to pay the entire stamp duty if the other party/parties do not come forward to pay their proportionate share of stamp duty. Only after payment of entire stamp duty, the final Decree has to be prepared and signed.

**13.13 Sending the Final Decree Stamped and Signed to the District Registrar:** The Final Decree/Award so stamped and signed by the Judge or the Lok Adalat Bench, as the case may be, shall be sent to the Registrar concerned immediately **[and not later than 4 months from the date of signing as per Section 23 of Registration Act]** to register the Final Decree/Award as per the registration rules by giving a Document number.

After receiving the document so sent by the Court/Lok Adalat Bench and after entering the document in the relevant Books of Registration, the Final Decree/Award endorsed with the respective seals and certificates of the Registrar shall be sent back to the court and the Court shall retain this Original Decree/Award and issue Certified Copy of the Final Decree/Free True Copy of the Award as the case may be, to the parties.

The Registration Act and Rules provide for sending only a copy of the Decree and it does not state about returning the Decree so endorsed to the Court. This procedure has a disadvantage as the Original Final Decree will be with the Court and the same will not contain the endorsements of the Registrar and the Copy of the Decree sent to the Registrar is not sent back to the court. Thus, it would be proper to send the Original Stamped Final Decree to the Registration Office, so that the original Decree will be entered in the registration books, will be endorsed with the necessary seals and certificates and will be returned to the Court and such Final Decree will be with the court Record and CC of the same can be given.

At the same time, the Registrar will also verify the sufficiency of the stamp on the document and he can take action under section 47-A, if the stamp paid before the Court was not proper (**Addl. Dist. Sub-Registrar, Siliguri vs Pawan Kumar Verma 2013 LawSuit(SC) 382**).

The Court has to issue a Certified Copy of the Final Decree/Award by preparing it on a Rupee Fifty Non Judicial Stamp Paper deposited by the party, as in the Case of issuing Certified Copies of Exhibits and Extracts under Article 21 of Schedule 1A of Stamp Act (As per change of stamp duty vide GO Ms. No.120 Revenue (Registration-1) dt.23-07-2015).

**13.14 Limitation for execution of Final Decree in Partition Suits:** Limitation for execution of Final Decree starts running from the date of decree in case of such partition



Decrees. There is no time limit given under the statute for payment of stamp duty on such Partition Decrees, but it is the lookout of the parties to pay the same immediately.

*The date of furnishing of stamp paper is an uncertain act, within the domain, purview and control of a party. No date or period is fixed for furnishing stamp papers. A party by his own act of not furnishing stamp paper cannot stop the running of period of limitation. Limitation of 12 years under Article 136 runs from the date of final order/decree of the Court in case of partition and not from the date when the Final Decree was engrossed on stamps or when the stamp duty is paid. Merely because there is no direction by the Court to furnish the stamp papers for engrossing of the decree or there is no time limit fixed by law, does not mean that the party can furnish stamp papers at its sweet will and claim that the period of limitation provided under Article 136 of the Act would start only thereafter as and when the decree is engrossed thereupon. The starting of period of limitation for execution of a partition decree cannot be made contingent upon the engrossment of the decree on the stamp paper.*

**See Chiranji Lal vs Hari Das 2005 (10) SCC 746.**

As per Order 20 Rule 20 and Order 41 Rule 36 certified copies of Judgment and Decree shall be furnished to the parties on application to court at their expense. Similarly as per O 41 Rule 37, copy of the appellate decree and judgment shall be sent to the lower court .

#### **14. MODEL FORMS OF DECREES AND AWARDS:**

##### **I. Model of Decree in Partition suit where the properties to be divided are movables and immovables.**

That the suit of the plaintiff be and is hereby **Decreed** as follows:

1. That provision be made to meet the marriage and education expenses of Plaintiff No.4 and Defendant No.2 by keeping joint Ac 2-00 out of suit 'A' schedule lands or land of the value of Rs.20,00,000/- which ever is more valuable.
2. That the remaining lands out of suit schedule 'A' lands and one Double Bed Room house allotted in the name of Defendant No.2, be divided into six equal shares, one share each be allotted to Plaintiffs No. 1 to 4, Defendant No.1 & Defendant No.2.
3. That equities may be worked out while division, by allotting the Double Bed Room House to Defendant No.2 in whose name it was allotted.
4. That equities may also be sought to be worked out while division, by allotting Ac.03-00 in Sy.No.299 to Defendant No.1 so that he can secure the interest of his vendee Defendant No.3.
5. That each party do bear their own costs.

##### **II. Model Form of Decree in Partition suit where the properties are movables and immovables and a partnership Firm.**

That the suit of the plaintiffs be and is hereby Preliminarily Decreed Partly as follows:

1. That the claim of the Plaintiff for partition of schedule 'A' properties is declined.
2. That Plaintiff schedule 'B' & 'F' properties be partitioned into two equal shares and plaintiff and D2 be allotted one share each and given separate possession thereof.
3. That the Plaintiff be and is hereby entitled for taking accounts of schedule 'C' and 'D' Firms and of the profits/assets to which her father was entitled to as partner in these two Firms. That on such taking of accounts, the profits and assets if any, be divided equally between Plaintiff and D2. Parties are at liberty to file a petition under Order XX R12 for enquiry into the accounts.
4. That the 20 tolas gold left behind by the mother of the Plaintiff be divided equally into two shares and one share each be allotted to and Plaintiff and D2.

### **III. Model of Decree in a suit for Rendition of Accounts:**

That the suit of the Plaintiff be and is hereby Decreed Preliminarily as follows:

1. That D1 Firm be and is deemed dissolved by the financial year ending 31-03-2007.
2. That the order of Dissolution of D1 Firm as from that day be advertised in District Gazette and Namaste Telangana Telugu Daily Newspaper at the costs of D2 to D4.
3. That the the four partners of D1 Firm viz. (1) XYZ (plaintiff) (2) XCD (D2) (3) XMN (D3) and (4) XLM (D4) are held to hold shares of 30%, 20%, 20% and 30% respectively in the assets, profits and losses of D1 Firm.
4. That D2 to D4 be and are hereby directed to render true and proper accounts of D1 Firm of the following within three months from the date of passing the Decree.

15) The account of profits, credits, property and effects belonging to D1 Firm and its partners.

7) The account of Debts and Liabilities of D1 Firm and its partners.

8) The account of dealings and transactions between plaintiff and D2 to D4 concerning business of D1 Firm inter se and the transaction between D1 and others concerning business of D1 for the period from ..... till the date of settlement of accounts.

### **IV. Model Form of Decree in Suit for Specific Performance of Contract of Sale when relief of specific performance is declined and alternative relief of refund is granted.**

That the suit of the plaintiffs be and is hereby dismissed for the main relief of specific performance of agreement of sale dated 11-02-2006 and suit be and is hereby decreed for the relief of refund of advance amount paid with interest as follows:

1. That the relief of specific performance of agreement of sale dated 11/02/2006 is declined.
2. That plaintiffs 1 and 2 be and are hereby entitled for refund of earnest money of Rs.3,06,000/- from D1 with interest @ 18% per annum

from 01/04/2012 till the date of passing the decree and thereafter @ 6% per annum till realisation.

3. That plaintiffs 1 and 2 be and are entitled for recovery of suit costs from D1 only.

4. That the suit be and is hereby dismissed without costs against D2 and D3.

5. That D1 do hereby pay a sum of Rs.18,339/- (Rupees Eighteen Thousand Three Hundred and Thirty Nine only) to the plaintiffs towards costs of suit.

*Given under my hand and the seal of this Court on this the 31<sup>st</sup> day of January, 2017.*

III ADDL. DISTRICT JUDGE,  
NANDIPET

**PARTICULARS OF COSTS**

Sl. No.	Description	For Plaintiffs (Cost memo and Fee certificate not filed)	For Defendants (Cost memo and Fee certificate not filed)
1.	Stamps on plaint	Rs. 18,226-00	--
2.	Stamps on Vakalath	Rs. 2-00	Rs. 2-00
3.	Stamps on Exhibits	Rs. 6-00	--
4.	Pleader's fee	--	--
5.	Service of Process	Rs. 105-00	--
6.	Miscellaneous	--	--
	Total	Rs. 18,339-00	Rs. 2-00

III ADDL. DISTRICT JUDGE,  
NANDIPET

**SUIT SCHEDULE PROPERTY**

Land bearing Sy.No.626 in an extent of Ac.5-00 gts.situated at Lingampet village of Nandipet Mandal, Medaram District within the following boundaries:

East: Government land

West: Government Land

North: Panchayat Road

South: Six Feet Path Way

III ADDL. DISTRICT JUDGE,  
NANDIPET

**V. Model Form of Decree in Money Suit where suit is decreed against D1 and was earlier rejected against D2.:**

**DECREE:-**

*This suit having come before me for final hearing in the presence .....*

1. That the suit of the plaintiff be and is hereby decreed with costs against D1 for a sum of Rs.14,90,000/- with interest at 12% per annum from the date of filing the suit till the date of passing decree and thereafter at 6% per annum till realization on the principal sum of Rs.10,00,000/-.

2. That the Suit against D2 had been rejected on 17-11-2016.

3. That D1 do pay a sum of Rs.17,373/- (Rupees Seventeen thousand three hundred and seventy three only) to the plaintiff towards costs of the suit.

*Given under my hand and seal of this Court on this the 27<sup>th</sup> day of April, 2017.*

JUDGE,  
XXXXXX

**PARTICULARS OF COSTS**

Sl. No.	Description	For Plaintiff (Cost memo and Fee certificate not filed)	For Defendants 1 & 2 (Cost memo and Fee certificate not filed)
1.	Stamps on plaint	Rs. 17,326-00	--
2.	Stamps on Vakalath	Rs. 2-00	--
3.	Stamps on Exhibits	--	--
4.	Pleader's fee	Rs.	
5.	Service of Process	Rs. 45-00	—
6.	Miscellaneous	Rs. —	-
	Total	Rs. 17,373-00	---

JUDGE,  
XXXXXX

**VI. Model Form of Preliminary Decree in Partition Suit:**

**DECREE:-**

*This suit having come before me for final hearing in the presence of Sri ....., Advocate for plaintiffs and that of Sri .....Advocate for Defendants 3 to 7 while*

*D1 and D2 remained ex parte, upon perusal of material papers available on record and upon hearing both sides arguments and having stood over for consideration till this date, the court doth order and decree as follows:-*

1. That the suit of the Plaintiffs 1 to 3 be and is hereby preliminarily decreed without costs against D1 and D2 and with costs against D3 to D7.
2. That plaintiffs be and are entitled for partition of suit schedule property into four equal shares and for allotment of one share each to plaintiffs 1 to 3 and D1 and for separate possession thereof.
3. That the Registered sale deed document No./2014 dated 04-02-2014 of SRO Nandipet (urban) and the Registered gift deed document No.2742/2014 dated 09-05-2014 of SRO Nandipet (rural) be and are hereby declared as null and void and not binding on the plaintiffs.
4. That D3 to D7 do hereby pay a sum of Rs.34,666/- (Rupees Thirty Four Thousand Six Hundred and Sixty Six only) to plaintiffs towards costs of suit.

*Given under my hand and the seal of this Court on this the ..... day of ....., 2017.*

Addl District Judge,  
Khanapur.

**PARTICULARS OF COSTS**

Sl. No.	Description	For Plaintiffs (Cost memo and fee certificate filed)	For Defendants 3 to 7
1.	Stamps on plaint	Rs. 986-00	--
2.	Stamps on Vakalath	Rs. 2-00	Rs. 2-00
3.	Stamps on Exhibits	Rs. -	Rs. -
4.	Pleader's fee <b>Senior</b> <b>Junior</b>	Rs. 25,000-00 Rs. 8,333-00	Rs. --
5.	Service of Process	Rs. 245-00	--
6.	Miscellaneous	Rs. 100-00	--
	<b>Total</b>	Rs. 34,666-00	Rs. 2-00

Addl District Judge,  
Khanapur.

**SUIT SCHEDULE LAND**

All that the house bearing Door No....., admeasuring ..... square yards situated at.....District, bounded by:

North : Melapet Road  
South : Nala  
East : Property of Venkaiah and Others  
West : Property of Moim

Addl. District Judge,  
Khanapur

**VII. Model Form of Award of Lok Adalat:**

**BEFORE THE MANDAL LEGAL SERVICES COMMITTEE, HYDERABAD**

(Referred under section 20 of the Legal Services Authorities Act, 1987)

Original Suit No.44 OF 2012

[On the File of ... Court, Hyderabad]

L.A. Dis No:...../XII ADJ COURT/2018

Monday, this ..... day of 2019

Present:

1. ....Chairman
- 2.....Member
- 3.....Member

Between:

1)..... Plaintiff.

And

1) ..... Defendants

**AWARD PASSED U/SEC 21 OF LEGAL SERVICES AUTHORITIES ACT, 1987**

This record is received by Mandal Legal Services Committee, Hyderabad from ..... Court, ..... for settlement. Plaintiff .....

Both the parties jointly filed Terms of Compromise and signed on it. Terms of compromise are read over to both the parties and they admitted the same as made voluntarily, true and correct. Accordingly, the compromise arrived between the parties is hereby recorded and the suit is **Decreed/Dismissed** in terms of compromise. Terms of compromise shall form part of Award.

*(If the Award is an Instrument of Partition the following Note is to be endorsed)*

**Note: : “A Sum of Rs.....-(Rupees .....only) is paid towards Stamp duty, Registration Charges and user charges as required under Article 40 Schedule I-A of Stamp**

*Act 1899, as per G.O.Ms No.585, dated 30-11-2013 vide challan No.819DL8181116 dated 18-11-2016 of SBH, Hyderabad Branch.”*

Signature of Plaintiff

Signature of Defendant

Counsel for Plaintiff

Counsels for Defendant

CHAIRMAN

MEMBER

MEMBER

*Prepared By*

**[Smt. B. Prathima,  
XXV Additional Chief Judge, City Civil Court Hyderabad.  
Former Senior Faculty Member I, Telangana State Judicial Academy]**

## MANUAL FOR EXECUTION OF DECREES

### ✓ ఆదేశ పత్రం (Precept) అనగా ఏమిటి?

డిక్రీ జారీ చేసిన కోర్టు డిక్రీదారుని జప్తు దరఖాస్తుపై తీర్పు ఋణగ్రస్తుని ఆస్తిని జప్తు చేయమని మరియొక కోర్టుకు పంపే ఆదేశం.

### ✓ సెక్షన్ 40 తీర్పు ఋణగ్రస్తుని ఆస్తిని జప్తు చేయమని మరియొక కోర్టునకు

(ప్రిసెప్ట్) పంపమని దరఖాస్తు. (PRECEPTS)

ఇతర కోర్టు పరిధిలో వున్న తీర్పు ఋణగ్రస్తుని ఆస్తి అన్యక్రాంతం జరగకుండా జప్తు ఉత్తర్వులు జారీచేసే నిమిత్తం డిక్రీదారుని దరఖాస్తుపై డిక్రీ జారీ చేసిన కోర్టు ప్రిసెప్ట్ పంపవచ్చును.

(1) డిక్రీ జారీ చేసిన కోర్టు డిక్రీదారుని దరఖాస్తు సముచితమని భావిస్తే ఆ డిక్రీ అమలు నిమిత్తం, తీర్పు ఋణగ్రస్తుడి ఏ ఆస్తినైనా జప్తు చేయటానికి ఆ ఆస్తి పరిధిగల మరొక కోర్టుకు జప్తు చర్యలు అమలు జరపటానికి ప్రిసెప్ట్ ద్వారా ఉత్తర్వులు పంపిస్తారు.

(2) Precept అందుకున్న కోర్టు డిక్రీ అమలులో ఎటువంటి నిబంధనలు వర్తిస్తాయో ఆ ప్రకారం జప్తు చర్యలు వెంటనే అమలు జరుపుతుంది.

అయితే ఈ ప్రిసెప్ట్ క్రింద చేసిన జప్తు ఏదైనా, ఆ డిక్రీ జారీచేసిన కోర్టు ఉత్తర్వు ద్వారా ఆ జప్తు కాల వ్యవధిని, పొడిగించబడవలసి వున్నది. లేదా ప్రిసెప్ట్ ద్వారా జప్తు అయిన వ్యవధి ముగియక ముందే (పూర్వమే), జప్తు చేసిన కోర్టునకు అట్టి డిక్రీని బదిలీ చేయబడియుండి, ఆస్తిని విక్రయించవలసినదని, ఉత్తర్వుల నిమిత్తం డిక్రీదారు దరఖాస్తు చేసి ఉంటేనే తప్ప ఈ ప్రిసెప్ట్ ద్వారా జరిగిన జప్తు రెండు మాసాలకు మించి వుండరాదు.

(గమనిక : ఈ నిబంధనలకు సంబంధించిన ఫారమ్స్ అధ్యాయం చివర ఇవ్వబడ్డాయి)



## నిర్బంధించుట (అరెస్ట్) మరియు పోకుండా నిలిపివేయుట

(Arrest and detention)

**నిక్షేపణ** నిర్బంధించుట (అరెస్ట్) మరియు పోకుండా నిలిపివేయుట :

### Arrest and detention

(1) డిక్రీని అమలుపరచుటలో తీర్పు - ఋణగ్రస్తుడని ఏ సమయమునందైన మరియు ఏ రోజైన అరెస్ట్ చేయవచ్చును. మరియు అట్లు అరెస్ట్ చేయవచ్చును. మరియు అట్లు అరెస్ట్ కాబడిన వారిని సాధ్యమైనంత త్వరలో కోర్టు ముందుకు తీసుకుని రావలెను. మరియు అతనిని అరెస్ట్ చేయుటకై ఆదేశములు జారీ చేసిన కోర్టు ఏ జిల్లాలో ఉన్నదో ఆ జిల్లాలోని సివిల్ జైల్లో గాని అట్టి సివిల్ జైల్ నందు తగిన వసతి లేని యెడల నిర్బంధంలో ఉంచుటకు ఏ జిల్లా కోర్టు ఉత్తర్వు చేసిన ప్రకారం అట్టి వ్యక్తులను నిర్బంధించుటకై రాష్ట్ర ప్రభుత్వం ఏర్పాటు చేసిన మరి ఏదైనా ప్రదేశంలో అతనిని నిర్బంధంలో ఉంచవచ్చును.

అయితే, మొదటిది - ఈ సెక్షన్ ప్రకారం అరెస్టు చేయుటకు సూర్యాస్తమయానికి తరువాత గాని సూర్యోదయానికి ముందు గాని ఏ నివాస గృహములోనికి ప్రవేశించరాదు.

అయితే రెండోది - తీర్పు - ఋణగ్రస్తుడు ఏదైనా నివాస గృహములో ఉండి ఆ ఇంటిలో ప్రవేశించుటకు నివారించినట్లయితేనే తప్ప లేదా ప్రవేశించుటకు వీలు లేనట్లయితే అట్టి నివాస గృహము బయట ఉన్న తలుపులను పగులగొట్టి కాని అతనిని అరెస్ట్ చేయుటకు అధికారం గల కోర్టు అధికారి ఏదైనా నివాస గృహములో తగిన పద్ధతిగా ప్రవేశించనపుడు తీర్పు - ఋణగ్రస్తుడు ఆ నివాస గృహములో యున్నట్లు నమ్మకం కలుగుటకు, ఆ అధికారికి, కారణము తోచినచో ఏ గది తలుపునైనను పగులగొట్టవచ్చును.

అయితే మూడోది - తీర్పు - ఋణగ్రస్తురాలు కాని మహిళా స్వాధీనంలో గల గది ఉన్నచో మరియు దేశ ఆచారం (రివాజు) బట్టి ఆ మహిళ బహిరంగముగా అందరికీ కనబడుట గోషా ఉన్నట్లయితే ఎవరైన మహిళ ఆ గదిలో వాస్తవంగా ఉన్నప్పుడు అరెస్టు చేయుటకు అధికారం గల కోర్టు అధికారి ఆ మహిళకు ఆ గది నుండి తొలగుటకు స్వేచ్ఛ ఉన్నదని ఆమెకు నోటీసు ఇచ్చి అట్లు తొలగుటకు ఆ మహిళకు తగినంత వ్యవధిని ఇచ్చి ఆమె తొలగిపోవుటకు తగిన సదుపాయం కల్పించిన పిమ్మట తీర్పు- ఋణగ్రస్తున్ని అరెస్టు చేయుటకు ఆ గదిలోకి ప్రవేశించవచ్చును.

**ఆర్డర్ 21 సెక్షన్ 11 -A** అమలు దరఖాస్తు సివిల్ అరెస్టు గురించి అయితే  
అఫిడవిట్లో నిర్బంధానికి కారణాలు తెలియచేయటం  
**Application for arrest to state grounds**

తీర్పు ఋణగ్రస్తుణ్ణి (జె.డి.ఆర్) నిర్బంధించుట మరియు సివిల్ జైలుకు పంపుటకు అమలు దరఖాస్తు అయినచో, తప్పనిసరిగా అమలు దరఖాస్తుతో బాటు అఫిడవిట్లో నిర్బంధించుటకు కారణాలు చెప్పవలసి ఉంటుంది.

**ఆర్డర్ 21 ట్రాల్ 12** తీర్పు ఋణస్తుని స్వాధీనంలో లేని చరాస్తి జప్తు చేయుట కొరకు దరఖాస్తు  
**Application for attachment of movable property not in judgement - debtor's possession**

తీర్పు ఋణగ్రస్తునకు చెందిన, అతని స్వాధీనములో లేని ఏదైన చరాస్తి జప్తు నిమిత్తం దరఖాస్తు చేయబడిన యెడల డిక్రీదారు జప్తు చేయవలసి ఉన్న ఆ చరాస్తి గూర్చి సబబుగా ఖచ్చితమైన వివరములతో యున్న జాబితాను దరఖాస్తుకు జతపరచవలెను.

**ఆర్డర్ 21 ట్రాల్ 13** స్థిరాస్తి జప్తు కొరకు దరఖాస్తులో కొన్ని వివరములు ఉండవలెను.  
**Application for attachment of immovable property to contain certain particulars**

తీర్పు ఋణగ్రస్తునకు చెందిన ఏదైన స్థిరాస్తి జప్తు నిమిత్తం దరఖాస్తు చేయబడిన యెడల ఆ దరఖాస్తు అడుగు భాగమున

(a) అట్టి ఆస్తిని గుర్తించుటకు సరి అగు వాటి యొక్క వివరములు అట్టి ఆస్తి సెటెల్మెంట్ రికార్డులు గాని, సర్వే రికార్డులో గాని యున్న సరిహద్దులను బట్టి లేదా నెంబర్లను బట్టి గుర్తించగలిగినపుడు అట్టి సరిహద్దులు గాని నెంబర్లు గాని వివరాలు మరియు

(b) దరఖాస్తుదారునకు తెలిసినంతవరకు, అతను వాటిని తెలుసుకోగలిగినంత మేరకు ఆస్తిలో తీర్పు ఋణగ్రస్తుని యొక్క వాటా లేదా అతనికి గల ప్రయోజనం, వివరాలు ఉండాలి.

## అమలుపరచు పద్ధతి (Mode of Execution)

**ఆర్డర్ 21 (ఆర్డర్ 30)** డిక్రీని అనుసరించి సొమ్ము చెల్లించుట :

**Decree for payment of money :**

డిక్రీని అనుసరించి సొమ్ము చెల్లించవలసి యుండు. ప్రతీ డిక్రీని మరియొక పరిహారమునకు బదులుగా సొమ్ము చెల్లించవలసి యున్నదాని జారీ చేసిన డిక్రీలో సహతీర్పు రుణస్తున్ని సివిల్ జైల్లో నిర్బంధించుట ద్వారా గాని లేదా అతని ఆస్తిని జప్తు చేసి విక్రయించుట ద్వారా గాని లేదా ఈ రెండు పద్ధతుల ద్వారా అమలు జరుపవచ్చును.

**ఆర్డర్ 21 (ఆర్డర్ 31)** నిర్దిష్టమైన చరాస్తి సంబంధించిన డిక్రీ

**Decree for specific movable property**

(1) ఏదైన డిక్రీ నిర్దిష్టంగా చరాస్తికి స్వాధీన పరచవలసిందిగాను లేదా నిర్దిష్టమైన చరాస్తిలో కొంతవాటాను స్వాధీన పరచవలసిందిగా ఉన్న యెడల అవకాశము ఉన్నట్లయితే సదరు చరాస్తిని లేదా అందులో వాటాను స్వాధీనం పరచుకుని అది ఎవరికీ న్యాయ నిర్ణయం చేయబడినదో వారికే లేదా అతని తరపున వాటిని పొందుటకై అతడు నియమించిన వ్యక్తికి వాటిని అప్పగించుట ద్వారా గాని లేదా తీర్పు రుణస్తున్ని సివిల్ జైల్లో నిర్బంధించుట గాని లేదా అతని ఆస్తిని జప్తు చెయ్యట గాని లేదా రెండు పద్ధతుల ద్వారా అమలు జరుపవచ్చును.

(2) పై నిబంధన ఒకటవ దాని ప్రకారం జప్తు చేయబడిన మూడు మాసాల వరకు అమలునందు ఉన్న యెడల తీర్పు రుణస్తుడు అట్టి డిక్రీని పాటించకుండా ఉండినచో మరియు డిక్రీదారు జప్తు చేసిన చరాస్తిని విక్రయించవలెను. జప్తు చరాస్తిని అప్పగించుటకు బదులుగా ఏదేని మొత్తమునకు చెల్లించవలసినదని - డిక్రీలో వివరించబడియున్న సందర్భంలో కోర్టు విక్రయము ద్వారా వచ్చిన మొత్తమును మరియు ఇతర సందర్భాలలో కోర్టు వారు సముచితమని భావించినచో నష్టపరిహారమును డిక్రీదారులకు ఇప్పించవచ్చును. మరియు మిగత విక్రయ ధనము మిగిలినది (ఏమైన ఉన్నచో) వాటిని తీర్పు రుణస్తుడు దరఖాస్తు చేసిన పిమ్మట అతనికి చెల్లించవలెను.

(3) తీర్పు రుణస్తుడు డిక్రీ ప్రకారం బద్దుడై యుండి చెల్లించవలసిన అన్ని ఖర్చులు చెల్లించిన యెడల లేదా జప్తు చేయబడిన తేది నుండి మూడు మాసాలు పూర్తి అయిన పిమ్మట ఆస్తి విక్రయమునకు డిక్రీదారు దాఖలు చేసిన యెడల లేదా దాఖలు చేయునపుడు లేదా అట్టి దరఖాస్తును కోర్టువారు తిరస్కరించినపుడు జప్తు పూర్తిగా తొలగిపోవును.

## A.P. High Court Amendment

4. నాలుగవ పారగ్రాఫ్‌గా చేర్చవలమును - పార్టీ యొక్క దరఖాస్తుపై యుక్తమని తోచినపుడు మూడు మాసముల నుండి ఆరుమాసముల వరకూ పొడిగించవచ్చును. ఏ పరిస్థితులలో ఆరుమాసములు మించరాదు.

**ఆర్డర్ 21 (గ్రూప్ 12) నిర్దిష్ట పరిహారానికి గాని లేక దాంపత్య ధర్మలు పునరుద్ధరణ కొరకు లేదా న్యాయస్థాన నిషేధాజ్ఞలు ఇవ్వబడిన డిక్రీలను అమలు చేయుట**  
**Decree for specific performance for restitution of conjugal rights or for an injunction**

(1) ఎక్కడైన, ఎవరైన వ్యక్తి పై అంగీకరించిన నిర్దిష్ట షరతుల ప్రకారం ఒప్పందం అమలు చేయడం లేదా దాంపత్య ధర్మలు పునరుద్ధరణ కొరకు గాని న్యాయస్థాన నిషేధాజ్ఞలు ఇవ్వబడిన డిక్రీ ప్రకారం అందలి పార్టీ ఆ డిక్రీని పాటించవలసి యుండి, వాటిని పాటించనపుడు అట్టి వ్యక్తి బుద్ధి పూర్వకంగా విఫలుడు అయినపుడు ఆ డిక్రీ దాంపత్య ధర్మలు పునరుద్ధరణ కొరకైన సందర్భంలో ఆ వ్యక్తి ఆస్తులను జప్తు చేయుట ద్వారాను లేదా అంగీకరించిన నిర్దిష్ట షరతుల ప్రకారం ఒప్పందం అమలు చేయడం గల డిక్రీ లేదా న్యాయస్థాన నిషేధాజ్ఞలు ఇవ్వబడిన డిక్రీ సందర్భంలో ఆ వ్యక్తినీ సివిల్ జైలు నిర్బంధనలో ఉంచుట ద్వారా కాని లేదా అతని ఆస్తిని జప్తు చేయుట ద్వారా గాని లేదా ఈ రెండు విధానాల ద్వారా గాని అట్టి డిక్రీని అమలుపరచవచ్చును.

(2) ఎక్కడైతే ఏదైన డిక్రీ అంగీకరించిన నిర్దిష్ట షరతుల ప్రకారం ఒప్పంద డిక్రీగాని లేదా న్యాయస్థాన నిషేధాజ్ఞలు ఇవ్వబడిన డిక్రీ ఒక కార్పొరేషన్ మీద అయి ఉన్నప్పుడు అట్టి డిక్రీని ఆ కార్పొరేషన్ ఆస్తిని జప్తు చేయుట ద్వారా గాని న్యాయస్థాన నిషేధాజ్ఞల డిక్రీ అయినచో ఆ కార్పొరేషన్ డైరెక్టర్ లేదా ఇతర ప్రధాన అధికారులను సివిల్ జైల్లో నిర్బంధించుట ద్వారా గాని లేదా ఈ రెండు విధానాల ద్వారా గాని డిక్రీని అమలు పరచవచ్చును.

(2) కోర్టు ఇందలి ఒకటవ ఉప నిబంధన ప్రకారం ఉత్తర్వు చేసిన యెడల అట్టి ఉత్తర్వులో వివరించిన వ్యవధి లోపల డిక్రీని పాటించబడనపుడు, తీర్పురుణస్తుడు డిక్రీదారునకు ఆయా సమయాల్లో ఉచితమని తోచిన సొమ్ము చెల్లించవలెనని ఉత్తర్వు చెయవచ్చును. మరియు తీర్పురుణస్తుడు తాను వాయిదాలో చెల్లించు సొమ్ముకు సంబంధించి తృప్తికరంగా ఉండు హామీని డిక్రీదారునకు ఇవ్వవలసి ఉన్నది.

(3) ఇందలి రెండవ ఉపనిబంధన ప్రకారం వాయిదాలలో సొమ్ము చెల్లించుటకై కోర్టువారు జారీ చేసిన ఏ ఉత్తర్వు అయినను, చెల్లించవలసిన వ్యవధిని మార్పుట ద్వారా కాని చెల్లించె మొత్తమును పెంచుట ద్వారా కాని లేదా తగ్గించుట ద్వారా కాని ఆయా సందర్భము బట్టి కోర్టు మార్పు చేయవచ్చును. లేద అట్లు చెల్లించవలెనని ఉత్తర్వు అయిన, సొమ్ము మొత్తము గాని అందలి కొంత మొత్తము గాని తాత్కాలికంగా చెల్లింపుట నిలుపుదల చేయవచ్చును. మరియు కోర్టువారు న్యాయసమ్మతిని బావించినచో దానిని పూర్తిగా కాని, కొంత భాగంగా గాని తిరిగి అమలులో ఉండుటకు ఉత్తర్వు చేయుదురు.

(4) ఈ నిబంధన క్రింద చెల్లించవలసనిదిగా చేసిన ఉత్తర్వును, సొమ్ము చెల్లించుట కొరకై ఇచ్చిన డిక్రీకి ఎట్లు చెల్లించవలసి యున్నదో ఆ విధముగా వసూలు చేయవచ్చును.

## CASE LAW

**Injunction డిక్రీ అమలుతో రాష్ట్ర ప్రభుత్వం తాలూకు ఆస్తులు జప్తు చేయరాదు**  
 ఇంజక్షన్ డిక్రీ అమలు చేయనందుకు రాష్ట్ర ప్రభుత్వం ఆస్తులను జప్తు చేయరాదు. ఈ లోపుగా అధికారులు చర్యలు తీసుకొందురు అని తీర్పునిచ్చిరి. (1992 Supreme court Cases Page 504)

**ఆర్డర్ 21 గ్రూప్ 34** డిక్రీని అమలు నిమిత్తం దస్తావేజును వ్రాసిఇచ్చుటగానీ లేక అన్యాయకాంతం యోగ్యతా పత్రములపై ఎండార్స్ చేయుట  
**Decree for execution of document or endorsement of negotiable instruments**

(1) ఎక్కడైన డిక్రీలో దస్తావేజును వ్రాయవలసిందిగా గాని లేదా అన్యాయకాంతం యోగ్యతా పత్రములపై వెనుక ఎండార్స్ వ్రాయవలసిందిగా ఉన్నపుడు తీర్పు రుణస్తుడు డిక్రీ ప్రకారం పాటించుటకు నిర్లక్ష్యం చేసిన యెడల లేదా నిరాకరించిన యెడల డిక్రీదారుడు డిక్రీలో ఉన్న నిర్దేశ షరతుల ప్రకారం దస్తావేజున యొక్క లేదా ఎండార్స్ మెంట్ యొక్క ముషాయిదాను తయారుచేసి వాటిని కోర్టులో దాఖలు చేయవలసి ఉన్నది.

## సి.ఆర్.పి.లో నిబంధనలను గూర్చి

కోర్టువారు దస్తావేజు వ్రాయుట గురించి సి.ఆర్.పి.లోని నిబంధనలు.

కోర్టువారు సి.పి.సి ఆర్డర్ 21, రూల్ 34లోని ఉప నిబంధనలు 1 నుంచి 4 వరకు తప్పనిసరిగా పాటించవల్సిందిగా Execution of document నిష్ఠిం దస్తావేజులు వ్రాయుటకు పార్టీని ఆదేశించెదరు. (As per C.R.P Old Rule 151, New Rule 219)

సి.ఆర్.పి. న్యూ రూల్ 220 డిక్రీదారు దస్తావేజు ముసాయిదా కాపీలతో నోటీసు ప్రతివాదికి అమలు జరుపుటకు చేటా (బత్త)తో దాఖలు చేయాలి.

సి.పి.సి. ఆర్డర్ 21, రూల్ 34 ఉప నిబంధన (1) ప్రకారం డిక్రీ అమలుకు డిక్రీదారు బత్త మెమోతో తప్పనిసరిగా ముసాయిదా కాపీని THE CIVIL RULES OF PRACTICE FORM NO. 54 లో ఉన్న ప్రకారం మరియు రెండు నోటీసు ఫారాలు, లేదా ప్రతివాదులు ఎక్కువగా ఉంటే ఇంకా ఎక్కువ కాఫీలు వాటితో పాటు Process fee దాఖలు చేయాలి. వాటిని తీర్పు ఋణగ్రస్తునిపై సమన్లు అమలు పద్ధతిలో నోటీసులను అమలు జరుపుతారు. (As per C.R.P. Old Rule 154 New Rule 220)

దస్తావేజు ముగింపు పేరా తప్పనిసరిగా ఫారం C.R.P. FORM NO. నెంబరు - 55 గా అన్యాయాంత యోగ్యతా పత్రాలపై ఎండార్స్ మెంట్ సి.ఆర్.పి. ఫారమ్ నెం. 56గా యుండవలెను.

దస్తావేజు ముగింపు పేరా సి.ఆర్.పి. ఫారమ్ నెం. 55గా అన్యాయాంత యోగ్యతా పత్రములపై ఎండార్స్ మెంట్ తప్పనిసరిగా సి.ఆర్.పి. ఫారమ్ నెం. 56గా యుండవలెను. వాటిపై పార్టీ తరపున జడ్జిగాను సంతకం చేస్తారు. అంతే కాకుండా దాని మీద తప్పనిసరిగా కోర్టు సీలు కూడా వేయాలి. (As per C.R.P. Old Rule 153 New Rule 221)

(AIR 2003 Supreme Court Weekly Reporters page 6458)

### కాలపరిమితి (LIMITATION)

1. స్థిరాస్తి నుండి తొలగించబడిన వ్యక్తి ఆ తేదీ నుండి 30 రోజులలోపు దరఖాస్తు చేసుకొనవచ్చును లేనిచో కాలదోషము వచ్చును. (As per article 128, of the Limitation Act 1963)

2. స్థిరాస్తిని స్వాధీనం చేసుకోవటంలో ఆటంకం ఏర్పడితే ఆ ఆటంకం ఏర్పడిన తేదీ నుంచి ఆటంకదారుని తొలగించడానికి సదరు తేదీ నుండి 30 రోజుల్లో దరఖాస్తు దాఖలు చేసుకొనవచ్చును లేనిచో కాలదోషము పడుతుంది.

(As per article 129, of the Limitation Act 1963)

C.P.C. APPENDIX - E Form No. 1

EXECUTION

NOTICE TO SHOW CAUSE WHY A PAYMNT OR ADJUSTMENT SHOULD NOT BE RECORDED AS CERTIFIED  
(Order 21 Rule 2 CPC)  
(Title)

To

Whereas in execution of the decree in the above named suit has applied to this Court that the sum of Rs. recoverable under the decree has been paid /adjusted and should be recorded as certified this is to give you notice that you are to appear before this Court on the day of 20 to show cause why the payment / adjustment should no be recorded as certified.

Given under my hand and the seal of the Court, this day of 20  
Judge

C.P.C. APPENDIX - E Form No. 1 (Telugu Form)

EXECUTION

చెల్లింపుగాని పరిష్కారముగాని సర్టిఫై చేయబడినట్లు ఎందునిమిత్తము రికార్డు చేయకూడదో ఆ కారణమును చూపమని నోటీసు.

(సివిల్ ప్రొసీజరు కోడు, 21వ ఆర్డరు 2వ విధి)

200 వ సంవత్సరపు వ్యాజ్యపు నంబరు

యెదిరి

కోర్టులో

వాది

ప్రతివాది,  
కు.

పై చెప్పిన వాజ్యములో చేయబడిన డిక్రీని అమలు నెరవేర్చుటలో అనే వాడు డిక్రీని బట్టి రాబట్టుకోదగిన రూపాయల మొత్తము చెల్లిపండినదనియు / పరిష్కరింపబడినదనియు అది సర్టిఫై చేయబడినట్లు రికార్డు చేయవలెననియు మనవి చేసికొనెను. గనుక, పైన చెప్పి చెల్లింపు / పరిష్కారము సర్టిఫై చేయబడినట్లు ఎందు నిమిత్తము రికార్డు చేయకూడదో ఆ కారణమును చూపుటకు, 200 వ సం. నెల తారీఖున ఈ కోర్టు ఎదుట నీవు హాజరు కావలెనని నీకు నోటీసు ఇయ్యడమైనది. 200వ సం. నెల తారీఖున నా చేవ్రాలున్ను కోర్టు ముద్ర యున్ను వేయబడినది. జడ్జి

C.P.C. APPENDIX - E Form No. 7

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE

(Or. 21, R. 16)

(Title)

To

Whereas has made application to this Court for execution of decree in Suit No. of 20 on the allegation that the said decree has been transferred to him by assignment (or without assignment) this is to give you notice that you are to appear before this Court on the day of 20 to show cause why execution should not be granted.

Given under my hand and the seal of the Court, this day of 20  
Judge.

**C.P.C. APPENDIX - E**  
**Form No. 2**  
**Precept (Section 46)**  
**(Title)**

Upon hearing the decree -holder it is ordered that this precept be sent to the Court of ..... at ..... under Section 46 of the Code of Civil Procedure, 1908, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree-holder for execution of the decree:

Schedule

Dated the ..... day of ..... 200 .....

Judge.

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**MODEL No. 1**

**GENERAL FORM FOR 136 C.P.C**

Requisition to execute a warrant for arrest or attachment outside jurisdiction (section 136 C.P.C)

In the Court of the .....

To

Sir,

Under the provisions of section 136 C.P.C., I have the honour to forward herewith

a warrant for the apprehension of defendant or witnesses for  
attachment of the schedule property of  
.....  
Suit No. .... on the file of  
in I.A. No. .... for execution by the court of

Yours faithfully,  
judge



**MODEL - II**

**Sr. Civil Judge's Court / Jr. Civil Judge's Court**

From :  
Sri.....  
Sr. Civil Judge / Jr. Civil Judge.  
To  
The Honble District Judge

Dated .....

Sir,

Sub : Civil Courts -Attachment before judgement of Immovable Property-  
ordered in I.A.....in O.S.....on the File of this Court, for execution  
at.....under section 136 C.P.C.-Reg.

I Submit here with attachment before judgement of immovable property orderd in I.A.....in  
O.S. on the file of this court for exççution at.....under section 136 C.P.C.

I request the same may be forwarded to senior civil judge court....the tom tom charges of  
Rs.....is here with enclosed in Shape of revenue stamps (or sent by M.O.) and return the same.

Yours faithfully

Enclosers.....

Sr. Civil Judges / Jr. Civil

గమనిక :- జిల్లా కోర్టుకు సెక్షన్ - 136 నిబంధనల ప్రకారం అందిన సివిల్ ఆరెస్టు వారంట్లు (లేదా)  
జప్తు వారెంట్లను అమలు నిమిత్తం ఆ జిల్లాలో, సంబంధించిన అమలు కోర్టులకు పంపుటకు ప్రోసీడింగ్స్

S.No. 118,  
Proceedings forwarding warrants.  
C.P.C. (Secion 136)  
Proceeding of the District Court of.....

Dated 200

Warrant for the Apprehension of I.A. No..... in O.S.  
No..... of received from the Sr. Civil Judge / Jr. Civil Judge is herewith sent to the Sr.  
Civil Judge / Jr. Civil Judge for execution. The warrant shall be returned though this Court (except  
when the person is arrested in which case it shall be sent with him direct to the Court of and  
the matter shall be reported to this Court.)

District Judge.

To, (True extract.)

Sr. Civil Judge / Jr. Civil Judge ----- A.O.

**C.P.C. Appendix - II**

**Form No. 13**

**Notice to surety of his liability under a decree  
(Section 145)**

**(Title)**

To

Whereas you..... did on ..... become liable as surety for the performance  
of any decree which might be passed against the said ..... defendant in the above suit : and  
whereas a decree was passed on the ..... day of ..... 20..... against  
the said defendant for the payment of ..... and whereas application has been made for  
execution of the said decree against you:

Take notice that you are hereby required on or before the ..... day of .....  
20 ..... to show cause why the said decree should not be executed against you, and if no  
sufficient cause shall be, within the time specified, shown to the satisfaction of the court an order for  
its execution will be forthwith issued in the terms of the said application.

Given under my hand and the seal of the Court, this ..... day of ..... 20

Judge

చర.స్థిరాస్తులు అప్పగింపు విధానం అధ్యాయంనకు సంబంధించిన నిబంధనల

యొక్క పునరుద్ధరణ

అస్తిని స్వాధీనం చేసుకోవడానికి సంబంధించిన ఫారమ్లు

1. అపెండెక్స్ - ఇ ఫారమ్ నెం. 11 ఆర్డర్ 21, రూల్ 35 ప్రకారం అస్తిని స్వాధీనపరచుకోవడానికి (ఇంగ్లీషు, తెలుగు)  
(Order 21, Rule 35 C.P.C)
2. కొనుగోలుదారుని అస్తిని స్వాధీనం చేయడానికి హైకోర్టు సవరణ చేసిన ఫారమ్ అపెండెక్స్ - ఇ ఫారమ్ నెం. 39  
(Order 21, Rule 95 C.P.C)
3. సి.పి.సి. పాత కోడ్లో యిచ్చిన ఫారమును నమూనా యివ్వడమైనది.  
(Order 21, Rule 96 C.P.C)
4. అడ్వకేట్ కమిషనర్ అప్పగింపు దారుణ్ణిండి తీసుకోవల్సిన స్వాధీన రశీదు పత్రం నమూనా
5. పోలీస్ రక్షణలో వారంటు అమలు చేయుట, నమూనాలు I, II, & III

**C.P.C. Appendix - E Form No. 11**  
**Warrant to the Bailiff to give Possession of Land, etc.**  
**(O. 21, R. 35)**

IN THE COURT OF .....

Suit No. OF 19  
Execution Petition No. of 20

against

Plaintiff

Defendant

To

The BAILIFF OF THE COURT

Whereas the under mentioned property in the occupancy of

has been decreed to  
the plaintiff in this suit; You are

hereby directed to put the said  
in possession of the same, and you are hereby authorized to remove any person bound by the  
decree who may refuse to vacate the same.

*Schedule.*

Given under my hand and the seal of the court this day of 20

*Judge*

**C.P.C. Appendix - E**

**Form No. 11 (Telugu Form)**

నేల వగైరాలను స్వాధీనపరచడమునకు బెయిలివుకు వారంటు  
(సివిల్ ప్రొసీజరు కోడు 21వ ఆర్డరు, 35వ విధి)

.....కోర్టులో  
20 వ సంవత్సరము వ్యాజ్యపు నంబరు  
వాది  
యెదిరి

కోర్టు బెయిలివుకు  
.....

.....అనువాని అనుభవములో వుంటూవుండే  
ఈ క్రింద ఉదహరించెయిండే సొత్తు యీ వ్యాజ్యములో వాది అయిన.....  
అనువానికి డిక్రీ చేయబడివుండేటందువల్ల దానిపైన చెప్పబడ్డ.....  
అనువానికి స్వాధీనపరచవలసినదని యిందువల్ల నీకు ఆజ్ఞాపించడమైనది, మరిన్ని డిక్రీవల్ల బద్దుడైయుండి  
దానిని ఖాళీ చేయక నిరాకరించే యే మనిషినైనా తొలగించవలసినదని యిందు వల్ల నీకు అధికారము  
కలగచెయ్యబడ్డది.  
20 వ సం॥ నెల తారీఖున నా చేవ్రాలున్ను, కోర్టు  
ముద్రయున్న వేయబడినది.  
షెడ్యూలు

జడ్జి

**C.P.C. Appendix - E Form No. 39**  
**ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND**  
**AT A SALE IN EXECUTION**  
(Order 21, Rule 95)  
(Title)

To  
The Bailiff of the Court.....  
Whereas..... has become the certified purchaser of ..... at a sale in ex-  
ecution of decree in Suit No ..... of ..... 20..... you are hereby  
ordered to put the said ..... the certified purchaser, as aforesaid, in possession of the  
same and you are hereby further required to state in your return whether there are crops on  
the land and whether you have delivered them to ..... the certified purchaser.  
Given Under my hand and the seal of the Court, ..... day of ..... 20

Judge

*High Court Amendments*  
*Andhra Pradesh - Same as in Madras.*  
*Madras - For Form No. 39, substitute the following (P Dis. No.607 1931)*

సి.పి.సి. పాత కోర్ట్లో యిచ్చిన ఫారమును (నమూనాగా) యివ్వడమైంది. ఆ తరువాత తొలగించబడినది.

FORM No. 39 a (old code)  
( O. 21, R. 96)

Order for delivery to certified purchaser of land  
at a sale in execution.

(TITLE)

To

The Nazir of the Court.

Whereas at a sale in execution of the decree in Suit No. of 192 has become the certified purchaser of the property described in the subjoined schedule, and whereas such property is in the occupancy of who is entitled to occupy the same, you are hereby ordered to deliver the said property to

(on behalf of) the purchaser aforesaid, by affixing the accompanying copy of sale certificate in some conspicuous place on the property and property and proclaiming to the occupant by beat of drum at some convenient place or places that the interest of the judgement debtor therein has been transferred to the said purchaser.

You are commanded to return this warrant of or before the day of 20 with an endorsement certifying the date and manner in which it has been executed or the reason why it has not been executed.

Given under my hand and the seal of the court, this day of 20

(Signed)

Judge

అడ్వకేట్ కమీషనర్ ఆస్తిని కోర్టు ఉత్తర్వులతో అప్పగింత తదుపరి  
తీసుకోవల్సిన స్వాధీన రశీదు పత్రం (నమూనా)

డి.వి. సం.తేది.

మహారాజశ్రీ కాకినాడ ప్రిన్సిపాల్ సబార్డినేట్ జడ్జివారి కోర్టు దాఖలు దావాలో ఒ.ఎ. ....  
మరియు ..... పిటీషన్లలో అడ్వకేట్ కమీషనరుగారైన శ్రీ .....

.....జిల్లా .....కాపురస్తులు అయిన శ్రీ .....గారి కుమారుడు  
.....పైన పేర్కొన్న దావా తాలూకు పిటీషన్ షెడ్యూల్ ఎ మరియు బి దాఖలు ఆస్తులు  
(డి..... సం.తేదీన జరిగిన బహిరంగ వేలములో హెచ్చు పాటదారు) సదరు ఆస్తిని అనగా ఈ  
దిగువ పేర్కొన్న షెడ్యూలు ఆస్తులను డి. .... సం. తేదీన స్వాధీనం పొంది వ్రాయించి యిచ్చిన  
ఆస్తి స్వాధీనం రశీదు పత్రం.

నేను మహారాజశ్రీ కాకినాడ ప్రిన్సిపాల్ సబార్డినేట్ జడ్జివారికోర్టు దాఖల ఒ.ఎస్. .... లో

బి.ఎ. .... మరియు ..... పీటీషన్ దాఖలా ఆస్తులను అనగా మెస్సర్స్  
 .....మండలం, తాలూకు గ్రానేట్ మెటల్స్టోన్ క్రషింగు మెషినరీ అందలి యావత్తు, మోటార్లు  
 మెషినరీ వగైరాలు మరియు సదరు ఫ్యాక్టరీకి గల ..... భూమిని అడ్వకేట్ కమిషనర్ అయిన శ్రీ  
 ..... డి. .... సం. తేదీన సదరు దావాలోని పార్టీల సమైక్యములో, బహిరంగ వేలం  
 నిర్వహించగా సదరు వేలములనందు నేను హెచ్చు పాటదారు ..... రూ.లు అక్షరముల .....  
 రూ.లు. పాట షరతుల ప్రకారం 1/4వ వంతు సొమ్ము చెల్లించినందు, మహారాజశ్రీ కోర్టువారు పాట  
 ఖాయపరచిన పిమ్మట డి. .... తేదీన మిగిలిన 3/4 వంతు క్రియం సొమ్మును శ్రీ కమిషనర్  
 గారి ద్వారా శ్రీ కోర్టునందు డిపాజిట్టు చేసినందున, నేను బహిరంగ వేలంలో క్రియం పొందిన ఈ దిగువ  
 పేర్కొన్న ఆస్తిని ఈ రోజు అనగా డి. .... సం. తేదీన మధ్యాహ్నం 3 గంటలకు, అడ్వకేటు  
 కమిషనరుగారైన శ్రీ ..... గారి వద్దనుండి, ఈ దిగువ సాక్షుల సమక్షములో "ఎలాగ  
 వున్నది అలాగ"నేను సంపూర్ణ స్వాధీనం పొందుటచే ఈ స్వాధీన రశీదు పత్రం వ్రాయించి యివ్వడమైనది.

ఇంతవరకూ సదరు ఆస్తిని శ్రీ ..... గారు కావలాదారుగా వుండుటచే సదరు  
 కావలాదారునికి అడ్వకేటు కమిషనరుగారు ఈ రోజున అనగా డి. .... సాయంత్రం మూడు  
 గంటలకు తొలగించి సదరు యావత్తు ఆస్తిని నా స్వాధీనంనకు యిచ్చుటచే నాకు ముట్టినది. కనుక ఈ  
 స్వాధీన పత్రం వ్రాయించి ఇవ్వడమూనది.

నేను స్వాధీనం చేసుకున్న ఆస్తుల వివరాలు

ఇది నా సమ్మతిని వ్రాయించి యిచ్చిన వేలము ఆస్తి స్వాధీన రశీదు పత్రము.

పాటదారులు

ఇందుకు సాక్షులు.

- 1.
- 2.
- 3.

దస్తూరి

ఎన్.బి. : ప్రతి పేజీలో ఆస్తిని స్వాధీనం చేసుకున్న ఆసామి వ్రాలు చేయవలసి ఉన్నది.

**గమనిక :** కోర్టు స్వాధీనం వారెంట్లు లేదా జప్తు వారెంట్లు లేదా సివిల్ అరెస్టు  
 వారెంట్లు అమలు సందర్భంలో పోలీసు రక్షణలో వారెంట్లు అమలు చేయుటకు కోర్టు  
 ఆదేశాలు జారీ చేసినపుడు ఆయా పోలీసు వారికి జారీ చేసే ప్రోసీడింగ్స్ నమూనాలు  
 ప్రతీ ఉత్తర్వుకు బేటా చెల్లించాలి.

గౌ. ఎ.పి. హైకోర్టు వారు జారీ చేసిన సర్క్యులర్‌ను ఖచ్చితంగా రాష్ట్రంలో క్రింది కోర్టుల్లో అధికారులను తప్పనిసరిగా పాటించవలెనని ఆదేశించిరి. వాటి వివరం :

**HIGH COURT OF ANDHRA PRADESH : HYDERABAD**

**R.O.C. NO. 2103/OP. CELL-E/2006**

**Dt. 28-09-2007**

**CIRCULAR**

Sub : Courts - Civil - Strict adherence of Rule provision \_\_\_\_\_ as Contemplated under Order XXI Rule 22 (1) \_\_\_\_\_ (a) of Civil Procedure Code - Instructions - Issued.

Read : High Court's Order Dt : 11-8-2006 in C.R.P. Nos 2519, 2520, 3287 and 3312 of 2006.

\*\*\*

The Honourable High Court, while allowing the C.R.P. Nos. 2519, 2520, 3287 and 3312 of 2006, dated : 11-8-2006, has been pleased to observe that repeated orders are coming forth from various courts, where the execution laid for the first time after two years of passing of decree, orders are being passed in execution without issuing a notice to the Judgment-Debtors, which is quite contrary to the mandatory procedure as contemplated under the provisions Order XXI Rule 22 Civil Procedure Code, which prescribes that whenever an execution is laid beyond two years from the date of decree, notice to be issued to the judgment-debtor before any orders are passed.

In the above circumstances, the High Court hereby directs all the presiding Officers of the courts to strictly follow the provision Order XXI Rule 22 (1) (a) Civil Procedure Code. In all the Cases where an execution is laid more than two years after the date of the decree, the Court executing the decree shall issue a notice to the person against whom execution is applied for requiring him to show cause, on a date to be fixed, why the decrees should not be executed against him. Such procedure of Issuance of notice is mandatory and is a condition precedent. Further, the office should point out such requirement before any matter's passed before the Court immediately on processing.

When the orders are being passed in the matters of this nature, not only the Court but the ministerial officials concerned should be vigilant to see that such mandate is followed strictly, since the lapse is though primarily attributable on judicial side, but gets its responsibility extended to the administrative and ministerial side.

**Receipt of this circular shall be acknowledged.**

**SDxxxx**

**REGISTRAR (VIGILANCE)**

*Prepared by*

**[Sri Baburao, Retd. Employee, East Godavari District Court, Andhra Pradesh]**

# **RULES AND REGULATIONS IN RESPECT OF COPYIST ESTABLISHMENT**

## **TOPICAL INDEX**

- Para 1. Importance of Copyist Establishment
- Para 2. Who is entitled to apply for copies
- Para 3. Copies of Confidential Papers
- Para 4. Timings for filing Copy Application
- Para 5. Form of copy application
- Para 6. Defective Application
- Para 7. Copies of Proceedings in the custody of High Court
- Para 8. Stamp Papers
- Para 9. Copying Charges to be paid in Court Fee Labels
- Para 10. Display of List Calling for Charges
- Para 11. Endorsements on the Copy to be given
- Para 12. Preparation of Copies of maps, plans etc
- Para 13. Maintenance of Registers of Copying Section
- Para 14. Entries in the Registers and Maintenance of Registers
- Para 15. Different Endorsements on the Copy Application
  - Para 15.1 Canceling the Stamp on the Petition
  - Para 15.2 Defective Application
  - Para 15.3 If resubmitted with delay petition
  - Para 15.4 When Application is Proper
  - Para 15.5 Numbering the Application
  - Para 15.6 When Originals are received
  - Para 15.7 On unmarked Document
  - Para 15.8 Third Party Application
  - Para 15.9 Endorsing on the photo copy of document charged with Stamp Duty under Art.21 of Sch IA of Stamp Act
- Para 16. Prompt preparation of copying statements and sending the same to the District Court and High Court
- Para 17. Latest Circulars of the Hon'ble High Court on Copy Applications

# RULES AND REGULATIONS IN RESPECT OF COPYIST ESTABLISHMENT

**1. Importance of Copyist Establishment:** Copyist Establishment is one important section in the Courts which gives Certified copies of documents/papers filed into Court. Rules 188 to 204 of Chapter XV of Civil Rules of Practice lay down rules for filing and supplying of Certified copies.

**2. Who is entitled to apply for copies:**

**A. By Party to suit or Proceedings:** Any party to suit or proceeding shall be entitled to a copy on payment of charges as provided in the rules. [R 188 (1)]

In case of doubt whether the copy can be given or not, the petition has to be placed before the Judge. If the Judge orders to issue, copies can be given. If the Judge refuses, it shall be returned to the party with the Order of the Judge endorsed on it. [R188 Proviso]

In some cases, copies of Docket orders or Proceedings sheet pertaining to a series of adjournment/dates will be asked for. The application has to be placed before the Presiding Officer concerned and if he/she permits for giving copies, then only Certified Copies of the same can be given.

**b. By person who is not a party to suit or proceedings/Third Party:**

A person who is not a party to a suit or proceeding can apply for a copy by filing a duly stamped petition with affidavit stating the purpose for which the copy is required. [R 188 (2)]

**3. Copies of Confidential Papers:** Nothing in the Rules should entitle a person to a copy of (a) Judges Notes or minutes (b) Correspondence not strictly judicial and (c) confidential correspondence. [R 189]

**4. Timings for filing Copy Application:**

Application shall be filed between 11-00am and 3-30pm before the Copying Superintendent. [R 190 (1)]

**5. Form of copy application:** Copy Application should be in Form 51 of CRP. [R 190 (2)]

**6. Defective Application:** If the Application is not in proper form, it shall be returned for amendment. Seven (7) days time shall be granted for amendment and representation. If the application is not represented within the said period, the application shall be struck off. [R 191]

**7. Copies of Proceedings in the custody of High Court:** When an application is filed for copy of plaint etc., of a lower court in the custody of High Court, the application shall be transmitted to the High court. The High Court shall transmit the copy to the Lower Court and it shall be delivered to the applicant on payment of requisite fee. A third party has to file



application directly before the High court. Presently, parties are also filing applications before the Trial Court as they are not knowing whether the file is in the High Court or First Appellate Court.

**8. Stamp Papers:** Presently, copies are not being prepared on Copy Stamps. Only, Exhibits and other Extracts which require payment of Stamp Duty in the form of Non-Judicial Stamp of Rs.10/- or Rs. 20/- as required under Article 21 of Schedule 1A of Stamp Act are being prepared on those NJ stamp papers. Rules 193 to 197 dealing with Stamp Papers, calling and deposit of the same are not applicable now. Only stamp side of the Non-Judicial Stamp paper has to be used for copying the matter.

**9. Copying Charges to be paid in Court Fee Labels/Cash:** As per Rule 203-A, photo copy can be generated by reproducing the proceedings or document mechanically on payment of Rs.2-00 per Page, by affixing Court Fee Labels to the application or by payment of Cash by Lodgment.

Thus, every Copy Application shall be affixed with Court Fee of Rs.1-00 towards Fee on Copy Application as provided under the Court Fees and Suits Valuation Act [Court Fee varies if the search Fee is leviable at Rs. 1/- per year] + Copying Charges of Rs.2-00 per Page + Non-Judicial Stamp Paper in case of a document falling under Article 21 of Schedule 1A of Stamp Act [Example. Marked Registered Sale Deeds, Judgment etc]

**10. Display of List Calling for Charges:** As soon as the Copying Application is found correct and numbered and entered in the Register, the daily List will be displayed on the Notice Board of the Copying Section giving the following particulars -

**Date:** .....

Appl.No.	Case	Advocate/Party	Court Name	Court Fees
				Total:

**11. Endorsements on the Copy to be given:** As per Rules 200 & 201, date of application, date of calling stamps, date of deposit, date of preparing the document shall be noted on the copy made ready.

**12. Preparation of Copies of maps, plans etc:** Presently, maps, plan etc., are also being reproduced mechanically unless a specific plea is made for a hand prepared one which require detailed coloring as the original map or plan.

**13. Maintenance of Registers of Copying Section:** Where there are more courts than one and a Central Copyist Section is attached to the superior court, the establishment shall maintain separate copy application Receive Registers, i.e., 'A' Register (CR 25) and 'B' Register (CR 26) etc., for each court.

#### **14. Entries in the Registers and Maintenance of Registers:**

**14.1 Should be as per the prescribed Form:** The entries relating to copy applications received in CR 25 should be entered as per the prescribed form in the register. When copies are delivered to the parties/ Advocates, signature of the concerned with date should be invariably taken in the prescribed columns.

**14.2 Abstract of Stamp Account:** The stamp account should be prepared daily in the 'A' register noting the receipts and charges in a detailed abstract. This register shall be checked by the CMO/AO daily and signatures of the PO shall be obtained daily after verifying. The following abstract shall be made in the register:

- 1. Opening Balance.....**
- 2. Receipts of CF.....**
- 3. Used.....**
- 4. Unused.....**
- 5. Balance.....**

**Admn. Officer/Superintendent**  
.....**Court**

**Note:** It is to be noted that presently copy stamps are not being used. The copying charges are collected in Court Fee labels or in cash. Only Non-Judicial Stamp paper worth Rs.10/- & Rs.20/- are being received in cases which fall under Art. 21 of Schedule 1A of Stamp Act. Hence, there will be no question of use or non-use of copy stamps.

**14.3 Watch Book of Pending Applications:** The Head of the section should maintain a watch book of the copy applications pending for compliance with the originals by the concerned staff members to avoid delay in compliance and such note should be placed before the officer for obtaining necessary directions to the concerned staff [of concerned court when there is central Copying Section) for immediate compliance.

**14.5 Daily Book of Copy applications filed:** The Copying Superintendent shall maintain a rough book entering the copy applications filed daily on all working days up to 3.30 PM and close the book under the signature of the C.M.O. daily.

**14.6 Return of Originals promptly:** The copying Superintendent shall see every week that the originals of which copy was made ready are returned to the sections concerned of the court concerned where there is central copying section, after duly obtaining the signature and date of such return of originals to the Sections concerned along with the copy application.

**14.7 Photocopier Register:** Wherever Photocopier machines are supplied to the copyist establishment, the Section Head shall maintain the prescribed register in this behalf and maintain account daily of necessary fee collected for supplying certified photo copies of the records sought for by the parties and the number of papers used. Care should be seen that the prescribed paper supplied by the Court is only used for preparation of copies.

#### **15. Different Endorsements on the Copy Application:**

**15.1. Canceling the Stamp on the Petition:**Canceling the CF lable/stamp by signing with red ink by the Copying Superintendent, punching the stamp and affixing the Date Stamp of the Court.

**15.2 Defective Application:** If the application is not proper and is returned for amendment, it shall be noted as -

*C.A Returned on .....  
for compliance within (7) Days  
Date: Sd/-  
Suptd.*

**15.3 If resubmitted with delay petition:** If the Application is submitted with delay condonation petition, the petition shall be placed before the Judge along with delay condonation petition and after condonation of delay, the copy application shall be verified and if the application is proper it is to be noted as -

*Delay in resubmitting CA is allowed vide Orders in  
IA NO..... Dt..... and (.....)  
No of days of delay is condoned.*

*Sd/-  
Suptdt.*

**15.4 When Application is Proper:** If the Application is in proper form, it shall be noted as -  
*Presented by Sri.....Advocate,  
Call for Originals.*

*Sd/-  
Suptdt.*

*Central Copying Section  
.....Court*

**15.5 Numbering the Application:** Immediately, a number has to be given to the application and entries should be made in CR 25. It shall be noted on the Copy Application as -

*C.A. No. ....  
Date.....*

**15.6 When Originals are received:** When the originals are received from the Court concerned, the Copyist shall check the CF required and call for the Court Fees leviable on the document. The endorsements are -

*Date.....  
Court Fees of Rs.....Called for  
Sd/-  
Supdtd.*

*Date.....  
Court Fees of Rs.....Deposited  
Sd/-*

*Supdt.*

*Date.....*

*Copy is Ready.*

*Sd/-*

*Supdt.*

**15.7 On unmarked Document:** If the document of which copy is given is an unmarked document, permission shall be obtained from the Court concerned to give copy. It shall be noted on the photocopy given as “UNMARKED DOCUMENT”.

**15.8 Third Party Application:** If the Copy Application is filed by a Third Party, the same shall be filed along with a petition and verified affidavit. Third Partly petitions shall be placed before the Judge of the Court concerned and after the petition is allowed and after it is received in the Copying Section, the Copying Superintendent shall note on the CA as -

*As per Order dt. In IA No. of .....*

*Court, III Party Petition was Allowed on .....*

*SFO*

*Sd/-*

*Suptd.,*

*Copyist Section*

**15.9 Endorsing on the photo copy of document charged with Stamp Duty under Art.21 of Sch IA of Stamp Act:** The Stamp paper of Rs.10/ or Rs.20/ as the case may be deposited for issuing photo copy of such document. If the copy requires more folios than the Non-Judicial Stamp deposited, the Non-Judicial Stamp should be the first page and the plain pages should be next. The following particulars shall be noted on the first Non-Judicial stamp paper (By way of typing)-

**IN THE COURT OF THE .....**

**CITY CIVIL COURT**

**CASE NO.....**

**BETWEEN:**

.....

**VS**

.....

**EXHIBIT SEAL**

**[Entire Exhibit Seal contents should be typed here]**

**Cont. Photo Copies.....**

**15.9 Certifying Each page of the Copy:** Each Page of the Copy given by process of photocopying shall be endorsed as ‘**Certified Photo Copy**’ and should also bear the Round Seal of the Court which controls the Copying Section.

The Certified Copy given should contain the following particulars:

*Court of .....*  
*Copying Section*  
*CA No./PCA No.....*  
*Name of Applicant.....*  
*Court Fee and Search Fee.....*  
*Application Made on.....*  
*Application Returned on.....*  
*Application Resubmitted on .....*  
*CF(+Stamps) called For on .....*  
*Charges(+Stamps) Deposited on .....*  
*Copy Made Ready On.....*  
*Copy Delivered on .....*

*Sd/-*  
*Copying Suptdt.*

***CERTIFIED TO BE TRUE COPY***

*Sd/-*  
*Copying Suptdt.*

**16. Prompt preparation of copying statements and sending the same to the District Court and High Court.** It is the duty of the Copying Superintendent to see that the periodical statements in the prescribed formats are prepared in time and sent to the District Court and High Court.

**17. Important Circulars of the Hon’ble High Court on Copy Applications:**

1. HC ROC No.12/SO/2002 Dt.31-08-2005

Presiding Officers of the Courts are directed to collect cash in lieu of Stamps/Folios on the application submitted for issuing of certified copies in case of shortage of stamps/folios. Separate Account to be maintained. Major Head 0030 – Stamps and Registration; Sub Major Head 02 – Stamps Non-Judicial; Minor Head 102 – Sale of Stamps Sub Head 01- Sale of Stamps

2. HC ROC No.27/Reg.Judl/2012 Dt.16-04-2012

Once again requested to transmit and issue Fair, Legible and neatly typed Certified copies (on one side of the page) and photocopies to the High Court as also to the Advocates who prefer Appeals and Revisions.

3. HC ROC NO.315/WRC/2016 Dt.21-07-2016

Presiding Officers in both the States are once again directed to ensure that proper quality of print is maintained while issuing the certified copies or transmitting the true copies to the Hon'ble High Court, so that the orders and judgments are clear, legible and easily readable.

\*\*\*\*\*

4. HC ROC No.1771/SO/2017 dt.03-07-2017 Circular No.5 of 2017

Wherever there are proceedings/ Orders in Manuscripts, the P.Os are directed to take immediate steps for issuance of legible (typed) certified copies of Orders/proceedings of the manuscripts.

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*Prepared By*

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# **MAINTENANCE OF CASE RECORDS AND RECORD ROOM, CLASSIFICATION OF RECORDS INTO PARTS AND DESTRUCTION.**

## **TOPICAL INDEX**

Para 1. Introduction

Para 2. Maintenance of Case Records and the Record Room

Para 3. Relevant Acts and Statutes

Para 4. Of Case Records

Para 5. Division of Records

Para 6. Instructions to be followed by the Bench and Section Clerks

Para 7. Duties of the Record Keeper

Para 8. Maintenance of Record Room – Steps to be followed

Para 9. Registers to be Maintained in the Record Room

Para 10. APPENDIX D

Para 11. Rules for The Preservation and Destruction of Records in the  
Subordinate Courts.

Para 12. APPENDIX A

Para 13. APPENDIX B

Para 14. APPENDIX C

Para 15. Ready Reckoner (Period of Retention/Date of Destruction)

# **MAINTENANCE OF CASE RECORDS AND RECORD ROOM, CLASSIFICATION OF RECORDS INTO PARTS AND DESTRUCTION.**

**1. Introduction:** The Court of Justice is functional with Court Records and Registers and Books and Papers in Physical Form. Now-a-days, there are Paperless courts and courts dealing with filing of cases in Electronic or some other Digital Form. Maintenance of Case Records start with the filing of the case, continues till the case is disposed before the Court concerned and culminates with the process of Consignment of the Disposed case Record to the Record Room, its Preservation and Destruction as per the Destruction of Records Act, the Rules and the Circulars.

The Act is a Century old Act and we are following it by adapting the same to the present day functioning of the court. There is need that the Act and the rules are re-framed afresh in line with the change in law and the functioning of the courts.

**2. Maintenance of Case Records and the Record Room:** Record Room is pivotal for smooth functioning of the Courts. A disposed Case record has to be consigned to the Record Room, preserved in the form as per the prescribed Rules and should be Destroyed as per Rules. All Case Records, Court Registers, Books and Papers should be properly marked, duly entered in the Record Room Registers and steps should be taken for destruction of the time barred records. The Record Keeper should see that the records consigned to the Record room are maintained properly so that delay in tracing and retrieving the record will not cause any delay in sending the records to the Appellate Courts whenever they are called for. Similarly, if the records are maintained properly, certified copies of the records consigned, can be readily given and documents can be returned quickly whenever a petition is allowed for returning of document.

### **3. Relevant Acts and Statutes:**

3.1 Case Records, generally are of two types. Civil and Criminal. The rules governing Maintenance, Preservation and Destruction of Case Records, Registers (Judicial and Administrative), Books and Papers and Maintenance of Record Rooms are provided under -

1. Destruction of records Act, 1917 (Central Act V of 1917)
2. Rules for the Preservation and Destruction of Records in the Subordinate Courts framed by the Hon'ble High Court in Roc.No.9/SO/73 dt: 15.3.1977 [vide *Hon'ble High Court of A.P. in its circular R.O.C.No. 504/E6/96 dt:30.1.1996*]
3. The Andhra Pradesh Civil Rules of Practice and Circular Orders, 1980
4. Criminal Rules of Practice and Circular Orders, 1990
5. Circular Orders and Instructions issued by the Hon'ble High Court from time to time.



**Note: For Guidance, also See Volume I and Volume II Civil Rules of Practice and Circular Orders issued by Madras High Court, Second Edition as revised in the year 1940. The registers on the Civil and Criminal side are still being referred as referred in the Madras Circular Orders.**

3.2 The Rules framed vide Roc. No.9/SO/1973 are important. These Rules contain 11 Rules and Appendices A, B, C, D & E providing for preservation and destruction of records including rules in respect of -

1. **Index [Appendix A]** – Index as it denotes contains the papers in the record in the given form.
2. **Division of Records into parts and Description of papers.** [Appendix B] – It gives three tables in Civil for three parts of civil records i.e. for part I, Part II and Part III. Each table again gives the class of cases and the description of papers in each case that fall in Part I, Part II or Part III.

Similarly it gives two tables for criminal cases i.e. for Part I and Part II. Each table gives the class of criminal cases and description of papers in each criminal case that fall in each part.

3. **Retention period of the different parts of the Records.** [Appendix C]. It gives the period of retention for each part of each class of cases in each category on criminal side and civil side.
4. **Retention period of the different Registers, Books and Papers.** [Appendix D]. It gives period of retention of different registers books and papers.
5. **Registers to be maintained in the Record Room.** [Appendix E]. This appendix gives the registers to be maintained in the record room.

**Note:** The Appendix A to E are referred in the Rules as ‘Part A to E in the Appendix to the Rules’.

**4. Of Case Records:**

4.1 **Indexing:** As per **Rule 1 of Destruction of Records Rules** framed by the Hon’ble High Court of AP, **Index** is to be opened with the record of every case on its first institution in each court, and each paper shall, so soon as it is filed with the record, be numbered and marked off in the Index as appertaining to one or another of such parts.

**Form of Index Civil Side:** Form prescribed in Appendix A of the Rules. (Civil Miscellaneous Form [CMF] 71 of Appendix III-L of Vol II of Madras Circular Orders).

**INDEX**

[Rule 1 of the Rules under the Destruction of Records Act, 1917]

Suit (Application or Appeal or Calendar No. ....of .... on the file of the ..... Court of .....in the District of .....

Serial Number of the Paper	Description of the Paper and its Date	Date when the Paper was filed or	Number of the Part of the Record to	Alphabetical or Numerical Marks of the	Remarks
----------------------------	---------------------------------------	----------------------------------	-------------------------------------	--	---------

		Put up on the case	which the Paper appertains	Exhibits filed	

4.2 B Diary proceedings need not be entered in the Index Form.

4.3 The date of issue of processes shall be entered in column 2 of the form and the date of return after execution in column 3. The dates on which depositions, Judgments and decrees were completed or signed by the judge shall be entered in column 2, and the date of receipt by the suits clerk shall be shown in column 3.

**Criminal Side:**

Same Form which is also prescribed in Form No.52-A of Criminal Rules of Practice and Circular Orders, 1990.

**5. Division of Records:** As per Rule 2, every civil record shall, after its completion and immediately before it is deposited in the record room, be divided into parts as shown in the table given in Part-B /Appendix B of the Rules. All criminal records shall be divided as provided under Form 52-B of Criminal Rules of Practice and Circular Orders, 1990.

Part I

Civil Matters --- Part II

Part III

Part I

Criminal Matters --- Part II

**Note:** Form 52-B of Criminal Rules of Practice provides for division of records and registers etc., and destruction of the same on criminal side. It is similar to the rules of division and destruction provided in Appendix B and C of Destruction Rules.

**6. Instructions to be followed by the Bench and Section Clerks:** The Clerks attending the Trials and proceedings, shall follow the following instructions so that the Records are sent to the Record Room in handy manner. (As per (1) Destruction Rules, 1971, (2) Madras Circular Orders, APHC Circular Orders)

**a. Indexing:** Each paper shall, as soon as it is filed with the record, be numbered and marked in the Index as appertaining to one or another of the part.

**b. Noting the Nature of the Record:** At the head of the Index, enter the nature of the suit or proceeding with reference to schedule 'C' of the Record Destruction Rules.

**d. CNR No.** After the particulars of the case are entered in e-courts, the 16 digit Court Number Record (CNR) will be generated. The CNR number shall be noted on the case docket and the Index.

**e. Noting Date of Final Order/Final Decree and Part III:** Immediately below such entry, write the date of the final decree or order and below that, the date on which part III has to be destroyed.

**f. Noting about Exhibit:**

(i) Whenever an exhibit is produced by a witness, write the witness number opposite to it in the remarks column of the Index.

(ii) When an exhibit becomes void or useless through a decree, it shall be written across it and in the remarks column of the Index as "Superseded by Decree".

**g. Foolscap paper to be used:** Avoid as far as possible all papers not of foolscap size. See that the records are sent as in usual practice in which the records are maintained in the Record Room of the respective Court. If the records are kept folded once down in the middle, then they should be sent folded.

**h. Numbering the papers and Marking the Parts:** Mark each paper with its serial number on the top right hand side, and at the bottom on the same side, mark the part to which it pertains to. Each side of the paper is to be given a number. The practice is to note even numbers consecutively.

**i. Arrangement of Record:** Arrange the record in order of serial number without reference to the parts. (However, it is not the practice)

**j. Of Documents:**

(i) To enable the parties who have filed documents in Court to withdraw the same, the following note shall be made at the foot of every copy of Decree or Order-

**“The parties should apply as soon as possible for return of all exhibits which they wish to preserve, as the record will be liable to be destroyed after three years from the date of decree or order”**

(ii) In cases (both civil and criminal) where no documents are filed by parties, the Clerk concerned before consigning the records, shall verify the records and certify that there are no documents filed by the parties.

Note: It would be a better practice if in criminal cases, similar certification is made regarding the property and if property is there, to be noted about its disposal.

(iii) UN-field (unmarked) documents which are produced into the Court and not been tendered in evidence or rejected shall be kept separate from the case record and are to be entered in the Register of unfiled documents.

**k. Depositing/Consigning the record:** After preparation of fair copy of the Judgment or Order (and the Decree in respect of civil matters), and after arranging the record and after completion of recording entries in the Index Sheet, the record has to be deposited in the record room.

**l.** The Records of Subordinate Courts shall be sent to the District Court (Where there is Central Record Room) during the following 3 periods:

1 <sup>st</sup> period	-	1 <sup>st</sup> January to 31 <sup>st</sup> March
2 <sup>nd</sup> period	-	1 <sup>st</sup> April to 31 <sup>st</sup> August
3 <sup>rd</sup> period	-	1 <sup>st</sup> September to 31 <sup>st</sup> December

## **7. Duties of the Record Keeper:**

**7.1 Verification of Index and Record:** It is the duty of the record keeper of central record room, or the record keeper of the Court concerned where there is no central record room, to check the records received and satisfy himself that the papers in the records are arranged and indexed as per the Rules and Circulars.

**7.2 Entering in the Registers:** The Record Keeper shall see that all the records received are entered in the appropriate registers promptly. The Date of disposal of the case and the columns in the Destruction Registers viz., CR 63 to CR 66 and Criminal Destruction Register 24 are to be noted to facilitate proper retention and timely destruction of the parts of records. Whenever any case record is received in the record room, corresponding endorsement should be made by the Record Keeper of receiving the Record in the Registers concerned of the Civil or Criminal Section. For Example, if a Sessions Case SC 1 of 2010 is consigned to the record room, the same should be endorsed in the Sessions Case Register CR 1 across that case.

**7.3 Calculating the Period of Retention/ Due date of Destruction:** The parts of records i.e., Part I, II and III in civil matters and part I & II in criminal matters shall be retained for the periods specified against them from the date of their completion as given in Appendix C (Form 52-B in criminal cases).

Similarly, the Registers, Books and papers shall be retained for the periods specified against them in Appendix D.

**7.4 Prior Permission of the District and Sessions Judge for Destruction:** No court subordinate to the District and Sessions Judge shall cause any papers described in Table C and D of the Rules [Appendix C and Appendix D], which became ripe for destruction to be destroyed, without the written permission of the District and Sessions Judge.

The List of items ripe for destruction should be sent in the below format year wise (of cases or registers, etc.,) and category wise:

[Example]

**For the year 2012 – Original Suits**

S. No.	Case No.	Date of Judgment	Destruction Date Part II	Destruction Date Part III

**7.5 Destruction of Filed Documents:** Before destruction of documents, notice containing the list of such documents which were not reclaimed, shall be published on the notice Board of the District Court, the court concerned and in the District Gazette in the months of January and July of each year, giving time to reclaim, to enable the parties to take return of the documents filed by them and if the documents are still not reclaimed, the same shall be destroyed. [Rules, 5, 8 & 9]. When any exhibit is returned, the fact and the date should be entered in the remarks column.

**7.6 Destruction of un-filed Documents:** If the un-filed documents (Not tendered in evidence or rejected, when tendered in evidence) which are kept separate, are not taken back by the respective parties, they shall be retained in the court for one year and after expiry of one year, they shall be destroyed after giving notice as given for Filed Documents. [Rules 2, 5, 8 & 9]. Note: Fact of destruction should also be noted in the Un-filed documents register.

**7.7 Destruction of Re-exhibited document:** Whenever any document is ripe for destruction and when it is marked in any other case before destruction, the period for destruction of such document be calculated from the date of final disposal of the latter case.

**7.8 Records where no documents are filed:** The records in which no documents are filed by both parties, may be destroyed without publication in the District Gazette, after obtaining the permission from the District Judge.

**7.9 Destruction of process of parties set ex parte:** At the time of destruction of Part-I records in civil matters, the processes issued to the defendants or respondents who were set exparte in suits/appeals shall be transmitted by the District Court to ‘subordinate Courts to mix them in the execution record, in cases in which execution is not completed.

**7.10 District & A.P. Gazettes & Government of India Gazettes:** Part 1-A, 1-B, II, III and IV of A.P. Gazette and Parts I, II, III and supplements of the Government of India Gazette shall be separated from the main Gazettes and they shall be preserved permanently after binding. The other parts of the Gazettes shall be destroyed as per the procedure for destruction.

**7.11 All Draft Judgments:** All draft judgments in suits and appeals shall be collected, arranged in chronological order and bounded in separate books, one for each class, year wise, to facilitate the destruction of the respective judgments as per the periods mentioned in the Appendix C.

**7.12 Fair Judgment and Decree:** The Fair judgment and decree are permanent record and they shall be separated from Part-I before destruction and they shall be arranged in accordance with the classification and chronological order.

**7.13 Original Wills:** Destruction rules do not provide for destruction of original wills and they have to be preserved permanently.

**7.14 Date of Destruction in reference to Preliminary or Final Decree?** The destruction rules do not permit the destruction of records with reference to the date of the preliminary decree. The time for retention of Part III records, including the mortgage deed, should run from the date of the final decree.

**7.15 Noting of Destruction of Parts on the Index:** When part III record is destroyed, the fact should be noted on the index and the date of Destruction of part III should be substituted with the Date on which the next part or document has to be destroyed and so on with the destruction of next part.

**7.16 Noting when material papers are sent to High Court:** When material papers are sent to the High Court, new serial numbers should not be given but they should be entered in the list according to their old numbers and the total number of papers sent should be shown at the foot of the list and the Index should also note the serial numbers sent to High Court.

#### **Of Court Registers, Books and papers etc:**

**7.17 Permission of District Judge [Rule 4]:** A list of the Court registers, Books and papers, ripe for destruction, year wise, has to be submitted to the District Judge seeking permission for their destruction. The list shall contain the category of register with number, year wise, and the date of destruction as per Appendix D table period. Only after receipt of permission from the District Judge, the destruction work shall be done.

**7.18 Records which shall not be destroyed [Rule 6]:** The following records shall not be destroyed:

- i) Records connected with the expenditure which is within a statute of limitation.
- ii) Records connected with claims to service and personal matters affecting persons in service.
- iii) Orders and sanctions of a permanent character until revised.

**7.19** The daily lists displayed by the copying section shall be filed in the record for 12 months and shall then be destroyed. [Rule 193(1) CRP]

**7.20 Mode of Destruction:** As per Hon'ble High Court circular ROC 300/OP. CELL-E/2014, Dt. 13-01-2015, the old record shall be shredded before it is put to auction so that the record do not retain its identity as judicial record.

#### **8. Maintenance of Record Room – Steps to be followed:**

1. The Record keeper should see that sufficient air and ventilation is provided to the record room.
- 12) Steps shall be taken to provide chemical products to preserve the records for longer period.

- 13) The record keeper should see that dust is removed from the bundles and keeping of naphthalene balls, spraying of chemicals etc., must be done as and when required. Fire extinguisher, sand with buckets shall be kept ready to meet any fire accident.
- 14) Record keeper should ensure that there is no water seepage and should bring any such problem to the notice of the Judge for taking immediate steps for repair.
- 15) Record Keeper should be prompt in entering the records and registers etc received by him and should see that they are arranged and placed in their respective bundles.

**9. Registers to be maintained in the Record Room:**

To facilitate the destruction work of records, in addition to the Five Registers described in Appendix E, infra, the following registers have to be maintained.

1. Record Receive Register - CR 62
2. Record Issue Register
3. Copy Application Register
4. Library Books Register (If Library Books are kept in the Library)
5. Library Books Issue Register
6. Register of Gazettes
7. Register of Return of Documents
8. Destruction Register of Appeal Suits
9. Destruction Register of Civil Miscellaneous Appeals
10. Destruction Register of Rent Control Cases
11. Destruction Register of Original Petitions

**Appendix E Registers**

1. Record Destruction Register of Suits - CR 63
2. Record Destruction Register of Small Cause Suits - CR 64
3. Record Destruction Register of Civil Miscellaneous Petitions - CR 65
4. Record Destruction Register of Execution Petitions - CR 66
5. Record Destruction Register of Criminal Cases - CR 23

**10. RULES FOR THE PRESERVATION AND DESTRUCTION OF RECORDS IN THE SUBORDINATE COURTS**

Roc.No.9/S.O./73 - The following notification will be published in the A.P.Gazette and the said notification will come into force with immediate effect:

In exercise of the powers conferred by sub-section (3) of section 3 of the Destruction of records Act, 1917 (Central Act V of 1917), and with the previous approval of the Government of Andhra Pradesh, the High Court of Andhra Pradesh Supervision of all the existing rules on the subject, save the destruction of Records (Office Rent Controllers) Rules, 1964, hereby makes the following rules for the Preservation and Destruction of Records in the Subordinate Courts.

# **RULES UNDER THE DESTRUCTION OF RECORDS ACT, 1917**

## **(Central Act V of 1917)**

**1. Index paper to be opened :-** An index of the form prescribed in part A of the Appendix hereto shall be put up with the record of every case on its first institution in each court, and each paper, as it is filed with the record, shall be entered in such Index.

The Index paper itself and the B. Diary need not be entered in the index. The date of issue of processes shall be entered in column 2 of the form and the date of return after execution in column 3. The dates on which depositions, Judgments and decrees were completed or signed by the judge shall be entered in column 2, and the date of receipt by the suits clerk shall be shown in column 3.

**2. Records to be divided into parts :** Every record shall, after its completion and immediately before it is deposited in the record room, be divided into parts as shown in the table given in part-B of the Appendix, and to facilitate this division, each paper shall, so soon as it is filed with the record, be numbered and marked off in the index as appertaining to one or another of such parts.

Unfiled documents to be kept apart and destroyed:- Other documents which have been produced by parties but have either not been tendered in evidence, or having, been tendered in evidence, have been rejected, shall be kept apart from the record of the suit or other proceeding to which they belong and entered in the register of unfilled documents and shall, if not reclaimed by the party who produced them, be retained in the court in which they were produced for a period of one year from the date of the final order of the court in the suit or proceeding in which the documents were produced, and shall at the expiration of that period be destroyed in the manner prescribed by rule 8 infra.

Provided that notice of destruction shall be given in the manner prescribed by rule 6 infra in the month of January or July succeeding the date of expiry of the period of one year preferred to in this rule and also by affixing to the notice board of the Court (at the time of publication to the notice board of the court (at the time of publication in the Gazette) a copy of the notice published in the District Gazette. Rule 10 infra shall not apply to such documents.

No application is necessary for the return of the documents produced, which have either not been tendered in evidence, or if tendered, have been rejected. It is sufficient if receipt for there is taken in the list with which have been put up.

**3. Periods of retention of records :** The parts of records described in the table given in part C of the Appendix shall be restrained for the periods respectively specified against them from the date of their completion provided that in any case the presiding officer may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed; in which case the fact shall be noted in the index and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.



Processes to defendants in ex-parte suits: The processes issued to defendants or respondents who are ex-parte in suits or appeals falling under sub-heads 1 to 4 of Part C.1.1 shall be transmitted by the District Court to Subordinate Courts at the time of the destruction to Part-I so that they may be included in part I of the execution record, in cases in which the execution is not complete. If at the time of destruction of Part-I execution is complete, the record-keeper should include the said processes in Part I execution record.

**4. Periods of retention of Court registers, etc.:** The Court registers books and papers described in the table given in Part D of the Appendix, shall be retained for the periods respectively specified against them reckoning from their respective dates or from the dates at which they close.

Provided that the District and Sessions Judge may, in his discretion, direct the retention for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of inquiries or other information or the opinions of experienced officers in matters connected with the general administration of Justice: and provided also that no court subordinate to the District and Sessions Judge shall cause any papers to be destroyed under the next succeeding rule without having first obtained from such District and Sessions Judge permission in writing to do so.

Documents ripe for destruction re-exhibited: Where any document which the destruction is ordered by these rules, is, before it has been destroyed, made evidence in any other suit or proceeding, the rule regarding its destruction shall be the rule applicable to evidence filed in such suit or proceeding where the period prescribed by such last mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

**5. Books and papers to be destroyed after prescribed period :** All records, books and papers described on the tables given in Parts C and D of the Appendix, shall be destroyed without fail at the expiration of the periods respectively indicated against them unless the High Court sanctions their disposal in any other manner:

Provided that documents produced in court by Government officials or sent for under Order XIII Rule 10 of Schedule I, Code of Civil Procedure, 1908, shall not be destroyed, but shall, if not previously returned, be transmitted to the responsible officers on the expiry of the period prescribed for their retention.

**6. Records which are not to be destroyed:-** The following should on no account be destroyed:

Records connected with expenditure which is within the statute of limitation.

Records connected with expenditure on projects, schemes or works not completed although beyond the period of limitation.

Records connected with claims to service and personal matters affecting persons in service.

Orders and sanctions of a permanent character until revised.

**7. Records of Village Panchayat Courts:-** All records of civil suits of Village Panchayat Courts other than those mentioned in sub-head 14 of Appendix B. Civil Part I shall, unless the High Court sanctions their disposal in any other manner, be destroyed by the Presidents of the panchayat courts a week after the transmission of the records in the District Munsif Courts under Rule 54 of the rules framed by the Government under the Madras Village Courts Act, 1888, as amended by Act II of 1920 and Act X of 1950. Before destruction, proclamation in the village by beat of tom-tom shall be made, but the previous permission of the District Judge as prescribed by the proviso to rule 4 above is not necessary.

**8. Districts and Andhra Pradesh Gazettes:-** With the exception of District Gazettes Part-I-A, I-B, II, III and IV of the Andhra Pradesh Gazette and Parts I, II and III and Supplements of the Government of India Gazette, which may be sold as waste paper, all other records books and papers to be destroyed under rule 5 shall be burnt in the presence of the record keeper or torn to pieces and sold as paper waste.

Whenever records, books or papers are destroyed under Rule 5, a complete list of the records, books or papers so destroyed shall be prepared and the date of destruction shall be entered at the head thereof; It shall be the duty of the record-keeper (or his assistant, if there is one) to certify the correctness of these lists, whenever in sessions cases, judgments in which the sentence passed is one of life imprisonment are destroyed, the record-keeper ( or his assistant as the case may be) shall also certify that the judgment is destroyed either because a report of the convict's death has been received or because the convict has been released.

**9. Publication of list of documents to be destroyed in the Gazette:-** (1) To enable parties, who have filed documents in court, to withdraw the same before the period appointed for their destruction, a notice shall be published on the notice board of the District Court and the Court concerned and in the District Gazette in January or July of each of each of year stating that all documents filed in the suits ( to be therein enumerated) will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice; and the following note shall also be entered at the foot of every copy of a decree or order granted to any of the parties to the suit or proceeding in which such decree or order was made or to the Advocate or authorized agents of such parties:-

“The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as the record will be liable to be destroyed after three years from this date.”

(2) In cases (both Criminal and Civil) in which there are no documents filed by the parties, the concerned court before consigning the records to the District Court shall verify the records and certify that there are no documents filed by the parties. The records in such cases may be destroyed without publication in the District Gazette after obtaining the permission of the District and Sessions Judge.

**10. Submission of records to District Court for safe custody:** All Courts subordinate to the District Court, except where otherwise ordered by the High Court for special reasons, shall send to the District Court during each of the three periods from the 1<sup>st</sup> January to the 31<sup>st</sup> March, the 1<sup>st</sup> April to the 31<sup>st</sup> August and 1<sup>st</sup> September to the 31<sup>st</sup> December, at such time as the District Judge may fix, the records of all suits tried by them during the previous period and the records in execution or miscellaneous proceedings in which full satisfaction has been recorded or which have become time-barred or have reached completion. This rule shall apply also to the records of small cause suits. On receipt of the records of suits, the District Court – Records keeper shall satisfy himself that the papers in the records are arranged, and the index prepared, in the mode prescribed by rules 1 and 2.

Note (1):- If at the time when copies of the judgment and decree of the appellate courts are received in a District Munsif's Court under Order XLI, Rule 37 of the Code of Civil Procedure, the records of the original proceedings with which such copies are to be filled, are in the District Court, the necessary entry should be made in the register of Civil Suits are required by the aforesaid rule, and the copies of the appellate decree and judgment should then be returned to District Court in order that they may be filed with original records there.

Note (2):- The High Court exempts all the Courts Subordinate to the District Courts in Telangana area, other than the Courts in the twin cities and Hyderabad District, under this rule as there are no central record rooms in the Districts Courts and as sufficient accommodation is available in the lower courts to retain the records of the disposed of cases without submitting them to the District Court. This exemption is not applicable to the Courts in the twin cities and in the Hyderabad District.

11. Register Prescribed:- In order to facilitate the work of destruction of records there shall be maintained in the record-room of every District Court five registers in the forms prescribed in Part E of the Appendix and it shall be the duty of the record-keeper to see that all records received by him in accordance with rule 10 are entered at once in the appropriate registers.

**11. APPENDIX A:**

FORM OF INDEX

(Rule 1 and 2 of Destruction Rules, 1973)

(Vide C.M.F. No.71, Appendix- III – Part-II, Volume-II)

of Madras Circular Orders

**12. APPENDIX B:**

Tables showing Division of Record and

Description of the papers falling under each Division (Rule – 2)

## CIVIL SIDE

[Note: Reference to 'Table C' is reference to Table in 'Appendix C']

<b><u>PART - I</u></b>		
<b>Sl. No.</b>	<b>Class of Cases</b>	<b>Divisions of the Record and Description of the Paper falling under each Division</b>
1.	Suits, Original Petitions or Appeals falling under Sub-head 1 of Table C (Civil)	<ol style="list-style-type: none"> <li>1. Index</li> <li>2. Plaint including schedule and tables and Minutes of PO</li> <li>3. Written statements &amp; Counter claims</li> <li>4. Judgment and Decree (original and appellate) including the Draft judgment as finally settled, signed and delivered and when a decree has been passed upon a Razinama, the Razinama itself and the judgment and decree on demand or finding and also the judgment or order remitting an issue for a finding and a finding thereon.</li> <li>5. Applications by a next friend or guardian Ad litem to enter into any agreement or compromise on behalf of the minor and the orders passed thereon.</li> <li>6. Processes issued to defendant and respondents in ex-parte proceedings.</li> <li>7. Appeal Memorandum</li> <li>8. Memorandum of Compromise</li> <li>9. Served Summons/Notices</li> </ol>
2.	Suits, Original Petitions or Appeals falling under sub head 1(d) of the Table C (Civil)	<ol style="list-style-type: none"> <li>1. Index</li> <li>2. Order appointing a guardian ad litem</li> <li>3. Agreement to state a case for decision</li> <li>4. Application for arbitration</li> <li>5. Order of reference to arbitration</li> </ol>

		<p>6. Award</p> <p>7. Order appointing receivers</p> <p>8. Judgment and order remanding or remitting a suit on issues.</p> <p>9. Commissioner's reports, maps and plans</p> <p>10. Processes issued to defendants and respondents in ex-parte proceedings.</p>
3.	<p>Execution proceedings</p> <p>Sub-head 4(a) of Table C(Civil)</p>	<p>1. Index</p> <p>2. Final judgment and order (original and appellate)</p> <p>3. Application for execution</p> <p>4. Counter application including claims and objections.</p> <p>5. Order directing execution</p> <p>6. Order allowing time for satisfaction of judgment</p> <p>7. Order recording payment or satisfaction in whole or in part of judgment debt.</p> <p>8. Report of sale by Court's officers.</p> <p>9. Orders confirming sales</p> <p>10. Order for delivery of possession</p> <p>11. Report of delivery of possession</p> <p>12. Appeal memorandum</p> <p>13. Judgments and Orders in Appeals</p> <p>14. Processes to defendants and respondents in ex parte proceedings</p>
4.	<p>Insolvency cases sub-head 4(b) of Table C (Civil)</p>	<p>1. Index</p> <p>2. Decisions on questions of title, priority, etc., arising in insolvency</p>

		<ol style="list-style-type: none"> <li>3. Insolvency petition</li> <li>4. Order dismissing the insolvency petition</li> <li>5. Order of adjudication</li> <li>6. Schedule of creditor</li> <li>7. Order annulling adjudication U/S.35 of the Provincial Insolvency Act (V of 1920)</li> <li>8. Order on proposal for composition or scheme or arrangement.</li> <li>9. Order on application for discharge</li> <li>10 .Report of the receiver</li> <li>11. Order annulling adjudication on failure to apply for discharge</li> <li>12. Order annulling voluntary transfer (if it relates to immovable property)</li> <li>13. Order annulling preferences (it relates to immovable property)</li> <li>14. Judgment and order on appeals</li> <li>15. Processes issued to defendant and respondents in ex-parte proceedings.</li> </ol>
5.	<p>Proceedings under Companies Act, 1956 (Indian Companies Act, 1913) filed in High Court and transferred U/S 435(old Secs.164 &amp; 165) of the Act to the District Court for Disposal (item 4(e) of Table C, Part-I – Civil)</p>	<ol style="list-style-type: none"> <li>1. Index</li> <li>2. Petitions for the winding up of the company</li> <li>3. Orders <ol style="list-style-type: none"> <li>a) Directing the winding up;</li> <li>b) staying proceeding in furtherance of the order of winding up and</li> <li>c) appointing the official liquidator</li> </ol> </li> <li>4. Decision on questions to title, priority of shares, assets of the company etc.</li> <li>5. Statement of the affairs of the company as disclosed on an affidavit as per Section 454 (old</li> </ol>

		<p>Section 177-A) of the Act.</p> <p>6. Report of the Official Liquidator u/s 455 (old Section 177-B) of the Act.</p> <p>7. Proceedings of the Committee of inspection; Sec.464 &amp; 465 (old S 178-A).</p> <p>8. List of contributories and the application of assets (Section 467) (old Section 184)</p> <p>9. Account of receipts or payments made to and by the Official Liquidator.</p> <p>10. Commissioner report, if any on the accounts of the Official Liquidator</p> <p>11. Proceedings of the Court u/s 467 to 483 (old Sections 184 to 202) of the Act.</p> <p>12. Schemes of liquidation Act u/s 546 (old 234)</p> <p>13. Order annulling dissolution u/s 559 (old Section 243 of the Act).</p> <p>14. Judgment and order on appeal.</p> <p>15. Share certificates, and other documents evidencing title to property, produced or filed in the proceedings.</p> <p>16. Any other papers considered by the Court important enough to be included in this part.</p>
6.	Proceedings relating to probate and administration and Letters of Administration Sub-head 4(c) of Table C (Civil)	Probates and Letters of Administration
7,	Testamentary actions sub-head 5 of Table C (Civil)	Wills
8.	Original petitions and Tribunal Appeals under the Estates Abolition and Conversion into Ryotwari Act, 1948 (Act No.XXVI of 1948) falling	<p>1. Index</p> <p>2. Original Petitions and Appeal Memorandum</p> <p>3. Proceedings of Settlement Officers</p>

	under sub-head 1 of Table C	<p>4. Counter and Statements.</p> <p>5. Documentary Evidence (including title deeds) pertaining to payment of compensation.</p> <p>6. Order.</p> <p>7. Decretal Order.</p> <p>8. Cheque petitions</p> <p>9. Process issued to respondents in ex-parte proceedings</p> <p>10. L.R. Applications and orders thereon</p> <p>11. any other papers which Court considers important to retain under this part.</p>
9.	Cases Under the Land Acquisition Act 1894(Act No.1 of 1984) falling under sub-head 1(b) of Table C (Civil)	<p>1. Index</p> <p>2. Award of Land Acquisition Officer</p> <p>3. Reference including Schedule</p> <p>4. Petitions filed by claimants and counters</p> <p>5. Process issued to the respondents in ex-parte proceedings</p> <p>6. Order</p> <p>7. Decretal Order.</p> <p>8. Documentary evidence (including title deeds) pertaining to payment of compensation.</p> <p>9. L.R. Applications and orders thereon.</p> <p>10. Any other papers which the Court considers</p>
10.	Petitions and Appeals under the A.P. Buildings (Lease, Rent and Eviction Control Act, 1960) falling under sub-head 4 (g) of Table C (Civil)	<p>1. Index</p> <p>2. Petitions</p> <p>3. Rent Agreement</p> <p>4. Counter</p> <p>5. Process issued to the respondents in ex-</p>



		<p>parte proceedings</p> <p>6. Order</p> <p>7. Decretal Order</p> <p>8. Appeal grounds</p> <p>9. Any other papers which the Court considers important to retain under this part.</p>
11	Cases under Hindu Marriage Act, 1955 (Act XXV of 1955) Special Marriage Act 1954 (Act XLIII of 1954) & Divorce Act, 1869 (Act IV of 1869) falling under Sub-head 1(b) of Table C (Civil)	<p>1. Index</p> <p>2. Petition</p> <p>3. Counter</p> <p>4. Document of marriage, if any.</p> <p>5. Document of Divorce, if any.</p> <p>6. Order</p> <p>7. Decretal Order</p> <p>8. Petition for Alimony</p> <p>9. Cheque Petitions</p> <p>10. Petition for custody of children</p> <p>11. Issues</p> <p>12. Processes to defendants and respondents in ex-parte proceedings</p> <p>13. Any other papers which the Court considers important enough to be retained under this part.</p>
12.	Small Cause Court Suits and village Munsif Court Suits falling under sub-heads 2 & 3 and miscellaneous proceedings falling under sub-head 4(e) of Table C (Civil).	Entire Record
13 (a)	Guardian Proceedings	Entire record except batta memorandum, notices and publication in news-papers.
13 (b)	Proceedings under Section 83 of the	1. Application

	Transfer of Property Act relating to Minor Mortgagees	<p>2. Verified Petition of the mortgagee stating his willingness to accept the deposit.</p> <p>3. Order thereon</p> <p>4. Order of Payment of money.</p>
14.	Village Panchayat Court suits falling under sub-head 3 of Table C (Civil)	<p>1. Index</p> <p>2. Plaint</p> <p>3. Written Statement</p> <p>4. Decree</p> <p>5. Suit Documents</p> <p>6. Processes issued to defendants in ex-parte proceedings</p> <p>7. Execution petition.</p>
15.	Proceedings under the State Financial Corporation Act falling under sub-head 4 (h) of Table C (Civil)	<p>1. Index</p> <p>2. Petition</p> <p>3. Counter</p> <p>4. Attachment warrants with lists</p> <p>5. Process issued to respondents in ex-parte proceedings</p> <p>6. Order</p> <p>7. Decretal order</p> <p>8. Sale proclamation</p> <p>9. Order allowing time for satisfaction.</p> <p>10. Order regarding payment of satisfaction</p> <p>11. Proceedings of sale and delivery of possession</p> <p>12. Any other papers which the Court considers important to retain under this part.</p>
16.	Proceedings under	1. Index

	<p>(i) Railways Act. 1890 Claims under section 82-C</p> <p>(ii) the Motor Vehicles Act, 1939 (now MV Act of 1988) under sub-heads 6 (e &amp; f) of Table C (Civil)</p>	<p>2. Application for compensation</p> <p>3. Counter or written statement</p> <p>4. Notes of Local Inspection.</p> <p>5. Order</p> <p>6. Decretal Order</p> <p>7. Any other paper which the Court considers important to retain under this part.</p>
17.	<p>Cases under the</p> <p>(i) A.P. Co-op. Societies Act; (ii) A.P. Dist. Municipalities Act.,</p> <p>(iii) A.P. Zilla Parishads Act; (iv) A.P. Shops and Establishments Act, falling under sub-head (6) of Table C (Civil)</p>	<p>1. Index</p> <p>2. Petition or appeal grounds</p> <p>3. Written Statement or counter</p> <p>4. Award proceedings</p> <p>5. Processes issued to respondents in ex-parte proceedings</p> <p>6. Order</p> <p>7. Decretal order</p> <p>8. Any other paper which the Court considers important to retain under this part.</p>

<b><u>PART – II</u></b>		
<b>Sl. No.</b>	<b>Class of Cases</b>	<b>Divisions of the Record and Description of the Paper falling under each Division</b>
1.	Suits, Original petitions or Appeals falling under sub-heads 1(a)(b)(c) of Table C (Civil)	<p>1. Order appointing a guardian ad-litem</p> <p>2. Agreement to state a case decision</p> <p>3. Application for arbitration</p> <p>4. order of reference to arbitration</p> <p>5. Award</p> <p>6. Order appointing receiver</p> <p>7. Judgment and order remaining or remitting a suit on issues</p>

		8. Commissioner's reports, maps and plans 9. Calculation memos 10. Medical report
2	Proceedings relating to probates and Letters of Administration sub-head 4(c) of Table C(Civil)	1. Application 2. Accounts filed
2-A	Testamentary Actions sub-head 5 of the Table C (Civil)	Other reasons
3.	Insolvency cases falling under sub-head 4(b) of Table C(Civil)	All papers not already specified
4.	Proceedings under the companies Act., 1956 filed in the High Court and transferred u/s 435 of the Act to a District Court for disposal (Item 4 (c) of Table C Part – I (Civil)	All papers not already classified under part-I
5.	Cases under the A.P. Buildings (Lease, Rent and Eviction) Control Act, Sub-head 4(g) of Table C (Civil)	<b>1.</b> Petitions for local inspection. <b>2.</b> Commissioner's reports, maps and plans <b>3.</b> Order remanding or remitting a case.
<b><u>PART- III</u></b>		
Sl. No.	Class of Cases	Divisions of the Record and Description of the Paper falling under each Division
1	All suits, original petitions and Miscellaneous proceedings other than those falling under sub-heads 4 (b) (d) and (e) of Table C (Civil)	9) Documentary evidence 10)B-Diary 11)Issues 12)oral Evidence 13)All papers not already specified
2	a)Guardian proceedings; and b) Proceedings under Section 83 of the Transfer of Property Act relating to minor mortgages falling under sub-head 4(a) of Table C (Civil)	a) Batta memorandum, notices and publications in newspapers and b) All papers not already specified in Part I

## CRIMINAL SIDE

Form 52-B of Criminal Rules of Practice and Circular Orders, 1990

<b><u>PART-I</u></b>	
Class of case	Divisions of the record and description of the papers falling under each division
Trial (other than summary)	3. Index 4. Judgment and sentence, if any (Original and appellate) including spare copies of printed Sessions Judgments. 5. Petition of appeal, or application for revision, or letter of referring Court judgment and order thereon. 6. Charges 7. Documentary evidence
Summary Trial  Miscellaneous Cases	All papers including register 1. Index 2. Order and grounds, if any (Original and appellate) 3. Petition of appeal, or application for revision, or letter or referring Court judgment and order therein 4. Documentary evidence
Award Proceeding by Lok Adalat	Award copy, compromise petition, proceedings, sheet, F.I.R., charge sheet papers both in warrant cases and summons cases

<b>PART II</b>	
Trials (other than summary)	<ul style="list-style-type: none"> <li>• Warrant of commitment to jail, if any</li> <li>• Complaints to Magistrates, when acted upon by the Magistrate</li> <li>• Reports by the Police under Section 174 and 175 of the Criminal procedure Code (Act V of 1898) when following by action on the part of the Courts</li> <li>• Oral evidence</li> <li>• All papers not already specified</li> </ul>

Miscellaneous Cases	1. Oral evidence 2. All papers not already specified
Miscellaneous papers in Lok Adalat	All other material other than mentioned in part-I

### 13. APPENDIX - C:

Tables showing the Period Prescribed for Retention Of Various Parts Of The Records In Various Classes Of Proceedings (Rule-3)

#### CIVIL SIDE

	Nature of proceedings	Number of years for which records are to be retained		
		Part I	Part II	Part III
1	In suits or Appeals:			
	a) For or affecting immovable property other than for fore-closure of mortgage.			
	A. Fair Judgments and Decrees S.No.4 of Part I papers (Original and Appellate)	Permanent		
	B. Other records of Part I	20	5	3
b)	In respect of – <ul style="list-style-type: none"> <li>• Succession to an office or</li> <li>• To establish or set aside an adoption or</li> <li>• Otherwise to determine the status of an individual or</li> <li>• In suits under the Indian Succession Act (1925) and the Hindu Wills Act (<b>since repealed and incorporated in Indian Succession Act</b>) or</li> <li>• In cases under -</li> <li>• Indian Divorce Act</li> </ul>	20	5	3

	<ul style="list-style-type: none"> <li>• The Hindu Marriage Act</li> <li>• The Special Marriage Act</li> <li>• The Indian Succession Act and</li> <li>• The Land Acquisition Act</li> <li>• Decisions regarding a public right or custom or any matter affecting the public or portion of it</li> </ul>			
	c) For foreclosure of mortgage	15	5	3
	d) Not already named	12	-	3
2.	In small cause suits	15	-	-
3.	In village Court (Nyaya Panchayat) suits (NA now).	12	-	-
4.	In Miscellaneous proceedings			
	<ul style="list-style-type: none"> <li>• In execution cases</li> </ul>	15	-	3
	<ul style="list-style-type: none"> <li>• In insolvency cases</li> </ul>	20	6	-
	<ul style="list-style-type: none"> <li>• In proceeding relating to probates and letters administration, in proceedings under the Land Acquisition Act involving temples, minors and widows and in proceedings under Indian Divorce Act or the Indian Lunacy Act (<b>Since repealed vide New Mental Health Act</b>)</li> </ul>	20	5	3
	<ul style="list-style-type: none"> <li>• In guardian proceedings and proceedings under Section 83 of the Transfer Property Act minor mortgages</li> </ul>	until three years after the minority ceases	-	3
	<ul style="list-style-type: none"> <li>• In proceedings under the Companies Act, 1956 filed in the High Court and transferred under Section 435 of the Act</li> </ul>	20	6	-

	to a District Court for disposal.			
	• In other miscellaneous proceedings	3	-	-
	• A.P. Buildings (Lease Rent and Eviction) Control Act.	12	5	3
	• State Financial Corporation Act.	12	5	3
5.	In Testamentary actions	Permanent		
6.	In proceedings under the:  16)A.P. Co-operative societies Act 17)A.P. District Municipalities Act 18)A.P. Zilla Parishads Act 19)A.P. shops and Establishments Act 20)Railways Act 21)Motor vehicles Act	6	-	-

### **CRIMINAL SIDE**

		Part I	Part II
<b>1. In Trials And Appeals -</b>			
◦	Sessions Cases	*20	3
◦	Warrant Cases	20	3
◦	Summons Cases	5	3
◦	Summary trial –		
	A) Forms kept u/s 263 of the Code of Criminal Procedure and judgment recorded u/s 264 in cases where either (i) some of the accused or parties proceeded against have not been apprehended or (ii) the accused or any of them have been convicted of an offence or repetition of which renders the offender liable to enhanced punishment.	10	-
	B) All other records	3	-



	C) a) Award copy, compromise petition, proceedings sheet, F.I.R., charge sheet papers both in warrant cases and summons cases	-	20
	b) Miscellaneous papers in Lok Adalat cases	-	3
o	All records in criminal cases before village Panchayat Courts except documentary evidence (NA now)	1	-
o	Documentary evidence in cases before village Panchayat Courts (NA now)	3	-
2. In Miscellaneous Proceedings			
a)	Maintenance	20	3
b)	Security to keep the peace or for good behavior	10	3
c)	Other Miscellaneous Proceedings	3	3
3. Records in cases referred by the Police or in which further investigation is stopped		3	-
4. Records in cases entered in the Register of long pending cases (From the date on which the case was entered in the register of long pending cases)		30	30

\* In cases in which the sentence passed is one of imprisonment for life, the Judgment must be preserved until the report is received of the convict's death or release.

#### 14. APPENDIX – D:

Table Showing The Periods Prescribed For Retention  
Of Various Court Registers, Books And Papers (Rule 4)

Sl. No.	Description of Court Registers, books and Papers	CR No.	No. of years for which registers etc., are to be retained
1.	Register of Suits (Civil) other than that of a village Court (Nyaya Panchayat)	CR 1	Permanent
	a) Register of original petitions received	CR 2	-do-
2.	Register of Appeals (Civil)	CR 3	-do-
	a) Register of miscellaneous appeals received (civil)	CR 4	-do-
	b) Register of insolvency petitions received.	CR 7	-do-
	c) Register of insolvency petitions disposed of		-do-
	d) Register of proceedings in insolvency Subsequent to orders of adjudication	CR 13A	-do-

3.	Repealed Acts of permanent value		-do-
4.	Cash books and ledgers	CR 119 CR 37	25
5.	Register of Small Causes	CR 2	20
	a) Dividend register in insolvency		20
	b) Register of assets in insolvency		20
	c) Register of leases in insolvency		20
6.	A Diaries from the dates on which they close	CR 16	5
	a) Village Courts (Nyaya Panchayats) Register of suits (Civil)		12
7.	Register (other than of summary trials) in the use of Criminal courts including courts of Village Magistrates and Panchayat Courts (Nyaya Panchayats)		5
	a) Record Destruction Register of Criminal Cases	CR 24	25
	b) Register of Long Pending Cases	CR 23	30
8.	Register of court fees and registers in the Nazarat Dept.		3
9.	Register of execution petition and register of execution proceedings in suits of other courts	CR 6	12
10.	Copyists registers and process service registers		3
	a) Register of deposits relating to receipts and repayments.		10 years or so long as any outstanding remains
11.	Other registers:		
	a) Accounts books other than cash book and ledger, register of applications for return of documents, receipts books for documents returned to parties, stationery accounts, postage accounts, Contingent bills and registers, Register of Commissions issued.	CR 49	5
	b) Registers of movable and immovable property attached	CR 31 CR 32	12
	c) Record destruction registers relating to original suits, Small Causes Suits, Original Petitions, Civil Miscellaneous petitions and execution Petitions.	CR 63 CR 64 CR 65 CR 66	15
12.	Challan and Cheque books		10
	a) i) Magisterial and Judicial registers of correspondence received and dispatched and administrative registers of dispatch except in the Revenue Divisional Office.		5
	ii) Magisterial and Judicial registers of correspondence received and dispatched and		20

	administrative registers of dispatch in the Revenue Divisional Offices.		
	b) Receipt registers of administrative correspondence		10
13.	Other court of office books and registers other than Civil Register No.50 (Register of Pleaders and their Gumastas (clerks))	CR 50	3
	a) Quarterly civil lists. Lists of Judicial Establishments, Postal and Telegraph Guides and other similar books.		3
	b) Civil Register No.50 (Register of Pleaders and their gumastas)		12
14.	District Gazette		Permanent
15.	Andhra Pradesh Gazette, Parts IA, IB, II and III and IV		10
16.	Government of India Gazette, Parts I, II and III		10
	<b>Government of India Gazette Supplements</b>		3
	Rest		Permanent
17.	Correspondence with the High Court on important matters & orders of the High Court thereon including Administration from reports received from the High Court and the Government Termination.		20 years from termination
	a) Administration reports (Criminal) salient features		20
18.	Other official correspondence not included in item 31		3 years from termination
19.	Yearly statements other than that showing the names of pleaders to whom renewed certificates were issued during the preceding year and half yearly statements.		5
	a) Annual statement showing names of the pleaders to whom renewed certificates were issued during the preceding year		12
	b) Annual statement judicial statement no.1 Part-II		5
20.	Monthly and quarterly statements including accounts of stamp duties and penalties		3
	a) Civil statistical returns(Periodical)		3
	b) Criminal Statistical returns (quarterly)		3
21.	Applications for leave and orders thereon, applications from candidates for employment		1

	and reports on applications not relating to suit or proceedings in court.		
22.	Magisterial diaries, Police arrest returns, police occurrence Reports and police reports on unnatural and sudden deaths.		3
23.	Register of suits disposed of	CR 8	3
24.	Register of petitions		12
25.	Pay bills and acquittance rolls, where these are maintained separately of Govt.Servants for whom no establishment returns are submitted or no service books or service rolls are maintained		25
	a) Pay bills and acquittance rolls where these are maintained separately of inferior government servants		5
N.B. Where however, the service of inferior Govt.Servant is verified annually (Under the orders issued in G.O.Ms.No.45, finance, dt.8.2.1937), preservation period of pay bills and acquittance rolls will be only six years (G.O.Ms. No. 4612-H dt.15.11.1937).			
	b) Pay bills of other classes of government servants and acquittance of rolls for pay and allowances(other than traveling allowance) when maintained separately		6
26.	Cancelled pleadership certificate		6
27.	Annual Establishment returns		35
28.	Detailed Budget Estimate of an office		5
	a) Budget-Administration of Justice-Estimate of receipt and charges		5
	b) Budget Administration of Justice-Building-Civil works Part-II, Schemes list of Major and Minor works		5
	c) Budget-Administration of Justice-Additional Allotment		2
29.	Traveling allowance bills and acquittance rolls relating thereto		3
30.	Cases(Including service books and leave accounts attached thereto) in which invalid or compensation pensions have been sanctioned		25
	a) Other pension cases (including service books and leave accounts attached thereto)		5 years after retirement
31.	Statement of monthly progressive expenditure and correspondence relating to discrepancies in figures		2
32.	Bound volumes of printed sessions judgments		35

33.	The complete list of the records, books or papers destroyed - vide rule 6 of the above rules		Permanent
34.	Monthly and Quarterly statements a) Criminal statistical returns b) Review of pending criminal cases in the Courts of the Magistrate by the Sessions Judge c) Copies of calendars and judgments submitted by Magistrates to the Sessions Judge		3 3 1 3

**16. Types of cases entered in the CIS:**

Sl. No	Computer code and Nature of Case	Full Name of the Case	Short Name of the Case
1.	010101	Title Suits for affecting	OS (T)
2.	010102	Money Other suits	OS (M/Oth)
3.	010103	Small Cause suits	SCS
4.	010201	For Passing Final Decree	FDP
5.	010202	IAU/O39 R1,2 & 4	
6.	010203	IA U/o 22 R3 & 4	
7.	010204	IA U/O 40 R 1	
8.	010205	IA U/O 34 R 5	
9.	010206	IA U/S 151	
10.	010207	Civil Miscellaneous Petition	CMP
11.	010301	EA U/O 21 R 58	
12.	010302	EA U/O 21 R 97	
13.	010303	EA U/O 21 R 99	
14.	010304	EA U/O 38 R8	
15.	010305	EA U/S 47	
16.	010306	EA U/O 21 R 90	
17.	010307	EA Oth	
18.	010401	All E.P.s when Orders Pronounced	
19.	010501	Under Insolvency Act, other than Debtor Petition	
20.	010502	Under Insolvency Act by Debtor	
21.	010503	Under Insolvency Act	
22.	010504	U/S 11 (4) and S 14 of RC Act	
23.	010505	Election Petitions under various Acts	
24.	010506	Application under Act 45/1987	
25.	010507	Application U/S 9 of RC Act	

26.	010508	Application U/S 53 & 54 of Insolvency Act	
27.	010601	U/S 110 of MV Act 1939/U/S 166 of MV Act of 1988	
28.	010602	U/S 92-A of MV Act 1939/U/S 140 of MV Act of 1988	
29.	010603	Land Grabbing Prohibition Act	
30.	010604	AP (TA) Public societies Registration Act	
31.	010605	Land Acquisition	
32.	010606	Other OP excluding U/S 24, U/O 33 R 44	
33.	010607	OP U/S 24, U/O 33 R 44	
34.	010608	Rent Controller Cases	
35.	010609	Tenancy Cases	
36.	010701	Civil Appeals/Money	AS (M)
37.	010702	Civil Appeals/Title	AS(T)
38.	010703	Civil Miscellaneous Appeals	CMA
39.	010704	Rent Control Appeals	RCA
40.	010705	Under Municipalities Act	
	010706	Under Insolvency Act	
41.	010707	Civil Appeals/Cooperative Tribunal Appeals	CTA
42.	010708	Land Reform Tribunal Appeals	LRA
43.	010709	Civil Appeals/Tenancy Appeals	TA
44.	010710	Civil Appeals/Forest Appeals	FA
45.	020101	Sessions Case	SC
46.	020201	Criminal Revision Petitions	CRL.RP (Maintenance)
47.	020202	Other Criminal Revision Petitions	CRL RP (oth)
48.	020301	Calendar Case/IPC & Food Adulteration Act	CC (IPC/FA Act)
49.	020302	Calendar Case/Other Acts	CC (Oth Acts)
50.	020303	Calendar Cases arising under EC Act	CC (EC Act)
51.	020401	Summary Trial Case	STC
52.	020501	Maintenance Case	MC
53.	020601	Criminal Appeals from Asst. Sessions Judge	CRLA
54.	020602	Criminal Appeals from Junior Civil Judges	CRLA
55.	020701	Criminal Miscellaneous Petition	CRLMP
56.	020801	Preliminary Registered Cases	PRC
57.	030101	STAT Sales Tax Appeals	STAT (Sales Tax)
58.	030201	Industrial Tribunal & Labour Court U/S 10(i) of ID Act/Employment and Workmen	ID (S.10(i)/E&W)
59.	030202	Industrial Tribunal & Labour Court U/S 10(i) of ID Act/Employment and Workmen	ID (S10 (I)/Oth)

		ID Act/Other Reference	
60.	030203	Industrial Tribunal & Labour Court U/S 2-A (i) of ID Act	ID (S.2-A)
61.	030204	Industrial Tribunal & Labour Court U/S 33 (1) (a) 33 (1) (b) or 33 (2) of ID Act	ID Proceeding (S 33 1a, 1b, 2)
62.	030205	Industrial Tribunal & Labour Court U/S 33 (C) (2) of ID Act	ID Proceeding (S 33 (C) (2))
63.	030206	Industrial Tribunal & Labour Court U/S 33-A of ID Act	ID Proceeding (S 33 -A)
64.	030207	Industrial Tribunal & Labour Court U/S 75 of Employees of State Insurance Act	ID Proceedings (S75 ESI Act)
65.	030208	Proceedings Class VII- Employees State Insurance Act	ID Proceedings (CL-VII ESI Act)
66.	030209	Industrial Tribunal & Labour Court under Standing Orders Act	ID (Standing Order)
67.	030210	Industrial Tribunal & Labour Court/ Second Appeals under Shops and Establishments Act	ID (SA u/S & Estb Act)
68.	030301	Tribunal for Disciplinary Proceedings/Enquiry Cases	TEC
69.	030401	STAT (Transport, Appeal or Revision Petitions)	STAT (Transport)
70.	040101	Spl. Judge for SPE & ACB Cases/ Sessions Case	SPE & ACB (SC)
71.	040201	Spl. Judge for SPE & ACB Cases/Calendar and Trap Cases	SPE & ACB (CC/Trap)
72.	040202	Spl. Judge for SPE & ACB Cases/Calendar Cases/Assets Cases	SPE & ACB (CC/Assets)
73.	0402003	Spl. Judge for SPE & ACB Cases/Calendar Cases/Conspiracy, Fraud or Misappropriation Case	SPE & ACB (CC/Con./Fraud/Misc.App)
74.	050101	Spl Judge for Economic Offences/ Calendar CASes	Spl. EO (CC)
75.	050201	Spl. Judge for Economic Offences/ STC	Spl EO (STC)
76.		Long Pending Case	LPC
77.		Referred Charge Sheet	RC
78.		NIA/CID cases	
79.		FIR/CORs	
80.		Caveats	

**AP HC ROC 1068/65-B1** Dying declarations, statements recorded under section 164 Cr Pc and accident intimations received from hospitals in cases where further action has been dropped may be destroyed after 3 years.

Exemption in courts in Telangana where there are no central record rooms in districts and where there are sufficient accommodations for record exempted from complying with rule 8 of Destruction Rules. 333/67 B.1 dt 13-11-1967.

**APHC ROC339/69 B.1 dt.25-08-1969** Records in Small cause suits to be preserved beyond 4 years.

**APHC ROC 1261/SO/92 dt.19-04-1993.** Cases under special enactments like Records of Estates Abolition Tribunal from 1950, Records under AP Tenancy Act from 1980, Records under Land Reforms Appellate Tribunal from 1973. Same procedure as adopted by subordinate courts for destruction of records. Same with consumer forum records till they are transmitted to regular chairman headed Offices.

Form No.52-B of Criminal Part-I of the Criminal Rules of Practice and Circular Orders was amended incorporating about Lok Adalat Cases and Awards vide G.O.Ms.No.41 Law (LA, LA & J-HOME-COURT.A2) Department dt.19-10-2020.

*Prepared By*

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## **HIERARCHY AND JURISDICTION OF CRIMINAL COURTS**

Sections 6 to 23 of Chapter II and Sections 26 to 35 of Chapter III of the Code of Criminal Procedure, 1973 (for short “the Code”) deal with the constitution of criminal courts, their jurisdiction and their powers.

### **Territorial division and Sessions divisions:**

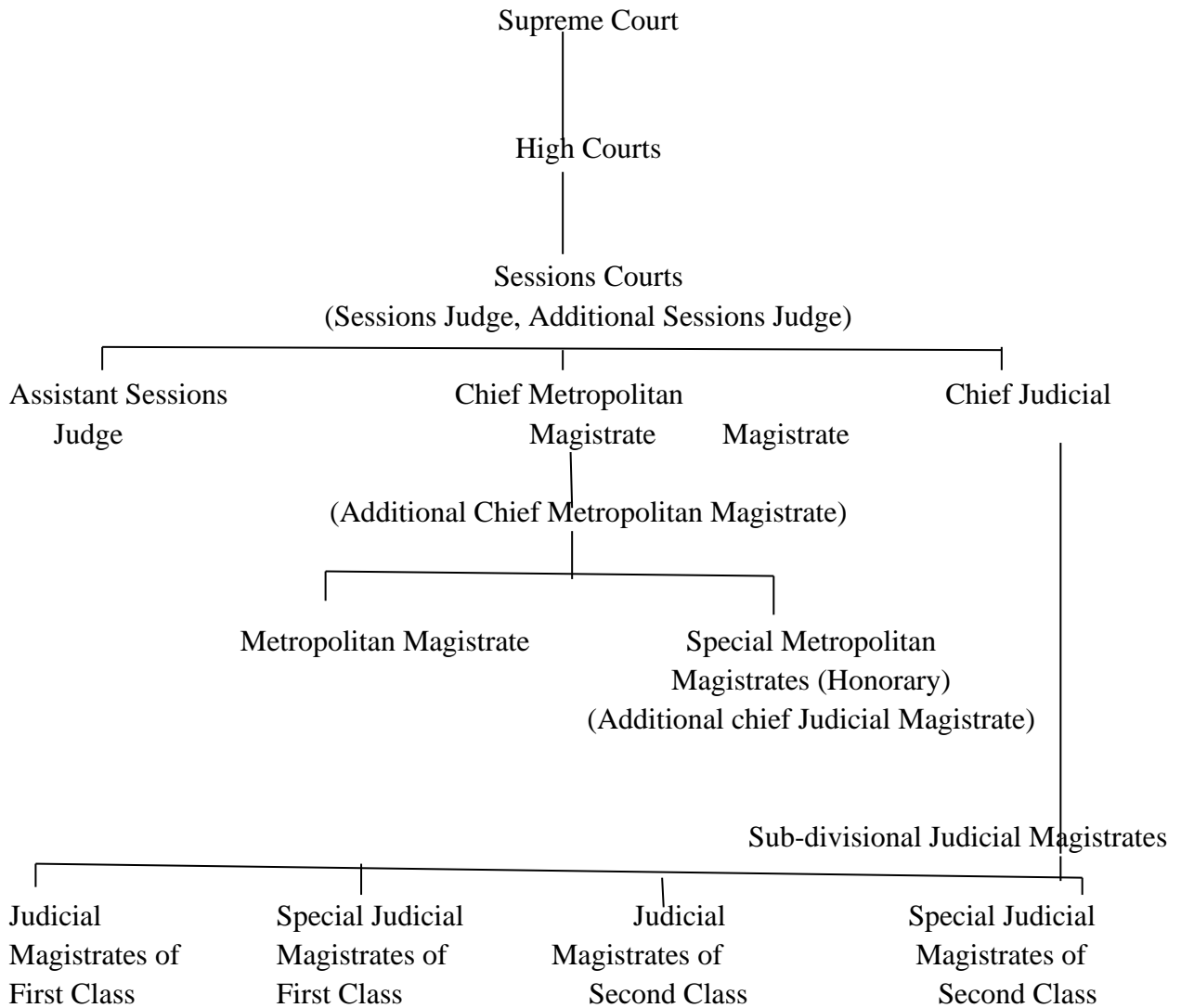
Section 7 of the Code describes territorial division and in terms thereof, every State shall be a sessions division or shall consist of sessions divisions; and every session division shall, for the purposes of this Code, be a district or consist of districts. Further, every metropolitan area shall, for the said purposes, be a separate sessions division and district.

In so far as classes of criminal courts are concerned, Section 6 of the Cr.P.C provides for the same. It enumerates that in every State, apart from the High Court, there shall be the following classes of Criminal Courts, namely –

1. Court of Session
2. Judicial Magistrates of the first class and, Metropolitan Magistrates in any metropolitan areas,
3. Judicial Magistrates of the second class; and
4. Executive Magistrates

### Hierarchy of Criminal Courts:

The hierarchy of the Criminal Courts in India is shown in the following chart,



The Supreme Court of India is established under Article 124 of the Constitution of India and is a Court of Record.

The High Courts are constituted under Article 214 of the Constitution of India.

The Supreme Court of India and High Courts also exercise jurisdiction on criminal side, apart from other jurisdictions vested in them by the Constitution of India.

### **Court of Sessions:**

Section 9 of the Cr.P.C empowers the State Government to establish a Court of Sessions for every sessions Division presided over by a Judge, to be appointed by the High Court and the High Court may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in a Court of Sessions. The Court of Sessions shall ordinarily hold its sitting at such place or places as ordered by the High Court, but with the consent of the prosecution and the accused hold its sittings at any other place for the general convenience of the parties and witnesses.

Section 10 of the Cr.P.C, provides that all the Assistant Sessions Judges shall be subordinate to the Sessions Judge of their jurisdiction.

**Courts of Judicial Magistrates:** According to Section 11 of the Cr.P.C, in every district (not being a metropolitan area), the State Government after consultation with the High Court has the power to establish courts of Judicial Magistrates of the first and second classes. If the High Court is of the opinion that it is expedient and necessary, confer the powers of a Judicial Magistrate of the first or second class on any member of the Judicial Service functioning as a Judge in a civil court.

**Chief Judicial Magistrate and Additional Chief Judicial Magistrate etc.** It is laid down under Section 12 of the Code that in every district (not being a metropolitan area), the High Court shall appoint a Judicial Magistrate of the first class as the Chief Judicial Magistrate. The High Court may also appoint any Judicial Magistrate of the First Class as Additional Chief Judicial Magistrate.

In a sub-division, the judicial magistrate of the first class may be designated as the Sub-divisional Judicial Magistrate by the High Court. Such magistrate shall be subordinate to the Chief Judicial Magistrate. The Sub-divisional Judicial Magistrate shall also exercise such powers of supervision and control over the work of the Judicial Magistrates (other than the Additional Chief Judicial Magistrates).

**Special Judicial Magistrates:** Section 13 of the Code empowers the High Court if requested by the State or Central Government to confer upon any person who holds or has held any post under the Government, all the powers conferred or conferrable by or under this Code on a Judicial Magistrate of first or second class or second class, in respect to particular cases or classes of cases in any local area other than metropolitan area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for a term not exceeding one year at a time.

**Local Jurisdiction of Judicial Magistrates:**

Section 14 of the Code defines the local jurisdiction and it lays down that the Chief Judicial Magistrate shall define the local limits of the areas within which the Magistrates appointed under section 11 or under section 13 may exercise all or any of the powers with which they may respectively be invested under this Code. The Special Judicial Magistrate Court may hold sitting at any place within the local area for which it is established.

**Subordination of judicial magistrates:** Section 15 of the Code provides that every Chief Judicial Magistrate shall be subordinate to the Sessions Judge; and every other Judicial Magistrate shall, subject to the general control of the Sessions Judge, be subordinate to the Chief Judicial Magistrate.

**Metropolitan Magistrates:**

Section 16 of the Code deals with the establishment of the Courts of Metropolitan Magistrates. It states that in every metropolitan area, there shall be established as many Courts of Metropolitan Magistrates, and at such places, as the State Government may, after consultation with the High Court, by notification, specify.

(2) The presiding officers of such Courts shall be appointed by the High Court.

(3) The jurisdiction and powers of every Metropolitan Magistrate shall extend throughout the metropolitan area.

**Chief Metropolitan Magistrates:**

Section 17 of the Code provides for appointment of Chief Metropolitan Magistrate and Additional Chief Metropolitan Magistrate. It contemplates that the High Court shall, in relation to every metropolitan area within its local jurisdiction, appoint a Metropolitan Magistrate to be the Chief Metropolitan Magistrate for such metropolitan area, and also may appoint any Metropolitan Magistrate to be an Additional Chief Metropolitan Magistrate, and such Magistrate shall have all or any of the powers of a Chief Metropolitan Magistrate under this Code or under any other law for the time being in force as the High Court may direct.

According to Section 19 of the Code, the Chief Metropolitan Magistrate and every Additional Chief Metropolitan Magistrate shall be subordinate to the Sessions Judge; and every

other Metropolitan Magistrate shall, subject to the general control of the Sessions Judge, be subordinate to the Chief Metropolitan Magistrate.

**Special Metropolitan Magistrates:**

Section 18 deals with the Special Metropolitan Magistrates. It lays down that the High Court may, if requested by the Central or State Government so to do, confer upon any person who holds or has held any post under the Government, all or any of the powers conferred or conferrable by or under this Code on a Metropolitan Magistrate, in respect to particular cases or to particular classes of cases in any metropolitan area within its local jurisdiction who shall be called Special Metropolitan Magistrate and shall be appointed for such term, not exceeding one year at a time.

**Executive Magistrate and Special Executive Magistrates and their jurisdiction:**

Sections 20 to 23 of the Code deal with the appointment of Executive Magistrates. Section 21 contemplates that in every district and in every metropolitan area, the State Government may appoint as many persons as it thinks fit to be Executive Magistrates and shall appoint one of them to be the District Magistrate and may appoint any Executive Magistrate to be an Additional District Magistrate, and such Magistrate shall have such of the powers of a District Magistrate under this Code or under any other law for the time being in force.

Section 22 deals with the local Jurisdiction of Executive Magistrates and the District Magistrate may, from time to time, define the local limits of the areas within which the Executive Magistrates may exercise all or any of the powers with which they may be invested under this Code.

Under Section 23 of the Code, all Executive Magistrates, other than the Additional District Magistrate, shall be subordinate to the District Magistrate and every Executive Magistrate (other than the Sub-divisional Magistrate) exercising powers in a sub-division shall also be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

**Which offences are triable by which Court?**

Section 26 of the Code prescribes the Courts by which offences are triable. It lays down that -

(a) any offence under the Indian Penal Code (45 of 1860) may be tried by—

(i) the High Court, or

(ii) the Court of Session, or

(iii) any other Court by which such offence is shown in the First Schedule to be triable:

[Provided that any offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code (45 of 1860) shall be tried as far as practicable by a Court presided over by a woman.]

(b) any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court and when no Court is so mentioned, may be tried by—

(i) the High Court, or

(ii) any other Court by which such offence is shown in the First Schedule to be triable.

**Provisions relating to Juveniles:**

Section 27 of the Code prescribes the jurisdiction in the case of juveniles. It stipulates that any offence not punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the Court is under the age of sixteen years, may be tried by the Court of a Chief Judicial Magistrate, or by any Court specially empowered under the Children Act, 1960 (60 of 1960), or any other law for the time being in force providing for the treatment, training and rehabilitation of youthful offenders.

In this regard, the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 are applicable in case of juveniles who have not crossed the age of 18 years and who are alleged to have committed any offence.

**Sentencing power of High Court, Sessions Court and Asst. Sessions Courts:**

Section 28 of the Code prescribes the sentencing power of each Court. It postulates that -

(1) A High Court may pass any sentence authorised by law.

(2) A Sessions Judge or Additional Sessions Judge may pass any sentence authorised by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

(3) An Assistant Sessions Judge may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years.

**Sentencing power of Chief Judicial Magistrates/Metropolitan Magistrates:**

Section 29 of the Code postulates as under:

(1) The Court of a Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years.

(2) The Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding three years, or of fine not exceeding ten thousand rupees, or of both.

(3) The Court of Magistrate of the second class may pass a sentence of imprisonment for a term not exceeding one year, or of fine not exceeding five thousand rupees, or of both.

(4) The Court of a Chief Metropolitan Magistrate shall have the powers of the Court of a Chief Judicial Magistrate and that of a Metropolitan Magistrate, the powers of the Court of a Magistrate of the first class.

**Imposing sentence of imprisonment in default of fine:**

As provided under Section 30 of the Code, which prescribes the Sentence of imprisonment in default of fine,

(1) The Court of a Magistrate may award such term of imprisonment in default of payment of fine as is authorised by law:

Provided that the term—

(a) is not in excess of the powers of the Magistrate under section 29;

(b) shall not, where imprisonment has been awarded as part of the substantive sentence, exceed one-fourth of the term of imprisonment which the Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 29.

The sentencing power of each Court is better illustrated as under:

<b>Name of the Court</b>	<b>Sentence</b>
Supreme Court or High Court	Any sentence authorised by law {Section 28(1) of Cr.P.C.}
Sessions Judge or Additional Sessions Judge	Any sentence authorised by law but sentence of death is subject to confirmation by High Court {Section 28(2) of Cr.P.C.}
Assistant Sessions Judge	Imprisonment upto 10 years or/and fine {Section 28(3) Cr.P.C.}
Chief Judicial Magistrate or Chief Metropolitan Magistrate	Imprisonment upto 7 years or/and fine {Sections 29(1) and 29(4) of Cr.P.C.}
Judicial Magistrate of I Class or Metropolitan Magistrate	Imprisonment upto 3 years or/and fine upto Rs.10,000/- {Section 29(2) of Cr.P.C.}
Judicial Magistrate of II Class	Imprisonment upto 1 year or/and fine upto Rs.5,000/- {Section 29(3) of Cr.P.C.}

**Several punishments at one trial:**

According to Section 31 of the Code, a Court is also empowered toward Sentence in cases of conviction of several offences at one trial. It lays down as under:-

(1) When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Indian Penal Code (45 of 1860), sentence him for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments when consisting of imprisonment to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

(2) In the case of consecutive sentences, it shall not be necessary for the Court by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Provided that—

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years; (b) the aggregate punishment shall not exceed twice the amount of punishment which the Court is competent to inflict for a single offence.

(3) For the purpose of appeal by a convicted person, the aggregate of the consecutive sentences passed against him under this section shall be deemed to be a single sentence.

\* \* \* \*

*Prepared By*

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# **REGISTERS ON CIVIL SIDE**

## **I SHERISTHADAR**

### **I. Administration of entire District**

- 1) Register of permanent Registers
- 2) Register of Appointments (CR 222)
- 3) Register of G.Os and circulars (year wise)
- 4) Annual gradation list
- 5) Office order book
- 6) Run-on-Note file
- 7) Register of recognized clerks of pleaders (CR 50)
- 8) Attendance Register

### **II. Registers of Original Side**

#### **(To be maintained by Section Clerks)**

- 1) Register of Original Suits Instituted (C.R 1) } in all Courts
- 2) Register of Original Petitions Instituted (C.R. 1A)
- 3) Register of Small Cause Suits Instituted (C.R.2) in concerned Courts
- 4) Register of execution Petitions received (C.R 6) (in all Courts)
- 5) Register of Insolvency Petitions Received (C.R.7) (in concerned Courts)
- 6) Register of Proceedings in Insolvency subsequent to order of adjudication (C.R. 13A) (in concerned Courts)
- 7) Register of Discredited Registered Documents (C.R.24)
- 8) Register of Sale certificates (C.R.35)
- 9) Register of Commissions issued (C.R.49)
- 10) Register of showing copies of decrees sent to Collector in pauper Suits
- 11) Register of A.T.Cs. Instituted (land tenancy petitions)
- 12) Register of R.C.Cs. Instituted (Rent control cases)
- 13) Register of succession Ops

- 14) Appeal intimation Register
- 15) Register of Receivers
- 16) Register of Decrees of other Courts received for  
execution u/s 38 & 39 and Order 21 Rule 6 of CPC (CR 14)
- 17) Register of Return of Documents (marked documents)
- 18) Register of un-filed Documents (unmarked-documents)
- 19) Register of Miscellaneous Cases Received (CR 5)
- 20) Register of Guardians and their accounts (CR 14-A)

### **III. Registers on Appellate side**

- 1) Register of Appeal suits received (CR 3)
- 2) Register of miscellaneous Appeals received (CR 4)
- 3) Register of Land Reforms Tribunal Appeals received
- 4) Register of Andhra Tenancy Appeals received
- 5) Register of Rent Control Appeals received (CMAs)

### **IV Registers to be maintained by Bench Clerks**

- 1) Register of Suits Disposed of (CR 8)
- 2) Register of Appeals Disposed of (CR 9)
- 3) Register of Miscellaneous Appeals Disposed of (CR 10)
- 4) Register of Miscellaneous Cases Disposed of (CR 11)
- 5) Register of Execution Petition Disposed of (CR 12)
- 6) Register of Insolvency Petition Disposed of (CR 13)
- 7) Hearing Book (CR 15)
- 8) Diary Register (CR 16)
- 9) Register of Land Reforms Tribunal Appeals Disposed of
- 10) Register of Rent control appeals Disposed of (RCAs)
- 11) Register of Tenancy Appeals Disposal of
- 12) Register of Original Petitions Disposed of

- 13) Register of Tribunal Ops Disposed of
- 14) Register of Small Cause Suits Disposed of
- 15) Register of ATCs Disposed of
- 16) Register of RCCs Disposed of
- 17) Register of RCAs Disposed of
- 18) Free copies of orders /judgements /awards-Dispatch/Receive register  
(In matrimonial tenancy & other matters where parties are entitled to free copies).

***Apart from that every bench clerk***

- I) Should maintain a very neat docket.
- II) Endorse accurately the result of the previous step ordered for further steps on a side portion of the docket to facilitate the P.O. to pass appropriate docket orders for progress of the case on hand.
- III) Put up seal of exhibit mark immediately on marking of every exhibit at the bench and take signature of the P.O. then and there.
- IV) Call the correct name of party at least for three times
- V) Study the Report of P.S. on notices accurately and put up correct endorsement on docket for each Defendants/Respondents.

**Red-ink Endorsement on Docket**

- Directions of Hon'ble Supreme Court/ High Court
- Remand Orders
- Identified matters
- Part-heard matters
- Title /Money matters
- Nature of Suit / OP
- Fold the docket and start from left side
- Use thick paper for docket
- Maintain the docket showing continuation of date
- Leave some place on top and end of docket
- Set the bundle in the following manner

## **Material papers**

Docket

Plaint/Petition/Re-joiner

Written statement/Counter/Counter-claims

Depositions (to be kept in a very neat manner),

Documents

Index sheet by noting every days filing of papers, petitions, documents, Memos etc., in order & date wise to avoid many complications (after entry in CR 54,56)

## **Other papers**

Process to be stitched with notices date wise

Vakalath of both parties

GPA's with R.32 Petitions

Other Miscellaneous papers

Counter-claims and X-objections in Appeals should be maintained with independent docket because they are independent matters

## **Other registers to be maintained by one of the Clerks**

16) Detailed Register of Document & Court fee (CR 17)

17) Daily Register of Court fee (CR 18)

18) Register of papers received (CR 55)

19) Register of papers dispatched (CR 56)

20) Account Book of Service postage Stamps (CR 57)

## **Guide lines for the Clerk**

- 21) Before entering the complaints/petitions/Appeals etc., put up a date seal first.
- 22) Punch the Court fee
- 23) Court fee should be punched as follows (see also the HC circulars from time to time in this regard)
  - 24) Punch the head of emblem
  - 25) Remove the chip immediately of each head.

## **Head Clerks**

8. Register of permanent Registers
9. Register of Cases sent to High Court/ District Courts for perusal in Appeal revisions reference or writ petition etc.,
10. Register of check slips
11. Increment Register
12. Office Order Book
13. Register of caveats
14. Register of wills filed in applications for grant of Probate or Letters of Administration (District Courts) (CR 78)
15. Register of instruments impounded (CR 21)
16. Service Registers
17. Casual Leave/ OH Register
18. Furniture Register
19. Register of G.O's and Circulars
- 13) Staff Movement Watch Register

Apart from that he should maintain separate PR file for each employee.

### **Accounts Branch**

- Cash Book (CR 119)
- Ledger (CR 37)
- Register of Receipts and Deposits (CR 38)
- Register of payments of Deposits (CR 39)
- Register of Jewels or other valuable deposited (CR 61)
- Register of investment (CR 74)
- Register regarding control of expenditure (CMP s 97 & 98)
- Cheque Book (CMPs 14 & 15)
- Pay bill Register for PO & Staff (Separately)
- Salary Acquittance Register (T & B 11B)
- Daily Cash Balance Register (TR 11, SR2 of ATC Vol.I)
- Head Clerk's Receipt Book (CR 51 A)
- Contingent Register
- Register of undisbursed pay
- Register of T.A Advance
- Permanent Advance Account Register
- Register of TA Bills
- Register of Audit Objections
- Challans Book
- Register of securities
- GPF pass book
- Increment watch Register
- Log Book
- Budget allotment & expenditure register
- Audit Answers pending Register

Register of expenditure on telephones  
Advances to employees watch Register  
Register of Deposits or Disbursement to local bodies  
Treasury Build Register

### **Central Record Room/ Record Rooms**

- 14) Record issue Register (CR 62)
- 15) Records receiving Register  
(In this register consigned files should be entered as and when received date wise and after checking said records, the same shall be entered in concerned record destruction register)
- 16) Destruction Register of Original Suits (CR 63)
- 17) Destruction Register of Small Cause Suits (CR 64)
- 18) Destruction Register of CMPs (CR 65)
- 19) Destruction Register of EPs (CR 66)
- 20) Destruction Register of Appeals Suits
- 21) Destruction Register of CMAs
- 22) Destruction Register of RCC
- 23) Register of Applications for return of documents (CR 23)

After checking of records as per index, Record Keeper should invariably mention on top of docket in Red-Ink the specific date of destruction of each part i.e., Part I - Date of destruction

Part II - Date of destruction

Part III - Date of destruction

and to keep the record part wise separately and cover with big tag.

### **Central Nazareth/ Dy. Nazirs**

- Register of Refunds of Process Fee & Poundage Fee (CR 22)
- 22) Curator's Register of attached movables & Livestock (CR 30)
  - 23) Nazir's Register of Movables Attached (CR 31)
  - 24) Nazir's Register of Immovable property Attached or Sold (CR 32)
  - 25) Nazir's Receipt Book (CR 51)
  - 26) Nazir's Register (A,B,C) (CR 53)
  - 27) Nazir's Register (A,B,C) (CR 53-A)
  - 28) Nazir's Register (Cash) (CR 53B)

- 29) Register of Receipt of Process Memos by the Chief Ministerial Officer (CR 53 D)
- 30) Nominal Register of Process peons & Amins (CR 54)
- 31) Diary of the Amins & Process Peons (CR 75)
- 32) Diary of the Amins & Process peons (CR 76)
- 33) Fixed T.A. Register

### **Central Copyists Establishment**

- 1) A -Register of Copyist Establishment (CR 25)
- 2) B – Register of Copyist Establishment (separately for each Court) (CR 26)
- 3) Copyist Register (CR 59)
- 4) Examiners Register (CR 60)
- 5) Xerox machine Register
- 6) A separate Register showing Xerox papers used for each CR and un-used papers (Meter of the Xerox machine should tally with the Register)
- 7) A Register for copies being granted from computer print outs.
- 8) Register of Central Copyist Establishment (CR 58)

### **LIBRARIAN & STATIONERY REGISTERS**

- Register of Library Books (CR 45)
- Register of Gazettes and periodicals (CR 444)
- Stationery Register (C.F. 345 & 346)

### **STENO/FAIR COPY BRANCH**

- 1) Register of Fair Copying Work (CR 19)

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*Prepared by*

**[Dr.S.Srinivas Reddy,  
(District Judge)  
Additional Director,  
Telangana State Judicial Academy  
Assisted by  
Sri J.Guru Prakash,  
C.A.O., City Civil Courts, Hyderabad]**

## **REGISTERS TO BE MAINTAINED ON CRIMINAL SIDE**

### **LIST OF REGISTERS TO BE MAINTAINED IN THE CRIMINAL COURTS**

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<b>S.No.</b>	<b>Form No.</b>	<b>CrI.Reg.No.</b>	<b>Name of the Registers</b>
1.	1	1	Register of Sessions cases received and disposed of
2.	2	2	Register of Appeal Cases received
3.	3	3	Register of Revision Cases Entertained.
4.	4	4	Register of calender and Preliminary Register cases received
5.	5	6/6-A	Register of Miscellaneous and Maintenance cases Received
6.	6	6-B	Register of applications under Section 113(4) of the Indian Railways Act.
7.	7	7	Register Results of Inquiries and Trials
8.	8	8	Register of Punishments
9.	9	9	Register of Appeal Cases disposed of
10.	10	10	Register of Revision Cases disposed of
11.	11	11	Dairy Register (Sessions and Magistrates courts)
12.	12	12	Register of Court Fees and Process Fees Received
13.	12-A	12-A	Process Register
14.	13	13	Hearing Book



15.	13-A	13-A	Fair copy Register
16.	14	14	Register showing the Disposal of Referred charge sheets.
17.	14-A	14-A	Register of First Information Report
18.	15	15	Register showing the disposal of property produced in inquiries and trials
19.	16	16	Register of unclaimed property
20.	17	17	Register of Calendars received
21.	18	18	Register showing the remarks on Calendars and Judgments and replies Received from Magistrates
22.	19	19	Register of Refund Certificates and Deposit Vouchers issued
23.	20	20	Register of fines imposed, levied and refunded
24.	21	21	Registers of witness batta collected
25.	22	22	Register of orders of Judge or Magistrate on witnesses' batta and traveling allowance
26.	23	22-A	Batta and traveling allowance to Witnesses
27.	24	22-D	Cash Book
28.	25	23	Register of Long Pending Cases
29.	26	24	Record Destruction Register
30.	27	25	Register of Summary Trials held before Magistrates
31.	28	26	Statement of Preliminary Enquiries
32.	29	27	Register of Fines in respect of which payments are payable to local bodies
33.	30	30	Fine Statement of the Court (monthly)

34.	30	30-A	Working Sheets for Fine Recovery
35.	31	31	State of cases in which sanction to write off is requested
36.	32	32	Statement of refund of fines to the Treasury Office
37.	50	50	Details of fines, Forest and Excise composition fee and its' remission to Treasury.
38.	51	51	Refund Orders
39.	52	52-A	Form of Index
40.	52	52-B	Table showing the division of the record description of papers as Part-I & II for Preservation/Destruction purposes
41.	53	53	Calender Proforma
42.	54	54 & 55	Form of Receipts to be granted by Courts
43.	56	56	Form of Receipt to be used when valuables are sent for disposal
44.	57	57	Service Postage Accounts

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**IN ADDITION TO THE ABOVE REGISTERS THE FOLLOWING REGISTERS ARE  
ALSO TO BE MAINTAINED.**

- 1) Pending Register
- 2) F.D.R. Register
- 3) Register of Sureties
- 4) Remand Register
- 5) Copy Application Register
  - a) Filing;
  - b) Put up; and
  - c) Stamp Account
- 6) Register of fair copying
- 7) Consignment Register
- 8) Auction Register
- 9) Confiscation Register
- 10) Attachment property Register
- 11) Property Register of accused
- 12) Dying Declaration Register

### **13) GENERAL REGISTERS TO BE MAINTAINED**

- 1) Pay bill Register
- 2) Pay bill outward Register
- 3) T.A.Bill Register
- 4) General Cash Book
- 5) Acquittance Register
- 6) Attendance Register
- 7) Casual Leave Register
- 8) Service Registers
- 9) Cheque receiving Register
- 10) Inward Register & Out ward Register (Receive and Dispatch)
- 11) Library Register
- 12) Furniture Register
- 13) Stationery Register
- 14) U.D.P. Register
- 15) P.D. Account Register
- 16) Increment watch Register
- 17) Stock Register
- 18) Budget Register
- 19) Challans
- 20) Register of G.Os and Circulars
- 21) General Officer Orders Book
- 22) Employees movement watch register
- 23) Register of Registers maintained

### **BRANCH WISE -REGISTERS – ON CRIMINAL SIDE**

#### **SHERISTHADAR / BENCH CLERK'S WING ;**

16.

1. Register of Sessions Cases Received & Disposed of .. (CrI.R.1)
2. Register of Appeal Cases Received .. (CrI.R.2)
3. Register of Revision Cases Entertained .. (CrI.R.3)
4. Register of Calendar & Preliminary Register Cases Received .. (CrI.R.4)
5. Register of Misc. & Maintenance Cases Received .. (CrI.R.6A)
6. Register of Applications U/s 113(4) of the Indian Railway Act .. (CrI.R.6B)
7. Register of Results of Inquiries & Trials .. (CrI.R.7)
8. Register of Punishments .. (CrI.R.8)
9. Register of Appeal Cases Disposed of .. (CrI.R.9)
10. Register of Revision Cases Disposed of .. (CrI.R.10)
11. Dairy Register .. (CrI.R.11)
12. Hearing Book .. (CrI.R.13)
13. Register of Orders of Judge or Magistrate on Witnesses

	Batta & Travelling Allowance	..	(CrI.R.22)
14.	Register of Long Pending Cases	..	(CrI.R.23)
15.	Record of Summary Trials Held	..	(CrI.R.25)
16.	Register of Fines in respect of which payments are payable to (Local Body)	..	(CrI.R.27)
17.	Form of Index	..	Form 52A
18.	Table showing the Divisions of the Record & the description of the papers as – Part I & Part II (For Reservation/ Destruction purposes)	..	Form 52B
19.	Calendar Proforma	..	Form 53
20.	Fair Copy Register (Steno)	..	(CrI.R.13A)

**RECORD ROOM:**

21.	Record Destruction Register	..	(CrI.R.24)
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**DESPATCH SECTION :**

22.	<u>Despatch Register</u>		
23.	<u>Receive Register</u>		
24.	<u>Service Postage Accounts</u>	..	(C.R.57)

**HEAD CLERK'S SECTION:**

25.	Register of Court fees and process fees Received	..	(CrI.R.12)
26.	Process Register	..	(CrI.R.12-A)
27.	Register showing the disposal of Referred Charge Sheets	..	(CrI.R.14)
28.	Register of First Information Reports	..	(CrI.R.14A)
29.	Register showing the Disposal of property produced in Inquiries & Trials	..	(CrI.R.15)
30.	Register of Calendars received	..	(CrI.R.17)
31.	Register showing the remarks on Calendars & Judgments & Replies received from Magistrate	..	(CrI.R.18)
32.	Register of Refund Certificates & Deposit vouchers Issued	..	(CrI.R.19)
33.	Register of Fines Imposed, Levied & Refunded	..	(CrI.R.20)

34. Register of Witnesses' batta collected .. (CrI.R.21)
35. Batta & T.A. to witnesses .. (CrI.R.22-A)
36. Cash Book .. (CrI.R.22D)
37. Attendance Register
38. Casual Leave Register
39. Service Register
40. Library Register
41. Stationery Register
42. Furniture Ref
43. Pay Bill Register
44. T.A. Bill Register
45. U.D. Pay Register
46. General Cash Book
47. Fine statement of the Court.....for the month of .....19..... .. Form 30
48. Working Sheets for Fine Recovery .. Form 30A
49. Statement of Cases in which Sanction to Write off is requested .. Form 31
50. Statement of Refund of Fines to the Treasury Office .. Form 32
51. Details of Fines, Forest & Excise Composition Fee etc.  
Remitted to the Sub Treasury at .. Form 50
52. Refund Order .. Form 51
53. Form of Receipt to be granted by the Court .. From Nos.54 &
54. Form of Receipt to be used when valuables are sent  
for disposal .. From 56
55. Copy Application Register - A – Filing  
B – Pub up  
C – Stamp A/c
56. Personal Property Register
57. Challans
58. Auction Register
59. Increment Register (Office Order Book)
60. Order of Judge or Magistrate or Jurors/Assessors Batta and  
Travelling Allowance (CrI.R.22  
B)
61. Batta and Travelling Allowance to Jurors/Assessors (CrI.R.22  
C)
62. Register of deposits of disbursements of fines remitted to the local

bodies (to be maintained by Chief Judicial Magistrates'/Chief  
Metropolitan Magistrate's Courts)

63. Register of G.Os & Circulars

**CIRCULARS OF HIGH COURT ON CRIMINAL SIDE.**

**HIGH COURT OF ANDHRA PRADESH ; ; HYDERABAD**

Roc.No.434/SO-3/98

Dt.26-07-2002

**C I R C U L A R**

Sub : FAKE SURETIES – Furnishing Fake Sureties for the  
Release of accused on Bail – Instructions to curb  
Fake Sureties – Regarding.

Ref : 1) High Court's Circular Roc.No.2400/SO/91,  
Dt. 04-10-1991

2) High Court's Circular Roc.No.1476/SO/91-1,  
Dt. 22-01-1992.

-0-

Insurances of furnishing of Fake Sureties for the release of the Accused in various Criminal Courts have come to the notice of the High Court. The High Court feels that unless effective steps are taken to curb the menace of fake sureties the cases of the Accused persons jumping bails will increase and it is likely to lead to increase in the pendency of cases for want of accused.

The High Court of Andhra Pradesh while re-iterating the circulars cited, issues the following instructions regarding the acceptance of solvency certificates and sureties for the release of the accused on bail.

- (1) Every solvency certificate should contain the signature of the issuing authority with name and designation stamp and date of issue.
- (2) The issuing authority should obtain the signature or clear Thumb Impression of the surety on the solvency certificate and attest the same.
- (3) The Employees who stand, as sureties shall be directed to produce a certificate of Identity and Salary from their Employer. It should contain the signature of the Employee duly attested by the Employer.
- (4) At the time of acceptance the surety the signature/Thumb Impression of the surety be obtained on the solvency certificate or salary certificate or salary certificate to satisfy that the solvency or salary certificate relates to the surety present in the Court.

- (5) Each surety shall furnish his full name, father's name, age occupation and complete postal address to the Court.
- (6) The sureties shall produce Bank Pass Books or Ration Cards or some other form of identity cards to establish their identity with reference to the particulars of the solvency certificate.
- (7) In case of cash security the court shall satisfy that the accused has a permanent address and fixed abode and his presence can be easily secured.
- (8) The court should keep a watch on such persons who repeatedly come to stand as sureties.
- (9) Every criminal court should maintain a Register of Sureties by notice down the crime number, name of the P.S. name of the accused, the name and full particulars of the sureties.
- (10) The Presiding Officers of the respective Courts should periodically check the Register of Sureties to ensure proper maintenance.
- (11) The Prl. District Judges/Chief Judicial Magistrates shall inspect the Register of Sureties at the time of annual inspection and note their remarks by issuing suitable instructions in case of any deviation.

The Unit Heads are requested to communicate these Orders to all the Judicial Officers working under their control instructing them to communicate this Circular to the respective Bar Associations and to display the said Circular in the Court notice Boards for the information of all the Advocates and Litigant Public.

**REGISTRAR GENERAL**

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**HIGH COURT OF ANDHRA PRADESH ; ; HYDERABAD**

Roc.No.200/SO-1/2002

Dt.28-03-2002

***C I R C U L A R***

Sub : Supply of copies of the deposition to the accused person  
free of cost who are not able to pay – Direction of the  
High Court in Crl.M.P.No.285/99 – Follow up action-

Instructions – Issued.

-0-

The Division Bench consisting of the Hon'ble Sri Justice Bilal Nazki and the Hon'ble Sri Justice Tamada Gopalakrishna while disposing a Crl. M.P.No.285/99 on 18-02-2003, issued the following directions:

“We hope that the High Court will frame the rules in this connection. Till the rules are framed we direct that all the Magistrates and the Judges shall provide copies of the depositions free of cost to accused persons who are not able to pay for the copies. An application accompanied with an affidavit that the person is an indigent person may have to be made by the accused persons before the concerned Magistrates or Judges as and when they need the copies. Copies shall be

provided to them during the trial or after the trial but in any case the copies free of cost, shall be made available only once.”

The High Court hereby directs all the Criminal Courts in the State to follow the above directions scrupulously.

The District & Sessions Judges are directed to strictly implement the above said orders in the Criminal Courts under their control.

**REGISTRAR GENERAL**

**HIGH COURT OF ANDHRA PRADESH : : HYDERABAD**

Roc.No.944/SO-2/2002

Dt.18-10-2002

**C I R C U L A R**

Sub : Negotiable Instrument Act 1881 – Cases filed under Section 138 of the Negotiable Instrument Act against Companies – Certain guidelines to Magistrates to deal with such cases – Instructions – ISSUED.

-0-

The High Court while disposing of Criminal Petition No.5515/99 dated : 27-06-2002 reported in 2002 (2) ALD (CrL.) 197 pointed out that the complaints filed before Magistrates under Section 138 of Negotiable Instruments Act, 1881 against the companies shall contain certain information at the time of the filing of the complaint to avoid filing of Criminal petition under Section 482 of Criminal Procedure Code by the respondent company before the High Court. The operative portion of the Judgment is extracted hereunder:

“Before concluding it is necessary to give a direction to all the Magistrate in the State to insist upon mentioning of the fact of sickness of the unit and applying before BIFR as a pre-condition for entertaining the complaint, so that this kind of arguments may not crop up at the stage of exercising the inherent powers of this Court under Section 482 Cr.P.C. I also state when ever the Magistrate receives a compliant, he shall insist upon the complainant to mention specifically in the compliant that the company is running the business and it has not applied for declaration as a sick unit under the provision of sick. Industrial Companies (Special Provision) Act of 1985 and it has not been wound-up so that the ordeal and the circumstances under which this court is placed at this stage can be avoided at the time of judging of the orders passed”.

The High Court on considering the above hereby directs all the Magistrates in the State to follow the above directions scrupulously at the time of entertaining complaints against any company under Section 138 of Negotiable Instrument Act 188.



All the District Judges/Metropolitan Sessions Judges are requested to communicate the same to all the Magistrates working under their control.

**REGISTRAR GENERAL**

**HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD**

R.O.C.No.6018/OP.CELL-E/2000 -----

DT.9.1.2001

**CIRCULAR**

**Sub: COURTS – Criminal Courts in A.P. State – Instructions to avoid delay in numbering the Charge Sheets – Reg.**

\* \* \*

Instances have come to the notice of the High Court, that several Criminal Courts are keeping the charge-sheets pending for long time without numbering or returning them with appropriate objections. The High Court deprecates the said practice and desires that if the charge sheets are in Order, they should be numbered without any delay, and if there are any tenable objections, they should be returned at the earliest for compliance of such objections.

If there is any delay in taking cognizance of the offences referred to in the charge-sheets, there is every likely-hood of the accused suffering in incarceration and the image of the institution is likely to be eroded.

There is any amount of necessity to number the charge sheets immediately or return them with objections, if any, to convey the investigating Officers and the accused regarding the promptness of the Court in rising to the occasion.

The Judicial Magistrates have to ensure the maintenance of relevant register indicating the date of the presentation of the charge-sheet are numbered or returned within the shortest possible time from the date of filing of the said charge-sheets.

It is also essential that all the Unit Heads shall, either during the periodical visits or during the inspections, point out the delays, if any, in numbering such charge-sheets and that get the necessary data, indicating the particulars regarding the numbering of charge-sheets presented, number of charge sheets numbered and the number of charge-sheets remained unnumbered etc., and issue specific instructions to number then expeditiously, unless and until they are not in order.

All the Unit Heads are, therefore, requested to ensure expeditious numbering of charge-sheets, if those are in order, or return them with proper endorsements, by giving specific instructions to the concerned in this regard.

The Unit Heads are further requested to obtain the information from the concerned Magistrates and furnish the same to the High Court in the prescribed Proforma in respect of charge sheets remained unnumbered as on 31.12.2000.

Sl. No.	Name of the Court	No. of Charge Sheets Remained pending	Reasons
(1)	(2)	(3)	(4)

The above said information should reach the Registry by 27.1.2001

SD/- G.YETHIRAJULU  
REGISTRAR GENERAL

**COLLECTION OF PROCESS FEE AND PAYMENT OF BATTAs TO COMPLAINANTS  
AND WITNESSES**

***FEE FOR SERVICE OF PROCESS***

**R.235 (of Criminal Rules of Practice):**

- (1) All processes issued by Criminal Courts shall be charged to the Court fee at the rates set out in the schedule here under:

Schedule	Rs.Ps.
1) Every summons notice or sub-poena	
a) to an accused, Respondent or witness	0-50
b) to every additional accused, respondent or witness resident in the same village or neighborhood if the summons, notice or the Sub-poena is applied for at the same time.	0-25
2) Every warrant of interest	0-75
3) Every order, injunction or warrant not otherwise provided for.	0-50

- (2) when a warrant remains unexecuted for 15 days after its delivery to the Officer entrusted with its execution, an additional fee at the same rate shall be levied from the party, at whose instance the warrant was issued for every 15 days or part thereof until return is made, provided that the delay in executing the said warrant is not attributable to the officer of the Court.
- (3) This rule does not apply to proceedings in Cognizable cases instituted on police reports whether these be calendar cases, appeals or Revision cases.

EXEMPTION:- No fee shall be levied on processes issued upon complaints by public servants or Officers or servants or a Railway Administration acting in their official capacity, which under Sec.67 clause XI of the Andhra Pradesh Court Fee and Suit valuation Act, 1956(Act VII of 1956) are exempt from complaint fee.

As the Central Government has Ruled that a Cantonment Authority is not a 'Public Officer' as defined in the Code of Civil Procedure, 1908, the process fee and diet money to witness shall in all cases of prosecutions by the Police on their behalf be collected from the Cantonment Authority. A Court fee on complaints, under Section 19 of the Court Fee Act, 1870 as it is a 'Public Servant' as defined in Sec.21 of the Indian Penal Code.

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***HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD***

***ROC. NO.6375/97/OP CELL-E***

***Dt.11.02.1998***

***CIRCULAR***

**Sub: COURTS – CRIMINAL – Holding of Test  
Identification Parades of accused under remand  
in Jails located outside the District to which the  
crime relates – Certain instructions – issued.**

\* \* \*

Instances have come to the notice of the High Court that some of the Chief Judicial Magistrates are refusing permission to the Magistrates for conducting Test Identification Parades in respect of the accused, kept in jails, located in the jurisdiction of a District other than the one in which the crime is committed.

On a consideration of the issue, in the light of certain rules and the ruling governing the situation, the following procedure is prescribed by the High Court.

The Police concerned will file the requisition for conduction the Test Identification Parade before the Chief Judicial Magistrates, in whose jurisdiction the crime is pending. The said officer, in his turn, addresses his counter-part of the District, in whose jail the accused is detained, with a request to depute one of the Local Magistrates there, to go to the Jail and to conduct the Test Identification Parade, marking a copy of the said letter to the Police concerned, as well as to the Jail Superintendent. The Police, along with the copy of the said letter may approach the Chief Judicial Magistrate in whose jurisdiction the accused is in jail, and thereupon the said Chief Judicial Magistrate, shall authorise one of the local Magistrates to go over to the jail where the suspect is detained and to conduct the Identification Parade by following the relevant rules and transmit the proceedings to the concerned court with least delay.

All the Chief Judicial Magistrates in the State shall follow the above said procedure scrupulously.

The receipt of the Circular may be acknowledged.

*Sd/- S. CHANDRA RAO*  
REGISTRAR (VIGILANCE)

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### **HIGH COURT OF ANDHRA PRADESH : HYDERABAD**

Roc.No.946/SO/78.

Dated: 28.8.1978

#### **Circular**

Sub: DISPOSAL OF OLD CRIMINAL CASES in which accused  
are absconding and where the police are not returning  
the warrants of arrest duly executed – Instructions – Issued.

...

It is seen that sizable number of old criminal cases are pending before Magisterial Courts on account of non-execution of the warrants issued to the police in respect of the absconding accused.

Under Rule 17, 18, and 19 of the Criminal Rules of Practice and Circular Orders, 1966 where the presence of the accused cannot be secured within a reasonable time, such cases have to be transferred to the Register of long pending cases after following the procedure prescribed in Secs.82, 83 and 299 of the Code of Criminal Procedure 1973. The High Court considers that it is not conducive to the Administration of Criminal Justice to keep on file old cases for non-execution of warrants. The High Court considers that effective steps would be taken to secure expeditions disposal of all such old cases.

The Sessions Judges are therefore requested to draw the attention of the Superintendents of Police concerned to all such cases pending for over three months and review the position at the end of each month. If there is no satisfactory improvement either in apprehending the

accused or in returning the warrants or in submitting the reports under the sections 82d and 83 of the Code, the Sessions Judges are requested to send consolidated reports to the High Court every month to enable the High Court to take up the matter at appropriate level.

REGISTRAR

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**HIGH COURT OF ANDHRA PRADESH : HYDERABAD**

Roc.No.131/68.B1

Dated: 14.11.1968

**Circular No. 25/68.BI**

Attention is invited to the High Court's Circular Roc.No.660/67.BI, dt: 16.8.1967. In spite of the circular orders instances have come to the notice of the High Court where witnesses attending Court were sent away without being examined. Such practice normally causes much inconvenience to the witnesses who might have come from long distances as they might be required to attend the Court once again besides any inconvenience and extra expense that might be caused to the parties. All Judicial Officers are informed that as far as possible all witnesses attending Court, more so, when they come from long distances, should be examined the same day itself as far as possible or the next day if the witness wants.

It is hoped that the Judicial Officers would look invariably to the inconvenience and difficulties of the witnesses and not make them appear in Court more number of times than what is absolutely necessary.

Sd/- M.RAMACHANDRA RAJU

REGISTRAR

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**HIGH COURT OF ANDHRA PRADESH : HYDERABAD**

Roc.No.1097/SO/B1

Dated: 3.9.1981

**Circular**

Attention is invited to the High Court's Circulars in Roc.No.660/67, B-1 dt: 16.8.1967 and Roc.No.1319/68-B1 Circular No.25/68-B1, dt:14.11.1968. In spite of issuing the said circulars, instances have come to the notice of the High Court that the witnesses attending Courts are not being examined on the day they were summoned to give evidence and are being sent away without being examined. Such practice leads to unnecessary adjournments besides causing additional expense and inconvenience to the parties, witnesses and police.

In this context, attention is invited to the proviso (a) to Sub-rule (2) of rule (1) of Order XVII CPC., and to sub-Section (1) of Sec.309 Cr.P.C. 1973. All the Judicial Officers are hereby informed that as far as possible all the witnesses attending the Court on a particular day, more so

when they come from long distances, should be examined on that day itself or on the next day if any witness so desires, if he cannot be examined on that day due to unavoidable circumstances. They are further informed that the witnesses should not be made to appear in Court more number of times than absolutely necessary, in order to avoid inconvenience and difficulties being caused to the witnesses and parties. It will not be difficult for the Presiding Officers to examine all the witnesses present on a particular day if judicious posting of cases has been done and if only such number of witnesses as can reasonably be examined are summoned on a particular day.

**REGISTRAR (Admn.)**

**HIGH COURT OF ANDHRA PRADESH: HYDERABAD**

Roc.No.1476/SO/91-3.

Dated: 22.1.1991

**Circular**

Sub: Courts – Criminal – Examining all the witnesses on a particular day – Instructions – Issued – Reg.

- Read : 1. High Court 's Circular in Roc.No.660/67/E, dt: 16.8.1967  
2. High Court's Circular in Roc.No.1319/68/81, dt: 14.11.1968  
3. High Court's Circular in Roc.No.1087/SO/B, dt: 3.9.1981

...

In spite of issuing several circulars by the High Court, from time to time, directing all the Presiding Officer of the Courts in the State, that as far as possible to examine all the witnesses attending to Courts on a particular day, more so when they come from long distances on that day itself or the next day. If any witness so desires or if he cannot be examined on that day due to unavoidable circumstances, the witnesses attending Courts are not being examined on the day they were summoned to give evidence and are being sent away without being examined.

In this connection attention is invited to the provision to sub-Sec.(1) of Sec.309 Cr.P.C.1973. The High Court of A.P., hereby reiterates the earlier circulars 1 to 3 read above issued in this behalf.

All the Presiding Officers of Subordinate Courts in the State are further directed to post the cases in such a manner, that cases of each police station are to be posted on one day in a week instead of posting on more than one day in a week, unless the exigencies warrant.

Any deviation will be viewed seriously. The receipt of this circular may please be acknowledged.

Sd/- REGISTRAR (Management)

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**HIGH COURT OF ANDHRA PRADESH : HYDERABAD**

Roc.No.15/2002/AF.

Dated: 21.6.2002

**CIRCULAR**

Sub: Courts – Civil – Submission of Translated versions of vernacular Documents to the High Court – Certain instructions – issued.

Ref: High Court’s Circular Roc.No.2/2002/AF, dt:5.2.2002.

...

Attention of all the District & Sessions Judges in the State of Andhra Pradesh is invited to the High Court’s Circular read above, wherein certain instructions were issued with regard to submission of translated version of vernacular part of the record in Criminal Appeals.

The High Court has considered the voluminous work of translation now pending in the High Court on Civil side and the delay in preparing the records on civil side.

By taking into consideration the above said fact, the High Court hereby directs all the Civil Courts in the State to send, duly translated and typed, English versions of the vernacular documents, along with originals in all civil cases filed in the High Court. The Courts shall insist upon the Advocates to file the translated typed copies in English version of the vernacular documents into the Court along with the original vernacular documents to facilitate preparation of records by the concerned Courts.

REGISTRAR (Judicial)

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*Prepared by*

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## **MISCELLANEOUS REGISTERS, PROCEEDINGS ON CRIMINAL SIDE**

### **{CHECKING OF CRIMINAL PROCEEDINGS}**

#### **01. INTRODUCTION:**

India adopted a Criminal Justice System known as Anglo-Saxon jurisprudence, which is otherwise known as 'adversarial' Criminal Justice System. The prime aim of the system is to give a fair trial to the persons. The golden principles governing the Criminal Justice System in India are as follows:

- Presumption of innocence : The accused shall be presumed innocent till his guilt is proved.
- Protection of Innocence : Let 100 criminals escape punishment but no single innocent person shall be punished.
- Opportunity of hearing: The accused shall not be punished unheard.
- Proof : The proof shall be beyond reasonable doubt to a criminal charge against the accused.
- Benefit of Doubt: If doubt is created or left in the mind of the Court the doubt shall go in favour of the accused. It is called the benefit of doubt.

In the adversarial system which is being followed now is slightly tilting to inquisitorial system existing in France and some other European countries, where the Judge will be monitoring investigation.

In the Criminal Justice System, we have four major functionaries for the cause of 'quest for truth'. The first functionary is the 'police' to whom the system has entrusted with the responsibility of investigation in accordance with the procedure established by law. Secondly the investigation done by police shall be prosecuted effectively against the accused by the 'prosecution agency'. Successful prosecution is nothing but achieving the truth after due process of trial. Thirdly 'The Courts' which are prime in following the procedure by giving a fair trial to the accused and arriving at justice. The innocents are acquitted and the guilty are punished basing on the evidence before it. The fourth one is 'prison department' which is otherwise called as correctional agency. It will receive the guilty into the prison. They are treated, trained and corrected for re-inducting back into the society. These four important wings of Criminal Justice System are working on the foundation of laws of the country made by the Parliament or the Legislatures as the case may be. The Constitution of India is the basis for all laws including the Criminal Laws.

#### **02. CHECKING OF CRIMINAL PROCEEDINGS:**

It is the duty of every Court to see that each and every paper that is filed before the Court shall be meticulously scrutinized before any orders are passed. The Court staff play an important role in checking of Criminal Proceedings so that the Magistrate may apply judicial mind and pass appropriate orders. Application of judicial mind is essential at every stage of the Criminal Proceedings. It is the job of the Judicial Officer. Checking Criminal Proceedings by the staff concerned is only to help the Court to save the time and the procedure as the Courts are heavily



burdened with judicial, administrative and miscellaneous work. It is the concerned clerk or CMO to put up a note at every stage of criminal proceedings whenever the Judicial Officer endorses, 'check and put up'.

### **03. FIRST INFORMATION REPORT:**

On the information given to a police officer in respect of commission of a cognizable offence, the officer in-charge of a police station issues an F.I.R. The FIR contains the details of alleged offence, date and time of offence, whether the offence is committed by known or unknown persons and brief facts of the case. As soon as FIR is issued by the police, it shall be despatched to the Jurisdiction Court without any delay. The unexplained delay is fatal.

Once the FIR is received by the Magistrate, he shall follow the procedure provided under Rule 24 of Criminal Rules of Practice. He shall endorse on the FIR through whom the FIR is received i.e., the P.C. number, the name of the police station and date and time, at which it is received. In addition he must put his initials with date and time on every page. Preservation of the FIR is important to best ensure that there shall not be any manipulations there after. It is a protection to the accused alleged to have involved in the offence.

The FIR received by the Magistrate to be maintained in the office by entering the FIR particulars station-wise in accordance with the jurisdiction of the Court. Indexing to the FIR be given and preserved. It shall not be shown to parties or to the advocates at their request. The entitled persons may obtain a certified copy of the same. Whenever it is necessary the FIR and other papers are to be mixed and placed before the Judicial Officer for his consideration at the particular stage of the criminal proceedings.

One year old FIRs (where no charge sheets are filed), shall necessarily be consigned to the record room. This is to prevent over burden with number of FIRs in the office of the Court. During the inspection of the Court, it would be checked whether the one year old FIRs are promptly being consigned to record room.

### **LEGAL ASPECTS OF FIRST INFORMATION REPORT :**

- The object of the FIR is to obtain early information of alleged cognizable criminal activity, to record the circumstances before there is time for them to be forgotten and embellished. { *Wilayat Khan vs. State of U.P. - AIR 1953 S.C. 122* }
- FIR is not a substantive piece of evidence and can only be used to corroborate the statement of the maker u/s 157 of I.E.A. or to contradict it of u/s 145 of I.E.A. It cannot be used as evidence against the maker at the trial if he himself becomes an accused, nor to corroborate or contradict other witnesses { *Nisar Ali vs. State of U.P. – AIR 1957 S.C. page 366 ; State of Bombay vs. Rusy Mistry AIR 1960 S.C. 391* }

### **04. ARREST AND REMAND :**

Investigation is the prerogative of police. During the course of investigation, the police are likely to apprehend and arrest persons involved in the offences. The police have the power to arrest a person involved in a cognizable offence without warrant from the Magistrate. Chapter V of Cr.P.C. provides the procedure for arrest of persons. The police may arrest a person without warrant as the situations mentioned under Sec.41 of Cr.P.C. A person arrested

shall not be kept with police for more than 24 hours. The safeguard of protection is provided in the Constitution of India Art.22. The same has been reiterated in Sec.57 of Cr.P.C. When the investigation is not completed within 24 hours the police shall produce the said person before the Magistrate along with remand report including the concerned CD file. Then the question of scrutiny of record arises at the time of considering for remand. Sec.167 Cr.P.C. provide the procedure to be done by the Magistrate when an accused is produced before him after he was arrested. In **D.K.Basu vs. State of West Bengal reported in AIR 1997 S.C. page 610**, the Supreme Court of India gave guidelines to be followed by the police at the time of arrest and detention of persons. The Magistrate shall satisfy himself whether the police have scrupulously followed the guidelines of the Supreme Court.

**The Guidelines of the Supreme Court in D.K.Basu vs. State of West Bengal:**

- (1) *The Police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such Police personnel who handle interrogation of the arrestee must be recorded in a register.*
- (2) *That the Police Officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.*
- (3) *A person who has been arrested or detained and is being held in custody in a Police Station or interrogation center or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he had been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.*
- (4) *The time, place of arrest and venue of custody of an arrestee must be notified by the Police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organization in the District and Police Station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.*
- (5) *The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.*
- (6) *An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who have been informed of the arrest and the names and particulars of the Police officials in whose custody the arrestee is.*
- (7) *The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any, present on his/her body must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the Police Officer effecting the arrest and its copy provided to the arrestee.*
- (8) *The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory, Director, Health Services should prepare such a panel for all Tehsils and Districts as well.*

- (9) *Copies of all the documents including the memo of arrest, referred to above, should be sent to the Magistrate for his record.*
- (10) *The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.*
- (11) *A Police control room should be provided at all District and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous police board: These would apply with equal force to the other Governmental agencies also like Directorate of Revenue Intelligence, Directorate of Enforcement, Coastal Guard, Central Reserve Police Force (CRPF), Boarder Security Force (BSF), the Central Industrial Security Force (CISF), the State Armed Police, Intelligence Agencies like the Intelligence Bureau, R.A.W., Central Bureau of Investigation (CBI), CID, Traffic Police, Mounted Police and ITBP.*

The option for the Magistrate is to see that the person is taken into such custody u/s 167 Cr.P.C. Such custody is always generally judicial custody and exceptionally police custody. The checking of the Criminal Proceedings at the time of remand is essential for the purpose of passing orders by the Magistrate u/s 167 Cr.P.C. {See Sec.167 of Cr.P.C. for the purpose of the procedure in this connection }

All arrests, surrenders and release of Members of Parliament or State Legislature, shall be intimated to the Presiding Officer of the House. Intimation shall be given to the Home Ministry, in the case of M.Ps and to the Chief Secretary, GAD, in the case of M.L.As of the State in accordance with **Rule 17** of Criminal Rules of Practice.

#### **05. UNDER TRIAL PRISONERS:**

One of the important wings of Criminal Justice System is the correctional department. The prisons are the institutions, which receive the accused sent by the Courts. The prisoners who are convicted and sent to undergo imprisonment are called convict prisoners. The accused against whom investigation, inquiry and trial is pending are called under trial prisoners. The present scenario is that the prisons are over crowded with the under trial prisoners. The problem of the prison administration is to manage the under trials, produce them in the respective Courts on the dates of hearing and to see their welfare during their stay.

The Hon'ble High Court from time to time considered to reduce the population of under trial prisoners under going long stay in the jail. In Roc.No.565/SO/93, dt: 1.12.1993, the High Court of A.P. issued the circular in this connection. The issues of long detention of U.T.prisoners for more than three months to one year, the non-production of the accused, pending non-bailable warrants, and non filing of charge sheets in time are the matters for concern in the said circular. Points to be noted under the above circular are as follows:

1. Speedy trial
2. Legal aid to the fit U.T. Prisoners
3. Cooperation from the prosecutors and the counsel for the accused
4. Posting the cases on Saturdays

5. Prosecution to take positive and effective steps for production of witnesses.
6. Consideration by the Courts for the U.T. prisoners who are detained longer period than the sentence provided for the offence charged against them etc.
7. Examination to explore possibility of with drawing prosecution in deserving cases
8. Splitting up the case of U.T. Prisoner against other absconding accused

Since the problem of U.T. Prisoners is a continuous one, the High Court issued a circular in Roc.No.6496/OP.CELL.E./2000, dt: 22.1.2001, directing the Magistrates to hold Courts in jails where the U.T. Prisoners involved particularly in petty offences and other cases. It is directed that the Court's proceedings should be held in jail once or twice in a month to reduce the pendency of U.T.prisoners.

In the letter of the Registrar (Administration) of High Court of A.P. in Roc.No.173/SO/93, dt: 24.2.1993 the High Court called for the information regarding old criminal cases in which the accused are absconding and where the police are not returning the N.B.Ws. and directed to take up speedy steps under Sec.82 & 83 Cr.P.C. In the earlier Circular in Roc.No.946/SO/78, dt: 28.8.1978, the Hon'ble High Court directed to transfer the cases to the register of long pending cases after following the procedure under Sec.82, 83 and 299 Cr.P.C.

The circulars issued by the Hon'ble High Court in Roc.No.46/SO/93, dt: 3.3.1993 regarding the pendency of criminal cases and suggestions to reduce pendency and the circular Roc.No.4544/99/OP/CELL-E, dt: 16.10.1999 giving instructions to the Sessions Judges and Trial Judges in the State reminding of the need to comply with Sec.309(1) of Cr.P.C. in letter and spirit. The above said circulars should be meticulously followed to deal with the under trial prisoners and to reduce the pendency of cases.

#### **06. POLICE CUSTODY:**

Whenever it is desirable to have the person in police custody, the police file a requisition before the Magistrate for ordering police custody. The said requisition is to be checked for the purpose of passing an appropriate order. The checking involves mixing up of the papers received in the particular case including the FIR. The police custody shall be given only in the first fifteen days of the remand. The court staff shall put up note regarding the date on which required prisoner is sent to remand and whether such an application for police custody is filed within 15 days of the first remand.

The person who is given police custody shall be protected against abuse of third degree by police. He shall be produced and examined medically in every 48 hours.

#### **Legal Aspects:**

- In one occurrence it may so happen that the accused might have committed several offences and the police may arrest him in one or two offences. If during the investigation if his complicity in more offences is disclosed that does not authorize the police to ask for

police custody for further period after the expiry of the first 15 days. If that is permitted then, the police may go on adding some offences or other at various stages. {**C.B.I. New Delhi vs. Anupam J.Kulkarni – AIR 1992 S.C. 1768**}

- Police custody could be given only in the initial 15 days of remand. {**P.P. High Court of A.P. vs J.C.Narayana Reddy – 1996 Cr.L.J. – 462 A.P.**}

#### **07. EXTENSION OF REMAND:**

The jurisdiction Magistrate has the power to extend the remand from time to time for a period not exceeding 15 days. { Sec.167(2) }. The extension of remand shall not be done unless the prisoner is produced before the Magistrate.

Since the production of the prisoner is very essential for the extension of remand for the valid reasons, the State of Andhra Pradesh for the first time in the country amended the provision and added the words “either in person or through the medium of electronic video linkage” to the Sec.167(2)(b) Cr.P.C. in the year 2000. By this amendment a remand of the prisoner could be extended through the medium of video linkage. This facility is provided in twin cities of Hyderabad and the same is being facilitated in major cities and later it is going to be extended to the Districts.

#### **08 BAIL UNDER SEC. 167 CR.P.C. :**

Sec.167(2) Cr.P.C. provides a special procedure that the police shall make quick investigation and file police report. The police report is provided u/s 173 Cr.P.C. Generally the police report is called charge sheet when there is a sufficient case to be taken to Court for trial. The police report is called final report when there is no material to proceed against the accused.

The procedure under this section controls investigation by police otherwise the accused who is in prison is entitled for bail. In respect of offences which are punishable with death or imprisonment for life or imprisonment for a term of not less than 10 years the investigation must be completed within 90 days from the date of remand of the accused. In the other cases the investigation must be completed within 60 days from the date of first remand of the accused. The failure of such speedy investigation as stated above will entitle the accused for a bail under 167(2) Cr.P.C.

The office shall check up the date of failing of charge sheet and calculate the days for the purpose of bail under this section. This bail is also known as ‘Mandatory Bail’ or ‘Compulsory Bail’. Checking of criminal proceedings when such situation arises will help the Magistrate to pass appropriate orders.

#### **08 (a) Stoppage of investigation:**

In a case tribal by a Magistrate as a summons case, the investigation is not concluded within a period of six months from the date on which the accused was arrested, the Magistrate shall make an order stopping further investigation into the offence unless the officer making the investigation, satisfies the Magistrate that for a special reasons and in the interest of justice the continuation of the investigation beyond the period of six months is necessary. ( Sec. 167(5) CRPC.)

The Sessions Judge has the power to vacate the order made by the Magistrate stopping the investigation u/s 167(6) CRPC.

#### **09. BAILS AND BONDS :**

Chapter XXXIII of Criminal Rules of Practice provide procedure as to bail and bonds. In brief Sec.436 relates to in what cases bail to be taken. The said section deals with the procedure for bail in a bailable offence. Bail is a right of the person who is arrested in a bailable offence. Sec. 437 of Cr.P.C. deals with the procedure when bail may be taken in case of non-bailable offence. The said section also provides when bail shall not be granted by the Magistrate. The conditions of bail and cancellation of bail are very much provided under the section. Sec.438 deals with the anticipatory bail. The prime requirement of anticipatory bail is that a person seeking anticipatory bail must apprehend the arrest in an non-bailable offence. The anticipatory bail could be considered and granted by the Court of Sessions or the High Court. In **Ch.Siva Prasad and Others vs. State of A.P. – 1999(1) ALT (CrI) 644 A.P.**, the Hon'ble High Court has considered the powers of High Court and Court of Sessions to grant anticipatory bail. The guidelines of Supreme Court in **AIR 1980 S.C.- 1632** are followed in the said judgment. Sec.439 deals with the special powers of High Court or Sessions Court regarding bail. The bails granted under Chapter XXXIII of the Cr.P.C. could be cancelled by High Court or Court of Sessions under 439(2) Cr.P.C.

The bail petitions filed in the Court are to be checked to enable the Presiding Officer to consider granting or rejecting the bail. The material papers are to be mixed and placed before the Presiding Officer with a note regarding the nature of offence, the date on which the petitioner is remanded to judicial custody, stage of investigation etc. In case of bail application in non-bailable offences a notice to the P.P. shall be given. The checking on the part of the office of the Court could reduce the time of the Presiding Officer on the Bench to pass appropriate orders.

Once the bail is granted, the parties concerned will be furnishing the sureties. The surety documents are to be checked properly. The circulars issued by the High Court from time to time shall be taken care in checking and accepting the sureties. This is only to enable the court to release the accused on bail and to see that the accused is secured at the time of trial and in case of any default the amount of surety shall be forfeited in favour of the State. The procedure in respect of bonds is provided under Sections 440 to 450 of Cr.P.C. When bail is granted during the investigation the accused shall be bound over to appear in the Court after the charge sheet is filed and summons are served on him. According to Rule 30 of Criminal Rules of Practice, it is not necessary to bind the accused to appear on any earlier date or dates.

The procedure for testing the sufficiency of bail or surety is provided under Rules 116 to 118 of Criminal Rules of Practice.

#### **10. SUMMONS, WARRANT OF ARREST – PROCLAMATION AND ATTACHMENT:**

The process to compel appearance of witnesses or accused or dealt in Chapter VI of Cr.P.C. with heading processes to compel appearance.

Issuance of summons is a milder form of process for the purpose of either the appearance of persons or for production of a document or a thing.

Every summons issued by a Court under this Court shall be in writing, in duplicate, signed by the Presiding Officer of such Court or as by such other officer as High Court may from time to time by Rule direct and shall bare the seal of the Court (Sec.61 Cr.P.C.).

The summons of the witnesses are generally signed by the Chief Ministerial Officer of the Court and the accused summons are signed by the Presiding Officer.

The procedure how the summons are to be served and by whom is provided u/Ss. 62 to 69 of Cr.P.C.

#### **10(a). WARRANTS:**

Issuance of warrant is the alternative for issuance of summons. Warrants are generally issued to secure the presence of persons with certainty.

- Sec.70 Cr.P.C. – Form of warrant of arrest
- Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the Presiding Officer of such Court and shall bare the seal of the Court
- Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.
- The procedure for execution of warrant eitherailable or non-ailable is provided in Secs. 70 to 81 of Cr.P.C.

The burning problem in the Criminal Courts is the non-execution of N.B.Ws. by the police as such the cases before the Court are piling up and the speedy disposal of cases is being retarded. Any number of letters issued to be Senior Police Officers to see that N.B.Ws. pending or executed is not bringing any fruitful result. In the fit circumstances of the case the Court, is duty bound to issue proclamations and attachments in respect of the absconding accused are those who are concealing and not cooperative with the Court.

#### **10(b). PROCLAMATIONS AND ATTACHMENTS:**

The procedure for issuance of proclamation and attachment is provided in Secs. 82 to 86 of Cr.P.C. The strict adherence of the procedure in the respect is going to help the Court.

- If the Court is satisfied that inspite of issuance of warrant the accused is absconding and concealing himself for apprehending him, the Court may publish a written proclamation requiring him to appear at a specified space and at a specified time not less than 30 days from the date of such proclamations.
- The proclamation shall be publicly read in conspicuous place of the town or village in which such person ordinarily resides.
- It shall be affixed to some conspicuous of the house in which such person ordinarily reside or some conspicuous place of such town or village.
- A copy thereof shall be affixed to in the notice board of the Court
- For reasons to be recorded, the Court may publish proclamation in daily newspapers etc.

## **ATTACHMENT:**

Attachment of property movable or immovable or both belonging to the proclaimed person could be done after the publication of proclamation and in certain times the properties could be simultaneously attached along with proclamation.

- The procedure provided u/s 83 Cr.P.C. is to be strictly adhere.
- The attachment of the property belonging to the proclaimed person could be attached.
- If it is the property outside the District, the endorsement of District Magistrate of such District be obtained.
- The property ordered to be attached is a debt or other movable property the attachment under this section shall be made:
  - By seizure or
  - By appointment of a receiver, or
  - By an order in writing prohibiting a delivery of such property to the proclaimed person or to any one on his behalf, or
  - By all or any two of such methods, as the Court thinks fit
- If the property ordered to be attached to immovable property, the attachment under this Section shall in case of land paying revenue to the State Government be made through the collector of the District in which the land is situate, and in all other cases –
  - By taking possession, or
  - By appointment of a receiver, or
  - By an order in writing prohibiting the payment of rent or delivery of the property to the proclaimed person or to any one on his behalf, or
  - By all or any of two such methods, as the Court thinks fit.
- If the property ordered to be attached consists of livestock or is of perishable nature, the Court may order appropriately.
- The powers, duties and liabilities of a receiver shall be as those of a receiver appointed under Civil Procedure Code 1908.

The procedure in respect of claims and objections, release, sale and restoration of attached property is provided in Secs. 84 & 85 of Cr.P.C. The procedure for appeal on the subject is provided u/s Sec.86 of Cr.P.C.

The Court exercising diligence in issuance of proclamations and attachments in respect of absconding accused against whom the N.B.Ws. are not executed will solve the problem. The time consuming process though causes delay, the Courts are bound to follow the procedure established by law.

## **11. LEGAL AID TO THE ACCUSED :**

Section 304 of Cr.P.C. provide the procedure for Legal Aid to the Accused at State expense in certain cases:

1. Where in a trial before Court of Session the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the court shall assign a pleader for his defence at the expense of the State.



2. The High Court may, with the previous approval of the State Government, make rules providing for -
  - a) the mode of selecting the pleaders for defence under Sub-Section(1)
  - b) the facilities to be allowed to such pleaders by the Courts,
  - c) the fee payable to such pleaders by the Government, and generally, for carrying out the purpose of Sub Section (1)
3. The state Government may, by notification, direct that, as from such date as may be specified in the notification the provisions of Sub Sections (1) & (2) shall apply in relation to any class of trials before other Courts in a State as they apply in relation to trials before Court of Session

**11(a). LEGAL AID – CONSTITUTION OF INDIA:**

**Article 39 A – Equal Justice and free legal aid:**

*“The State shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities”.*

This important provision for legal aid shall be read with Article 21 of the Constitution. Hence the procedure is provided under Section 304 Cr.P.C.

The Legal Services Authority Act 1987 is enacted for the purpose of providing free and competent legal services to the weaker sections of the society to ensure as directed in the directive principles of State policy in the Constitution of India. The provisions of Legal Services Authority Act and the Rules therein help the weaker sections of common litigant to get justice at the cost of State.

In the General Rules applicable to trials as provided in Chapter IV of Criminal Rules of Practice provides the procedure to be followed in respect of providing of defence advocate to the undefended accused at the expense of the State. Rules 36 & 37 provides the procedure in respect of such defence to the accused at the expenditure of State Government.

**LEGAL AID – JUDGMENTS OF SUPREME COURT :**

- Hussainara v. Home Secretary, State of Bihar – AIR 1979 S.C. –1369
- Hoskot v. State of Maharashtra – AIR 1978 S.C. – 1548
- State of Haryana v. Darshana – AIR 1979 S.C. – 885
- Khatri v. State of Bihar – AIR 1981 S.C. – 928
- Suddas v. Union Territory – AIR 1986 S.C. 991
- Kishore v. State of Himachal Pradesh – 1991 (1) S.C.C. – 286

**12. IDENTIFICATION OF PERSONS OR PROPERTY:**

During the course of investigation it becomes necessary to conduct identification parade. In property offences or any other offences where the witnesses say that they can identify the persons who participated in the crime, it is incumbent on the part of the investigating officer to

give a requisition to the Magistrate for conducting a test identification parade. The test identification parade could be in respect of property also. Test identification parade is to be fixed as soon as the requisition is given by the investigating agency otherwise the purpose would be defeated, if the person is released on bail. The rule is that bail cannot be rejected on the ground that the test identification parade is pending against a person or property.

Checking of Criminal Proceedings for fixing identification parade is essential. Prompt fixing of the date of test identification helps the investigation. Summons are to be issued to the witnesses. The office shall address the Superintendent of the jail where the suspect is lodged giving his particulars and with a request to provide non-suspects for the purpose of test identification parade. The non-suspects shall be as far as possible similar in appearance to that of the suspect.

Test identification parade of persons or property is relevant u/s 9 of Indian Evidence Act. The Court and the staff who assist the court shall follow the procedure laid down under Rules 34 & 35 of Criminal Rules of Practice in respect of identification of persons and property respectively.

#### **Legal Aspects of Identification Parade:**

- Identification parade should be held without avoidable and unreasonable delay after the arrest of the accused and all necessary precautions to safeguard be effectively taken, so that the investigation proceeds on correct lines. *{Rameshwar Singh vs. State of J&K – AIR 1972 S.C. 102}*
- The necessity for holding an Identification Parade can arise only where the accused are not previously known to the witnesses. *{Mehatab Singh vs. State of M.P. – AIR 1975 S.C. 175}*
- Test Identification parade is not a substantial evidence and it can only be used as corroborative of the statement given in the Court. *{Sandokh Singh vs. Izhar Husse AIR 1973 S.C. 2190}*

#### **13. PROCESS TO COMPEL PRODUCTION OF THINGS IN COURT:**

- Sec. 91 Cr.P.C. – Summons to produce document or thing.
- Sec.92 - Procedure to be followed in respect of summoning of letters and telegrams from the concerned department.

#### **14. SEARCH WARRANTS :**

- Sec.93 Cr.P.C. - Procedure for issuance of search warrants in respect of general search.
- Sec.94 Cr.P.C. – Search of a place suspected to contain stolen property, forged documents etc.
- Sec.98 Cr.P.C. – Power to compel restoration of abducted females.
- Sec.99 Cr.P.C. – Direction etc. in respect of search warrants
- Sec.100 Cr.P.C. – Search, warrant in respect of search of a closed place and the procedure to be followed during such search.
- Sec.101Cr.P.C. – Disposal of things found in search beyond jurisdiction

- Sec.165 Cr.PC. - Search by police officer
- Sec.166 Cr.P.C. –When officer incharge of a police station may require another to issue search warrant
- Sec.166 A - Cr.P.C. – Letter of request to competent authority for investigation in a country or place outside India.
- Sec. 166 B – Cr.P.C. – Letter of request from a Country or place outside India to a Court or an authority for investigation in India.

#### **15. RECEIVING OF CASE PROPERTY :**

During the course of investigation, the investigating officers are likely to seize the incriminating material objects used in the commission of offence. They do recover the property at the instance of the accused. The investigating agency may collect the bloodstained clothes, bloodstained soil, control soil, etc., when the victim is subjected to medical examination the doctors would be collecting the vaginal swabs, parts of the viscera and other organs for the purpose of chemical examination at the Forensic Science Laboratory.

Whenever case property is produced, the presiding officer endorses that the property be checked by the office of the Court. It is the duty of the concerned staff to check the property for the purpose of receiving the same in the Court by entering the same in the property register.

#### **15 (a). CUSTODY OF THE PROPERTY :**

According to Rule 220 of Criminal Rules of Practice, the Presiding Officers are personally responsible for the safe custody of the property. The concerned property clerk will be kept incharge for the maintenance and security of the property.

**Rule 220 Responsibility of Presiding Officers** - Presiding Officers are personally responsible for the safe custody of the case properties. Only clerks who have furnished the required security should be placed in charge of properties, but that does not relieve the Presiding Officers of their responsibility to any extent.

**Rule 221 Inspection of Case Properties** - Every article received in Court should immediately after receipt be inspected by the Presiding Officer or a responsible officer of the Court duly authorized by him and entered in the Property Register then itself.

The Presiding Officer should check the valuable and non-valuable items of property periodically and satisfy himself that all items received in Court are properly accounted for, that they are safely kept and that orders of disposal are promptly carried out.

Whenever there is a change of Officer, the succeeding officer should examine all the properties other than valuable relating to the Court as soon as possible after he takes charge and certify in the registers that he has taken over the properties specifying them with reference to their item numbers.

**Rule 222 Valuable Properties** : All articles of value should be separated from other items. They should be kept in (a) boxes sufficiently strong and fitted with good lock and key (b) properly protected against damage by moisture, insects, etc. They should invariably be deposited in the Sub-Treasury.

#### **15(b). SENDING THE SAMPLES OR ITEMS FOR FSL:**

The investigating officers produce the items of property or the samples to be sent for the FSL along with letter of advice. The said letter shall be checked by the Presiding Officer and the items or samples therein must be carefully checked by the property clerk and he must see that package of the articles are intact and safely packed to be sent to the FSL. A careful checking in this aspect is very essential to check that there shall not be any damage to the items or samples which are being sent for the chemical examination, analysis and report.

Proper affixing of seals of the Presiding Officer is necessary. The sample seals shall be affixed on the letter of advice. The said samples duly packed along with the letter of advice shall be sent to the FSL in safe custody through the constable of the concerned police station.

The FSL after due receipt of the articles and analysis, the opinion of the experts be forwarded to the Court directly. The opinion along with the items which are returned back to the Court are to be preserved safely in the Court for the purpose of trial.

**15©. SUBMISSION OF MATERIAL OBJECTS:**

The transmission of the case property to the High Court shall be carefully and conveniently be done by the Sessions Judge. The clerk in charge of the property shall take all precautions.

The articles forwarded to the Appellant Court such as sticks, stones, knives, clothes, earth etc. which are of trifle value are ordinarily retained and destroyed. The other material objects are to be received from the High Court within one month from the date on which the case records are received in the Lower Court.

Properties in Sessions Cases which have been dealt under Sec.452 of Cr.P.C. may be forwarded to the committing Magistrate except in cases where the Sessions Judge directs otherwise {Rules 223 to 226 }.

**15(d). DISPOSAL OF CASE PROPERTY:**

The case properties received in the Court must be disposed of in accordance with the procedure. Chapter XXXIV of Cr.P.C. provides for the disposal of property. The said chapter consists of Secs.451 to 459. The Criminal Rules of Practice provide procedure for the disposal of the property in Rules 227 to 234 .

The Presiding Officer must best ensure the disposal of the property pending trial in certain cases. Some times the Property may be of the nature of the speedy and natural decay. Such property must be either returned to the entitled person or put to auction and the sale proceeds be deposited in the Court.

Ordering interim custody pending trial is one of the best methods for safe custody and disposal of the property. On taking reasonable surety, the properties which are fit to be returned to the parties may be returned in the interests of justice. This provides safety of the custody, prevents rusting of the metal properties like iron, etc. The automobiles which are produced in the Court generally get rusted if they are just kept in the Court premises or handed over to the police to be kept in the police station. As far as possible suitable orders may be passed to protect the value of the property. The property returned by way of interim custody shall be produced as and when required by the Court without changing very nature of item of the property. {Sec. 451

Cr.P.C.}. Interim custody of articles like currency, vehicles, liquor bottles etc., the Magistrate should take immediate steps for their custody to save them from loss or misappropriation. Guidelines are given by Supreme Court in **Sunderbhai Ambalal Desai vs. State of Gujarat – 2003(1) ALD CrI. S.C. page 8.**

The procedure to be followed by the police upon seizure of property is provided u/s 457 Cr.P.C. The scope of procedure in 457 Cr.P.C. has been dealt by Hon'ble High Court in **M.Muni Swamy vs. State (SPE/CBI/Hyderabad) Law Summary- A.P. 125.** The unclaimed property where there is no claimant, the Court shall wait for six months and thereafter the said property shall be sold by the order of the Court and the sale proceeds shall be deposited in favour of the Government u/s 458 Cr.P.C. The disposal of perishable property and the procedure for disposing the same is contemplated u/s 459Cr.P.C.

Order for disposal of property at the conclusion of the trial is provided u/s 452 Cr.P.C. Orders for the disposal of material objects should necessarily be passed in the judgment itself. While checking with the case calendars the portion relating to disposal of property shall invariably be checked. This is only to facilitate that the property received in the Court shall either be returned to the persons entitled or the property must be confiscated to the State or the property shall be destroyed.

Ordinarily the perishable nature of the property received in the Court be disposed of either by putting the property for auction or by destroying the property after adequate orders are passed.

The Presiding Officer has to take keen interest in seeing that the destruction of the case property is carried out after the case is disposed of in accordance with the procedure.

It is not desirable to order destruction of valuable property. If no person is entitled to receive the same the property must be confiscated to the State. The procedure laid down under Rules 227 to 234 of Criminal Rules of Practice shall be followed.

In accordance with the Rule 230, certain material objects which are useful according to the Sessions Judge because of the special nature of the property they shall be transmitted to the medical colleges which are referred in said Rule.

The fire arms or ammunitions which are confiscated must be sent to the nearest Arsenal for disposal according to law. The material objects of antique value shall be sent to the Director, Archeology and Museums. With regard to disposal of Excisable goods the procedure laid down in Rule 233 of Criminal Rules of Practice should be followed. Regarding the disposal of counter feet coins and forged currency notes and any dyes or moulds or any instruments used for counterfeiting shall be disposed of in the manner provided under Rule 234 of Criminal Rules of Practice.

**15(e). DISPOSAL OF CONFISCATED GOLD ORNAMENTS :**

The confiscated gold ornaments shall be sent to the Mint Master through a responsible officer by a pre-arrangement. {Rule 230}. The disposal of confiscated and unclaimed gold ornaments to be done taking into consideration of the guidelines issued by the High Court of Andhra Pradesh in the following circulars:

1. Roc. No.2021/59/B1, dated 4.5.1959
2. Roc. No. /62, dated 28.11.1962
3. P.Dis.No.105/65, dated 6.4.1965
4. Roc.No.1128/SO/80, dated 24.10.1980
5. Roc.No.1414/SO/83, dated 9.5.1984

#### **16. DYING DECLARATION:**

During the course of the investigation the police may be giving requisition to the Magistrate to record the dying declaration of the person. Most of the times the injured is admitted in the hospital with injuries alleged to have been received in an offence and the hospital authorities will be sending an intimation to the police as well as to the Magistrate when recording of dying declaration is necessary. The hospital authorities will be maintaining an 'intimation register'. It will be in triplicate, one copy goes to the police, one copy to the Magistrate concerned and other one be retained in the register of the hospital. The medical officer is required to mention in the intimation to the Magistrate whether recording of dying declaration is necessary or not and also shall mention that whether the patient/injured was conscious or not.

Recording of dying declaration could be done by any person to preserve the important piece of evidence. The dying declaration could be recorded by the doctor, the police or by any other person including the Magistrate.

**Sec.32** of I.E.A. deals with cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant. The dying declaration is contemplated u/s 32(1) of I.E.A. The Section is as follows "*when the statement is made by a person as to the cause of his death or as to any of the circumstances of the transaction which results in his death, in cases in which the causes of that person's death comes into question. Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death come into question*".

**Rule 33** of Criminal Rules of Practice provides procedure to be followed in regard to dying declaration.

Certain precautions are to be taken at the time of recording dying declaration:

- Dying Declaration is an exception to the general rule of hearsay.
- The person who gives statement must be in a conscious state and that he/she must be coherent.
- The fit state of mind of the person shall be certified by the medical officer who is attending on the person.
- The person who records the statement must satisfy himself that there are no other persons present at the time of recording the statement.

- By putting certain preliminary questions, the person who records the statement shall satisfy himself regarding the fit state of mind of the person, whether he is capable of giving rational answers to the questions put.
- Before and after completion of recording the statement the certification must be obtained from the medical officer.
- The statement shall be recorded in question and answer form as far as practicable in the language of the deponent.
- The statements could be even recorded as to the signs and gestures of the deponent, if he or she is a dumb or unable to speak though he or she in fit state of mind.
- The statement recorded must be read over and explained to the deponent in his own language and after understanding the contents to be true his or her signature/thumb impression or toe impression shall be obtained on each page.
- The time when the recording of D.D. is commenced and when it is concluded must be incorporated along with the place, bed number and ward number etc.
- As soon as returning to the Court, the original D.D. shall be despatched to the concerned Court having jurisdiction to try the matter under proper acknowledgment.

**LEGAL ASPECTS OF DYING DECLARATION:**

**P.V.Radha Krishna vs. State of Karnataka 2003(2) ALD (Crl.) 179 S.C.**

- The rule requiring corroboration is merely a rule of prudence
- No absolute Rule of Law that the dying declaration cannot form the sole basis of conviction unless it is corroborated.
- The court may base its conviction on the basis of dying declaration without further corroboration.
- The satisfaction of the court in respect of dying declaration that it was true and voluntary and it was not as a result of either tutoring, or prompting or a product of imagination and that the deceased was in a state of mind.

**17. RECORDING OF STATEMENTS U/S 164 OF CR.P.C. :**

Recording of statement of witnesses produced by the investigating agency by a Magistrate as well as recording of confession statement of the accused produced before the Magistrate is provided u/s 164 Cr.P.C.

Recording of the statement of witnesses is to protect the oral evidence and that if the witness resiles from his own statement recorded u/s 164 Cr.P.C. he is liable to be prosecuted for an offence of perjury.

In recording the statement of confession of an accused the Magistrate shall take precautions before he proceeds to record the statement in the manner provided u/s 281 of Cr.P.C.

**PRECAUTIONS TO BE TAKEN:**

- When an accused is produced for making a confession, it is the duty of the Magistrate to inform the accused that he is not bound to make a confession.
- If he still wants to make a statement he must be informed that if he makes a statement it may be used as evidence against him.

- The Magistrate must satisfy himself that the accused has come to give statement voluntarily.
- The accused shall not be detained in police custody
- He shall be taken into judicial custody and he shall be allowed to coolly think over the matter till he is brought before the Magistrate for the purpose of the statement.
- Upon questioning him, if he still voluntarily gives the statement, the statement must be recorded. Thereafter a memorandum at the foot of such record be made.
- The memorandum is as follows “I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

Sd.-Magistrate

### **18. REPORT OF POLICE OFFICER ON COMPLETION OF INVESTIGATION:**

The word ‘Charge Sheet’ is not appearing in the Cr.P.C. It is the police report filed after completion of investigation u/s 173 Cr.P.C. is called as Charge Sheet or Final Report. In North India it is called as ‘Chalan’.

As soon as the Charge Sheet is filed, the Presiding Officer shall initial the same with date and endorsing the office ‘to check and put up’. The office invariably shall check and put up without any delay and place before the Presiding Officer to take cognizance of the case.

#### **18(a). Checking of the Charge Sheet :**

One of the important functions of the Court is that the Charge Sheets filed are to be checked properly and promptly so that the Court may apply its mind to take cognizance of the matter or to pass appropriate orders. Checking of the charge sheet shall not be in a routine manner. They shall be checked as under:

- Nature of offence
- Any special law involved or any special procedure is required to be followed by the investigating agency
- Whether the offence requires sanction for prosecution
- Whether there are counter cases
- The limitation
- Whether the material papers are properly filed including the reports from FSL reports, wound certificates, post mortem certificates, M.V.I. inspection report etc.
- Whether the case properties are received
- Whether sufficient number of sets of accused copies are furnished by prosecution etc.

The charge sheets are filed in accordance with Sec.173(2) of Cr.P.C. The information provided by the police in respect of each of the column in Sec.173(2) Cr.P.C. shall be checked properly.



### **COURSE OPEN TO THE MAGISTRATE AFTER CHECKING THE CHARGE SHEET:**

- Magistrate is not bound by the conclusions arrived by the police
- If the matter requires investigation, the Magistrate may order investigation u/s 156(3) Cr.P.C.
- Three courses are open to the Magistrate:
  - he may decide that there are no sufficient grounds for proceeding further and drop action
  - he may take cognizance of the offence u/s 190(1) (b) on the basis of police report and issue process
  - he may take cognizance of the offence u/s 190(1)(a) on the basis of the original complaint and proceed to examine upon oath the complainant and his witnesses u/s 200 Cr.P.C.

### **18(b). CHECKING IN RESPECT OF FINAL REPORT:**

After completion of investigation police may file final report when there are no sufficient grounds to proceed against the accused in respect of the offence. Generally the police file final reports under the following reasons closing the case.

- Mistake of fact
- Mistake of law
- Civil nature
- Undetectable
- False case
- Magistrate is not bound by the conclusions arrived by the police
- If the matter requires investigation, the Magistrate may order investigation u/s 156(3) Cr.P.C.
- If the Magistrate satisfies to accept the final report, he must check whether a notice was served on the complainant by the police giving him an opportunity to represent in the Court if he is aggrieved.
- The court must see a notice is issued on the complainant before the final report is accepted.
- If the final report is accepted the Magistrate shall issue the proceedings

### **19. LIMITATION TO TAKE COGNIZANCE:**

The Cr.P.C. of 1973 has provided the limitations for taking cognizance of offences. The limitations are based on the maxim “*vigilantibus, et non, dormientibus, jura subveniunt*” (the vigilant, and not the sleepy, are assisted by the laws).

The checking of the charge sheets for the purpose of taking cognizance shall invariably done with the limitation provided under the Chapter XXXVI of Cr.P.C. {Secs. 467 to 473}.

Chapter XXXVI of Cr.P.C. provides bar to take cognizance after the laps of the period of limitation. The limitations of time are as follows:

- Six months, if the offence is punishable with fine only
- One year, if the offence is punishable with imprisonment for a term not exceeding one year.

- Three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years

The Court is prohibited to take cognizance of the offence if the time stipulated as above in Sec.468 of Cr.P.C. is expired. The Courts are given the power to extend the period of limitation in certain cases and to take cognizance after the Court is satisfied on the facts and circumstance of the case and that delay has properly explained by the prosecution/police and the Court satisfied that it is necessary to condone the delay in the interests of justice.

### **Legal aspects of Limitation:**

- The charge sheet shall be checked or taking cognizance whether it was presented within time as provided u/s 468 Cr.P.C. {**State of Himachal Pradesh vs. Tara Dutt - AIR 2000 S.C. 297**}
- The charge sheet must be checked whether it is disclosing a concluded offence or continuing offence. In the case of continuing offence there is no question of limitation. {**M.B.Tata Reddy vs. Gram Panchayat – 1995(2) ALT 147**}
- In Food Adulteration Cases the Limitation starts from the date on which the report of the enlist is received {**1992(3) ALT 10 N.R.C.**}
- Delays caused by the accused should be excluded while computing the period of limitation. {Sec.470 Cr.P.C.} {**1994 (1) ALT CrI. – 75**}
- Acceptance of final report by Magistrate does not debar him from taking cognizance of the offence, if on further investigation fresh material came to light. {**State of Rajasthan vs. Aruna Devi & Other – 1995 (1) S.C.C. – 1**}
- The relevant date for the purpose of limitation of the offence u/s 138 of N.I.Act is that the date on which the complaint was filed into Court and not the date on which cognizance was taken by the Magistrate. {**Appu Ramani vs. State – 1993(1) ALT 370**} (**Smt Pratia Reddy vs.Charminar Cooperative Urban Bank Ltd., & another - 2000 (1) L S 320**)

### **20. SUPPLY OF COPIES TO THE ACCUSED:**

In a case where the proceedings has been instituted on a police report the Magistrate shall without delay furnish to the accused all the copies free of cost as provided under Sec.207 Cr.P.C.

Where in a case instituted other wise than on a police report, it is the duty of the Magistrate to supply all the copies of documents, in accordance with the provision of Sec.208 Cr.P.C. This provision contemplate the supply of copies free of cost to the accused before the case is committed to the Court of Sessions.

### **21. COMMITTAL PROCEEDINGS:**

When in a case instituted on police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is exclusively triable by Court of Sessions, he shall commit the case under the provisions of Sec.209 Cr.P.C.

### **Points to be remembered for committal:**

- Compliance with the provisions of 207 or 208 Cr.P.C.

- Subject to the provisions relating to bail, remand the accused to custody during, and until the conclusion of the trial.
- Send all the case record documents and articles to the Court of Sessions
- Notify the Public Prosecutor

## **22. Criminal Trials under CRPC:**

The word trial has not been defined in the Code . Where as the word Enquiry has been defined u/s 2(g) “Inquiry “ means every inquiry other than a trial, conducted under the Code by the Magistrate or court. The trial commences with the framing of the charge and ends with t he judgment of acquittal or conviction. The Code provides different procedures for different cases.

- (1) The sessions trial – Secs. 225-237 CRPC
- (2) Warrants Trail – Secs.238-250 CRPC.
- (3) Summons Trial- SEcs.251-259 CRPC
- (4) Summary Trail- Secs.260-265 CRPC
- (5) Trial before High Courts – Sec.474 CRPC.

The trial of warrant procedure is of two kinds . (1) the trial of warrant cases instituted on police report Secs.238-243 CRPC. (2) the trial of warrant cases instituted otherwise than on police report (Private Complaints) Secs. 244-247 CRPC. Sec 248 CRPC which deal with acquittal or conviction is the same for both warrant cases on police report or private complaints.

## **23. FRAMING OF CHARGES:**

Chapter XVII of Criminal Procedure Code, elaborately provides the procedure and the important ingredients and essentials of charge from Secs.211 to 224. Rules 59 & 60 of Criminal Rules of Practice provide the procedure in respect of charges of previous conviction etc.,

Framing charge is an important job of the Presiding Officer. Such sacred job shall not be entrusted to his subordinates.

## **24. ORDER FOR MAINTENANCE OF WIVES, CHILDREN AND PARENTS:**

The Criminal Procedure Code provides the procedure for order of maintenance of wives, children and parents when they are neglected or refused to maintain by husbands, father, son respectively in the Chapter IX of the Code containing Secs. 125 to 128.

### The important points:

- This provision is applicable to persons belonging to all religions (except Muslim divorced woman)
- The relationship shall be proved
- The willful refusal or willful negligence on the part of the respondent shall be proved
- The sufficient means of the respondent shall be proved for awarding just maintenance.
- Wife, legitimate or illegitimate children, minor children whether married or not who are unable to maintain themselves.

- The married daughter who has not attend majority and the children who are by reason of any physical or mental abnormality or injury unable to maintain themselves are entitled for maintenance.
- The parents who are neglected to refused maintenance by sons and daughters are also entitled for maintenance.
- The procedure provided u/s 125 to 128 Cr.P.C. shall be scrupulously followed with the aid of decisions of High Court and Supreme Court.
- The amendment brought under Act 50 of 2002 in respect of monthly allowance of maintenance is laudable. The words not exceeding Rs.500/- in whole is omitted and the Magistrate of First Class is given the discretion to award a maintenance which he thinks fit just and reasonable in the circumstance of the case before him after considering all the matters in a fair manner.

#### **LEGAL ASPECTS:**

- Merely sending a respondent to a Jail for not paying the allowance to his wife is not sufficient. Sending defaulting husband is only a mode or method of recovery and not a substitute for maintenance. {**Smt Kuldeep Kaur vs. Surender Singh – AIR 1986 S.C.332**}
- Muslim husband having sufficient means must provide maintenance to his divorced wife, who is unable to maintain herself. { **Mohd. Ahmed Khan vs. Shah Bano Begum – AIR 1985 S.C. 945**}
- In response to the judgment in Shabanu’s case, the Parliament has enacted the Muslim Women {Protection of Rights on divorce} Act 1986. This act excluded the Muslim divorced wives from the purview of Sec.125 Cr.P.C.
- Even on affidavits the Court is empowered to award interim maintenance without recording any evidence (**Suresh vs. Lalita 2002 Cr.L.J. – 380**)
- A Daughter who is having a sufficient means of our own independent income, apart from her husband’s income shall pay maintenance to the parents. (**Dr. Vijaya Manohar Arabat vs. Kashi Rao, Rajaram Swamy – AIR 1989 S.C. 1100**)

#### **25. SEC.313 CR.P.C. – POWER TO EXAMINE THE ACCUSED:**

In every inquiry or trial for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him, the Court is bound by law to examine the accused with reference to incriminating evidence adduced by the prosecution against him. The accused is at liberty to answer the questionnaire made for the examination of the accused under this provision. There is no necessity to administer oath to the accused. The accused shall not render himself liable to punishment by refusing to answer such questions put to him under 313 Cr.P.C. The accused is also not liable if he gives false answers. The answers given by the accused in such an inquiry or trial u/s 313 Cr.P.C. may be taken into consideration by the Court.

#### **LEGAL ASPECTS:**

- It is the duty of the Court towards accused to offer him opportunity to explain every circumstance established against him. The failure to examine the accused under this provision causes prejudice to the accused. – (**Sivaji Subba Rao Bobade and another Vs. State of Maharashtra – 1973(2) SCC 793**)

- Accused giving evasive replies in his 313 Cr.P.C. examination regarding the circumstances found against him, the Court may take such replies into consideration. (**Rattan Singh Vs. State of H.P. 1997(1) ALD(Crl) 410 S C.**)
- Failure to record the 313 Cr.P.C. statement is illegal. The case has to be remitted for retrial from stage of 313 Cr.P.C. Retrial of the entire case need not be ordered. **JanakYadav Vs. State of Bihar 1997(2) ALD(Crl.)131 SC**
- Examination of accused U/s. 313 Cr.P.C. is mandatory in warrant cases **AIR 1993 SC 2090.**
- Sec.313 Cr.P.C. is mainly intended to benefit the accused and as its corollary to benefit the Court in reaching the final conclusion. The provision is not intended to nail him to any position, but to comply with the most salutary principle of natural justice enshrined in the maxim: *audi alteram partem* (**Basava Raj R. Patil and others Vs. State of Karnataka and Others – 2000(8) SCC 740**)
- Circumstances which are incriminating in the evidence against the accused, if such circumstances are not put to the accused, the Court is not to consider such evidence against the accused – **AIR 1984 S.C. 1622**
- The conviction is liable to be set aside when the accused is not examined in accordance with the provisions of Sec.313 Cr.P.C. – **AIR 1982 S.C. 1200; AIR 1979 S.C. 1566**

#### **26. RECORDING OF EVIDENCE:**

Chapter XXIII of Criminal Procedure Code provide a procedure for recording evidence in inquiries and trials. The said Chapter consists of Sections 272 to 299 Cr.P.C.

- Mode of taking and recording of evidence is provided in - Secs.272 to 283
- Commission for examination of witnesses is provided in Sec.284 to 299
- Recording of evidence in summons cases or inquiries - Sec.274
- Recording of evidence in respect of warrant cases – Sec. 275
- Recording of trial before Court of Sessions – Sec.276
- Demeanor of witness is to be taken note of – Sec.280
- Recording of the examination in respect of confession of accused – Sec.281
- The other Sections in the Chapter deal with the language of recording of evidence etc.

#### **27. POWER OF THE COURT IN EXAMINATION OF WITNESSES:**

Chapter X of Indian Evidence Act provides the procedure for the examination of the witnesses in Chapter Secs. 135 to 166.

Some of the important points in the examination of the witnesses:

- Sec.136 IEA – Judge to decide as to admissibility of evidence. U/s Sec. 5 of Indian Evidence Act, Evidence can be given only in respect of such facts which are either in issue or declared expressly to be relevant under any provisions of relevancy chapter - Sec.6 to 55.
- Sec.148 IEA – Court to decide when questions shall be asked and when witness combined to answer.
- Sec.150 IEA – Procedure of Court in case of question being asked without reasonable grounds.

- Sec.151 IEA – The court may forbid any question which are of indecent and scandalous in nature. The Court is bound to protect the decency and dignity of the individuals more particularly in cases of rape, adultery, desertion, marriage, legitimacy etc.
- Sec.152 IEA – the Court shall forbid any question which appears to it to be intended to insult or annoy the witnesses.
- Sec.155 IEA – The credit of witness may be impeached by the Court.
- Sec.165 IEA – Judges power to put questions or order production of any document or thing. The Judge is expected to actively participate in the trial, elicit necessary material from witnesses at the appropriate context. A Judge may put a question in respect of fact whether it is relevant or irrelevant or may order for production of any document or thing.

## **28. RECORDING OF EVIDENCE – CRIMINAL RULES OF PRACTICE :**

The Sessions Judges and Magistrates shall themselves administer the oath to the witnesses or to the interpreter. The practice of the Bench Clerk or other Court Officer administering the oath is illegal. {Rule 51 of Criminal Rules of Practice.}

- Rule 53 – Deposition went to be signed by the witness
- Rule 54 - Evidence as to the age of the accused
- Rule 55 – Evidence of Gosha – women
- Rule 56 – Police Officers not to interpret evidence
- Rule 57 – Charges for interpretation
- Rule 58 – Marking of exhibits
- The Criminal Rules of Practice provides the procedure to be followed in respect of official witness, witnesses of local fund or municipality, officials of the Central Government or State Government, Employees of the State Government under Rules 240 to 245 of Criminal Rules of Practice.
- The procedure relating to non-official witnesses i.e. class of witness, rates of payment to the witnesses including the traveling allowance, disbursements and determination of mileage and batta to the witnesses is provided in Rules 246 to 251 of Criminal Rules of Practice.

## **29. WITNESSES:**

The word ‘Evidence’ means and includes –

- All statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry; such statements are called oral evidence;
- All documents including electronic records produced for the inspection of the Court, such documents are called documentary evidence.

Competency of witness is very essential to give evidence before the Court of Law. The competency of witnesses is provided u/Ss. 118 to 134 of Indian Evidence Act.

Sec.118 of I.E.A. provide who may testify to give evidence. All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether body or mind, or any other cause of the kind. The explanation

to the Section provides a lunatic is not in competent to testify, unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

**29(a). NATURE OF WITNESSES:**

- *Related witness* – Related witness is one who derives some benefit from the result of the matter before the Court. { **AIR 1981 S.C. 1390**}
- *Hostile witness* - { **Sarpal vs. Delhi Admn. AIR 1976 S.C. 274**}
- *Natural/chance witness* - {**Ram Pratap vs. State of Haryana – AIR 1983 S.C. 680**}
- *Police witness* - {**State Govt.NCT, Delhi vs. Sunil and others – 2000 (1) S.C. 612**} {**Devendrapal vs. State NCT, Delhi 2002 (5) S.C.C. 234**}
- *Child witness* – {Sec.118} Child witness is likely to become prey. It is a rule of prudence that such evidence requires corroboration. {**Manchi vs. State of A.P. – 1998 (7) S.C.C. 177**} {**Chhagam Dane vs. State of Gujarat – AIR 1994 S.C. – 454**}
- *Accomplice* – The evidence of accomplice requires corroboration with material particulars. Sec. 133 and 114(b) of I.E.A. {**Balvanth Kaur vs. Union Territory of Chandigarh 1988(1) S.C.C. –1**}
- *Dumb witness* – (Sec.119) Signs used by a dumb witness to be recorded.

**30. CREDIBILITY OF WITNESS:**

Every witness whose evidence is recorded by the Court shall be appreciated therein the following conditions. The judge has to maintain an impartial and judicial approach to appreciate the merits of the evidence by scrutinizing the same. {**Satyam vs. Sree Ramulu – AIR 1961 – A.P. 461**}

Each witness has to be tested independently regarding his credibility. Thereafter the last test that is to be applied is the test of corroboration. The Credibility of witness is not confined to one of the circumstances but to several situations and certain tests are to be applied for appreciation.

**The test to be applied for appreciation of credibility:**

- Probability factor
- Surrounding circumstances
- Test of cross-examination
- Theory of consistency
- Demeanor of witness
- Nature of witness
- Test of corroboration

**31. APPRECIATION OF EVIDENCE:**

Appreciation of Evidence is a judicial function. There shall not be any element of arbitrariness in appreciating the same. The evidence is of two kinds. The first one is oral evidence and the second one is documentary evidence. In addition to these categories there is an evidence known as real evidence or physical evidence. The definition of evidence and Sec.3 of IEA as not provided the specific aspect relating to real evidence or physical evidence. The real

evidence is of the nature, which is of immediate perception. Ex: Demeanor of a witness, which could be perceived when the witness is in the witness box. The other real evidence is the evidence produced for the inspection of the Court Ex: Crime weapon, blood stained clothes etc.

**31(a). APPRECIATION OF ORAL EVIDENCE:**

The following aspects are to be borne in mind while appreciating the oral evidence:

- Relevancy of facts
- Admissibility of the evidence
- Competency of witnesses
- Credibility of the evidence

The following considerations make the relevant evidence admissible:

- If the evidence is not opposed to the public policy
- If it is not opposed to any rule of law u/s 91 & 92 of I.E.A.
- If the evidence is not estopped from giving evidence u/s 115 & 116 of I.E.A.
- If they are not privileged statements {121 to 131 of IEA}
- The evidence is with all fairness

**31 (b). APPRECIATION OF DOCUMENTARY EVIDENCE:**

- Probate value of the document is important. The probate value means its weight to be given to the document produced for inspection of the Court. {**State of Bihar vs. R.K.Singh – AIR 1983 S.C. 684**}
- Proof –
  - By production of document itself
  - By proof of execution of the document
  - By proof of genuineness of the document and contents therein
  - By author of the document

**32. JUDGMENT:**

The procedure with reference to judgment is provided in Chapter XXVII of Criminal Procedure Code consisting of Secs. 353 to 365.

The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court by the Presiding Officer immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders –

- By delivering the whole of the judgment, or
- By reading out the whole of the judgment, or
- By reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his pleader
- The procedure provided u/s 353 of Cr.P.C. is to be followed scrupulously
- Every judgment shall be written in the language of the Court
- The judgment shall contain the point or points for determination, the decision there on and the reasons for the decision
- The judgment shall specify the offence if any of which, and the Section of IPC or other law under which the accused is convicted and the punishment to which he is sentenced.



- If the judgment is that of an acquittal it shall state the offence of which the accused is acquitted and direct that he be set at liberty.
- The other procedure laid down u/s 354 Cr.P.C. shall be followed
- The Metropolitan Magistrate instead of recording the judgment in the manner provided u/s 353 and 354 Cr.P.C., he shall record the following particulars, i.e. –
  - a) the serial number of the case,
  - b) the date of the commission of the offence
  - c) the name of the complainant (if any)
  - d) the name of the accused person, and his parentage and residence
  - e) the offence complained of or proved
  - f) the plea of the accused and his examination {if any}
  - g) the final order
  - h) the date of such order
  - i) in all cases in which an appeal lies from the final order either u/s 373 or under Sub.Section (3) of 374, a brief statement of the reasons for the decisions.

### **32(a) Judgments – Criminal Rules of Practice:**

While writing judgments certain care is to be taken as per the Rules 65 to 75 of Criminal Rules of Practice. Example:

- No abbreviations shall be used in the judgments or orders
- How witnesses shall be referred to be taken care of

Copies of the judgments how they are to be furnished are provided under Rules 72 to 100 of Criminal Rules of Practice. The distribution of copies of judgment as provided under Rule 100 to be strictly complied.

The copy of the judgment shall be furnished to the accused forthwith in the event of the judgment resulted in conviction.

### **33. COMPENSATION:**

The Court is obliged to order to pay compensation in the fit cases while imposing a sentence of fine or a sentence {including a sentence of death} of which fine forms a part. The Court may while passing judgment order the whole or any part of the fine recovered to be applied, as provided in Sec.357 of Cr.P.C.

Under the Sec.357 Cr.P.C. an order of compensation by the trial Court, Appellant Court or by the High Court or by the Court of Sessions in revision, at the time of passing judgment out of the fine imposed in the following four cases:

- to the complainant for meeting the expenses properly incurred in the prosecution,
- to any person, who has suffered loss or injury by the offence, when h can recover compensation in a Civil Court
- to a person entitled to recover damages under the Fatal Accidents Act, when there is a conviction for causing death or abetment thereof

- to a bonafied purchaser of property, which has become the subject of theft, criminal misappropriation, criminal breach of trust, cheating or receiving or retaining or disposing of stolen property and which is ordered to be restored to its rightful owner.

The Code of Criminal Procedure also provides to order compensation to persons groundlessly arrested u/s 358. There must be direct and proximate nexus between the complaint and arrest for the award of compensation under the Section. The Court must give an opportunity to show cause why compensation shall not be ordered u/s 358 Cr.P.C. against the person who groundlessly arrested the accused. The principles of natural justice are to be strictly followed before ordering compensation under this Section.

Sec.359 Cr.P.C. provides, ordering of costs in fit cases in respect of the offences of non-cognizable in nature. This section empowers the Court the order payment of entire costs that may have been incurred by the complainant including the expenses incurred by way of payment of process fees, batta, charges to the witnesses and the fee paid to the pleader.

**Legal Aspects of compensation:**

- while convicting the accused for the offence u/s 304B and 306 IPC, the Court directed the payment of fine imposed on the accused be paid to the victims father towards compensation – {**State of A.P. vs. Kuna Satyanarayana – 1998(8) S.C.C. 268**}
- while convicting the accused for the offence u/s 304A IPC, the Court ordered the accused driver of the truck to pay Rs.30,000/- as compensation to the heirs of the deceased and Rs.10,000/- to the injured -  
{**Hardar Singh vs. State of Punjab – 1994 S.C.C. (Criminal) 1234**}

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## **MAINTENANCE OF PROPERTY ROOM, CUSTODY, PRESERVATION AND DISPOSAL OF CASE PROPERTIES**

The effective and efficient management of case property produced before the Court as evidence is integral to the criminal justice system. The failure to manage the case property can affect the successful conclusion of criminal cases. Quite often, the unsatisfactory and unscientific methods of storage and maintenance of case property often result in the property losing its character, shape and identity etc. In this background, maintenance of property room assumes any amount of significance.

Storing the case property in a clean environment and under proper conditions, is a challenge. Effective identification of the properties after a substantially long periods due to delay in the trial process, often compounds the problem. Therefore, as the Presiding Officers are personally responsible for the safe custody of the case properties, the property room has to be periodically inspected by them for the purpose of checking the identity of the properties and to ensure proper storage facilities. It is common knowledge that vehicles deposited in Courts are kept outside the court premises without any identification number. Since the property registers are not updated periodically or if updated with incomplete details, tracing of the relevant case property among umpteen numbers becomes an uphill task. Therefore, an effective identification system has to be evolved in identifying the property kept in the property room.

Electronic gadgets like mobile phones, laptops etc, which have huge evidentiary value, are also get damaged due to improper storage. Therefore, proper packaging of such electronic items should provide safeguard to such items from damage. The case property should be labelled with description of item, Case number, Date of deposit, crime number or the regular case number and the police station for easy identification.

The volume of material collected in each case adds to storage space of a Court complex, including the property rooms where case properties are kept. It need not be over-emphasised that compared to flow of litigation, infrastructure in the District Judiciary is wholly inadequate. There is constraint for space for storage of case properties. One major issue which is troubling the District Judiciary is maintaining the case records and case properties. As the statistics furnished by the Unit Officers in the State disclose, though identified for destruction, large volume of case record and case properties are pending destruction/disposal. Therefore, property room has to be maintained in clean environment, with the property items kept year-wise separately, with identification slips and tags for easy identification and properly protected against damage by moisture, insects, etc., Care should be taken for disposing of the items where orders have been passed by the Court since it avoids spending our scarce resources and using office space to maintain case property no longer needed by the Judiciary and enable us to utilize the resources for other important aspects.

**Provisions relating to custody, preservation and disposal of case properties:**

It needs no emphasis that at the time of disposal of a criminal case, disposal order of property involved in it has to be invariably passed by a criminal Court. In this regard, the relevant provisions in Chapter XXXIV of the Code of Criminal Procedure, 1973 are Sections 451 to 459 which, inter-alia, contemplate passing of disposal orders pertaining to property,

- i) in respect of which an offence appears to have been committed, or
- ii) the property which is used in the commission of an offence, or
- iii) the property which is produced before the court, and/or
- iv) the property which is in the custody of the Court.

These Sections 451 to 459 of the Code of Criminal Procedure, 1973 have to be harmoniously read with Section 110 of Indian Evidence Act.

Further, Rules 220 to 234 of the Criminal Rules of Practice and Circular Orders, 1990 (for short “the Rules”) which are framed for the guidance of Criminal Courts by the Hon’ble High Court in exercise of the powers conferred by Article 227 of the Constitution of India and Section 477 of the Code of Criminal Procedure, 1973 provide the procedure of dealing with the custody of property, material objects and disposal of case properties.

The scheme contemplated for disposal of property under Sections 451 to 459 of Cr.P.C. may be, briefly, referred at this stage for better appreciation of the subject matter.

Section 451 of Cr.P.C. lays down that when any property is produced before a Criminal Court during any inquiry or trial, the Court may pass such orders as it thinks fit for the proper custody of such property pending such inquiry or trial. However, if the property is subject to speedy and natural decay, or if it is otherwise expedient to do so, the Court may order it to be sold or otherwise disposed of.

An explanation is also appended to this Section which provides that for the above purpose of this section, the term *property* includes,

(a) Property of any kind, or any document which is produced before the Court, or which is in its custody;

(b) any property regarding which an offence appears to have been committed; or which appears to have been used for the commission of any offence.

Section 452 of Cr.P.C. provides for passing of an order for disposal of property at the conclusion of trial. It lays down that the Court may make such order as it thinks fit for the disposal of property produced before it by ordering any of the following modes of disposal, as the case may be, :

1. destruction;
2. confiscation;
3. delivery to any person claiming the property for its entitlement.

An order made under sub-section (1) of Section 452 of Cr.P.C. shall not be carried out for two months, or when an appeal is presented, until such appeal has been disposed of, except where the property is the live-stock or is subject to speedy and natural decay.

In terms of Section 453 of Cr.P.C, if any person is convicted of any offence which includes theft or receiving stolen property and it is proved that any other person bought the stolen property from him without knowing or having reason to believe that the same was stolen, and if any money has on his arrest been taken out of the possession of the convicted person, on application of the purchaser and also on restitution of stolen property to the person entitled to the possession thereof, the Court may order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Section 454 of Cr.P.C. deals with appeals against an order made by a Court directing disposal of property which lie to the Court to which appeals ordinarily lie from convictions by the former Court. On such appeal, the Appellate Court may direct the order to be stayed pending the disposal of the appeal, or it may modify, alter or annul the order and make any further orders that it may deem fair and just.

Section 455 of Cr.P.C. contemplates that on a conviction under sections 292 and 293, sections 501 or section 502 of the Indian Penal Code (45 of 1860), the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted and, in like manner, on a conviction under sections 272 to 275 of IPC, order the food, drink drug or medical preparation in respect of which the conviction was had, to be destroyed.

Section 456 of Cr.P.C., *inter-alia*, provides that when a person is convicted of an offence attended by criminal force or show of force or by criminal intimidation, and it appears to the Court that, by such force or show of force or intimidation, any person has been dispossessed of any immovable property, the Court may, if it thinks fit, order that possession of the same be restored to that person after evicting by force, if necessary, any other person who may be in possession of the property.

Provided that no such order shall be made by the Court more than one month after the date of conviction.

Section 457 of Cr.P.C. lays down the procedure by police upon seizure of property. It provides that whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court

during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property. If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

According to Section 458 of Cr.P.C. if no person within six months as provided in section 457 appears and establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the Magistrate may by order direct that such property shall be at the disposal of the State Government and may be sold by that Government and the proceeds of such sale shall be dealt with in such manner as may be prescribed.

In so far as perishable properties are concerned, Section 459 of Cr.P.C. contemplates that if the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than five hundred rupees, the Magistrate may at any time direct it to be sold; and the provisions of sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

The Hon'ble Supreme Court in [Sunderbhai Ambalal Desai Vs. State of Gujarat](#) {(2002) 10 SCC 283} has issued detailed guidelines to be followed by the Courts while ordering custody and disposal orders relating to valuable articles, currency notes, vehicles, and seized liquor/narcotic drugs etc.

**Relevant Rules under Criminal Rules of Practice and Circular Orders, 1990 relating to case properties:**

Chapter–XI of Criminal Rules of Practice and Circular Orders, 1990 provide the detailed procedure in the form of Rules as to the method and mode of dealing with Case Properties. They are enumerated as under:

**Rule 220. Responsibility of Presiding Officers:-** Presiding Officers are personally responsible for the safe custody of the case properties. Only clerks who have furnished the required security should be placed in charge of properties, but that does not relieve the presiding Officers of their responsibility to any extent.

**Rule 221. Inspection of Case Properties:-** Every article received in Court should immediately after receipt be inspected by the Presiding Officer or a responsible Officer of the Court duly authorized by him and entered in the Property Register then itself.

The Presiding Officer should check the valuable and non-valuable items of property periodically and satisfy himself that all items received in Court are properly accounted for, that they are safely kept and that orders of disposal are promptly carried out.

Whenever there is a change of officer, the succeeding officer should examine all the properties other than valuables relating to the Court as soon as possible after he takes charge and certify in the Registers themselves that he has taken over the properties referred to in Rule 222 should be verified at the time of taking over charge and necessary certificate affixed in the Register.

**Rule 222. Valuable Properties:-** All articles of value should be separated from other items. They should be kept in (a) boxes sufficiently strong and fitted with good lock and key (b) properly protected against damage by moisture, insects, etc., They should invariably be deposited in the Sub – Treasury.

#### **SUBMISSION OF MATERIAL OBJECTS**

**Rule 223. Selection of Material Objects to be sent to the High Court:-** The Sessions Judge shall in his discretion send weapon, substance or article whereby the offence is said to have been committed and all garments stained with blood provided the objects can be conveniently transmitted and are of assistance to the High court. Court of Session shall enclose with the records in Sessions Cases submitted to the High Court a list of material objects in Judicial Form No.129-A.

**Rule 224. Note to be made, if any Material Object is retained:-** In every case in which any material object is retained the order of the Judge directing such retention should form part of the record submitted to the High Court, classified under Item 8, “other miscellaneous papers if any” with English part of the Sessions Record, the page assigned to the paper being shown against Item 6(b).

**Rule 225. Return to be obtained within one month:-** Articles received from lower Courts such as sticks, stones, knives, bill-books, axes, guns, rags of clothing, earth etc., and all articles of trifling value are ordinarily retained in the High Court and destroyed there. Any application for the return of these articles (For return to parties or for reference in any other case) or of any articles that the High Court has omitted to return, shall be made within one month from the date on which the records of the case are received back in the lower Court.

**Rule 226. Properties in Sessions Cases may be sent to Committing Magistrates for Disposal:-** The properties in Sessions Cases which have to be dealt with under Sec. 452 of the code may be forwarded to the Committing Magistrate excepting in such individual cases where the Sessions Judge directs otherwise.

## DISPOSAL OF THE CASE PROPERTY

**Rule 227. Judgment to contain Orders for disposed:-** Orders for the disposal of material objects should be passed in the Judgment itself.

**Rule 228. When Material Objects are to be disposed:-** Material objects exhibited at the trial of criminal cases should be retained by the Court until the Court is satisfied that the appeal time has expired and that no appeal has been presented or that any appeal presented has been disposed of. But when a case is disposed of by High Court, the material Object shall ordinarily be disposed of after the expiry of 90 days from the date of judgment of the High Court, unless in the meantime-

(1) the parties interested have, on a proper application, obtained a direction from the High Court for preservation of such objects, pending disposal of an application for leave to appeal to the Supreme Court under Article 134 (1)© of the Constitution of India, or a Special Leave Petition or;

(2) intimation of Appeal preferred to the Supreme Court of India under Article 234 (1) (a) and (b) of the Constitution is received. After that, they may be destroyed or otherwise disposed of according to the Rules.

**Rule 229. Destruction of cases property:-** (1) Orders for destruction of case property should be carried out in the presence of the Presiding Officers.

(2) It is not desirable to order destruction of valuable property. It should, if it is not ordered to be delivered to the person entitled to it, be confiscated or otherwise disposed of.

**Rule 230. Confiscated Articles:-** (1) When the material object confiscated is a weapon, other than a fire arm or ammunition, and is in the opinion of the Sessions Judge of a most unusual character or of special interest in the light of the facts of the case it shall be transferred to the Medical College, Tirupathi in the case of the Sessions Courts of Ananthapur, Chittoor, to the Medical College, Kurnool in the case of Session Courts of Cuddapah, Kurnool and Nellore; to the Medical College, Guntur in the case of Sessions Courts of Guntur, Krishna and West Godavari, to the Medical College, Visakhaptnam in the case of Sessions Courts of Visakhaptnam, Srikakulam and East Godavari and to Osmania Medical College, Hyderabad in case of Sessions Courts in Telangana area. It shall first be ascertained by a reference to the Medical College concerned whether the article is required by it or not. Similar reference should also be made to the Police Museum at Hyderabad. If the article is required by both the Medical College and the Police Museum, the former will have priority over the latter. Only when the article is not required by either the Medical College or the Police Museum then it should be destroyed.

(2) In the case of art objects and antiquity the Court shall communicate with the Director of archaeology and Museums and if he desires, send them to him.

(3) Gold ornaments shall be sent to Mint Master through a responsible Officer by pre-arrangement.



**Rule 231. Delivery of Case Property to the person entitled:-** When any property is ordered to be delivered to a party, notice should be issued to him in Judicial Form No.61. He should also be informed that if he does not appear on the date specified in the notice, the property will either be destroyed or sold and the sale proceeds credited to Government. If the Party appears after the sale of the property, the sale proceeds may be paid to him deducting expenses of the sale.

**Rule 232. Sale of Case Property:-** Sale of property should be conducted by an officer of the Court and should be public auction. It should be conducted and confirmed as far as may be in the manner prescribed for the sale of movable property by the Code of Civil Procedure and Civil Rules of Practice.

**Rule 233. Procedure regarding disposal of Excisable Goods:-** In the case of excisable goods held in the custody of Criminal Courts, notice of the date of auction or other method of disposal shall be issued to the Excise Authority concerned requiring such authority to arrange for the collection of the duty leviable if any, on the goods and for the issue of transport permit where necessary. The Excise Authority may also be required to satisfy itself that the purchaser in auction or otherwise is licensed to deal in such goods.

**Rule 234. Disposal of Counterfeit coins and Forged Currency Notes:-** (1)When counter-felt coins have to be disposed of by a Criminal Court u/secs. 452, 457 or 458 of the Code, they shall be forwarded together with any dies, moulds etc., which may have been produced in the case to the nearest Treasury or Sub-Treasury, with request that they may be remitted to the Mint for examination. A concise and accurate report should also be sent containing a description of the case and the sentence imposed.

(2) In the case of forgery of currency notes, the disposal of implements such as moulds, dies etc., produced in and confiscated by a Court is a matter for the decision of the Court with tries the case and when they are ordered by the Court to be delivered to the police for destruction, the police shall themselves arrange for their destruction and not send them to the currency offices of Mint for destruction, provided that if the police consider any particular implements are of special interest and should be preserved, they shall make them over to the Criminal Investigation Department for this purpose.

(3) All forged currency notes brought before the Court shall be handed over to the Police for being forwarded to the Issue Department of the Reserve Bank of India, with a brief report of the case.

(4) All arms and ammunitions of preserved bore which are confiscated should be sent to the nearest Arsenal for disposal.

The above relevant provisions and rules have to be borne in mind by all the stake-holders while dealing with the case properties in criminal cases. Insofar as the aspects relating to the case property involved in the offences under NDPS Act are concerned, they are being dealt with separately in this Guide under the head of “Disposal of Case Property under NDPS Act, 1985”.

**Orders to be passed relating to demonetized currency notes produced before the Court on or before 30-12-2016:**

Insofar as the currency notes which are demonetised and are with the custody of the Court are concerned, if they are produced on or before 30-12-2016, they have to be exchanged by the person entitled thereto with the concerned Reserved Bank/Nationalised bank on being certified by the Court by an order by mentioning the demonetized currency notes numbers, as specified in terms of the Specified Bank Notes Deposit of Confiscated Notes Rules, 2017, dated 12-5-2017 issued under the Specified Bank Notes (Cessation of Liabilities) Act, 2017, notified by the **Finance Ministry, (Department of Economic Affairs), Government of India**, as under:

*In exercise of the powers conferred by sub-section (1) of section 11, read with clause (c) of the proviso to section 5, of the Specified Bank Notes (Cessation of Liabilities) Act, 2017 (2 of 2017), the Central Government hereby makes the following rules, namely:-*

*1. Short title and commencement.- (1) These rules may be called the Specified Bank Notes (Deposit of Confiscated Notes) Rules, 2017.*

*(2) They shall come into force on the date of their publication in the Official Gazette.*

**2. Deposit of confiscated specified bank notes.-** *Where specified bank notes have been confiscated or seized by a law enforcement agencies or produced before a court on or before the 30th day of December 2016, such specified bank notes may be tendered, at any office of the Reserve Bank specified under sub-section (1) of section 4 of the Act or a nationalised bank designated by the Reserve Bank for the said purpose, for deposit in a bank account or exchange of the value thereof with legal tender, subject to the following conditions, namely:-*

*(a) in case confiscated specified bank notes are returned by the court to a person who is a party in case pending before that court, then, the person shall be entitled, on production of the direction of the court, to deposit or exchange such specified bank notes, the serial numbers of which-*

*(i) have been noted by the law enforcement agency which confiscated or produced them before the court; and*

*(ii) are mentioned in the direction of the court;*

*(b) in case specified bank notes are forfeited in favour of the Central Government or the State Government by an order of the court, then, that Government shall be entitled, on production of the direction of the court, to deposit or exchange such specified bank notes; or*

*(c) in case specified bank notes are placed in custody of any other person by an order of the court on or before the 30th day of December, 2016, then, the person shall be entitled, on production of the direction of the court, to deposit or exchange such specified bank notes, the serial numbers of which-*

(i) have been noted by the law enforcement agency which confiscated or produced them before the court; and

(ii) are mentioned in the direction of the court.

**3. These rules not to apply in certain cases.** - These rules shall not apply to specified bank notes confiscated or seized after the 30th day of December, 2016.

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## **DISPOSAL OF CASE PROPERTY UNDER NDPS ACT**

There is no gainsaying that case property in a criminal case assumes a pivotal role while adjudicating the guilt or otherwise of the accused. Though Sections 451 to 459 in Chapter XXXIV of the Code of Criminal Procedure, 1973 deal with disposal of property in criminal cases, but in addition thereto, a separate procedure is contemplated for disposal of seized narcotic drugs and psychotropic substances under Section 52-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity “the Act”). The said Section which is extracted hereunder, enumerates a special procedure, having regard to the hazardous nature of any narcotic drugs or psychotropic substances, their vulnerability to theft, substitution, constraints of proper storage space or any other relevant considerations, for conducting inventory of the seized contraband/narcotic drugs by the Magistrates, which are used in committing the offences covered under N.D.P.S.Act, 1985.

*52A. Disposal of seized narcotic drugs and psychotropic substances.—*

*(1) The Central Government may, having regard to the hazardous nature of any narcotic drugs or psychotropic substances, their vulnerability to theft, substitution, constraints of proper storage space or any other relevant considerations, by notification published in the Official Gazette, specify such narcotic drugs or psychotropic substances or class of narcotic drugs or class of psychotropic substances which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may from time to time, determine after following the procedure hereinafter specified.*

*(2) Where any narcotic drug or psychotropic substance has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53, the officer referred to in sub-section (1) shall prepare an inventory of such narcotic drugs or psychotropic substances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs or psychotropic substances or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs or psychotropic*

*substances in any proceedings under this Act and make an application, to any Magistrate for the purpose of*

*(a) certifying the correctness of the inventory so prepared; or*

*(b) taking, in the presence of such Magistrate, photographs of such drugs or substances and certifying such photographs as true; or*

*(c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn.*

*(3) Where an application is made under sub-section (2), the Magistrate shall, as soon as may be, allow the application.*

*(4) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs or psychotropic substances and any list of samples drawn under sub-section (2) and certified by the Magistrate, as primary evidence in respect of such offence.*

The Central Government has issued Gazette notification No. G.S.R. 38(E) on 16-01-2015 in exercise of the power conferred under the provisions under Section 52A of the NDPS Act, *in supersession of notification No. G.S.R. 339(E), dated 10-5-2007*, by laying down the procedure for disposal of the contraband and conveyances/vehicles which are seized, which were used for committing the offences under N.D.P.S.Act, 1985, by forming the Drug Disposal Committees and their functions. For the benefit of all the stake holders, the said Notification is extracted as under:

*In exercise of the powers conferred. by section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985, (61 of 1985), hereinafter referred to as the said Act, and in supersession of notification number G.S.R. 339(E), dated 10th May, 2007, except as respects things done or omitted to be done before such supersession, the Central Government, having regard to the hazardous nature, vulnerability to theft, substitution, and constraints of proper storage space, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, hereby specifies the narcotic drugs, psychotropic substances, controlled substances and conveyances which shall, as soon as may be after their seizure, be disposed of, the officers who shall dispose them of and the manner of their disposal.*

**2. Items to be disposed of.**— *All narcotic drugs, psychotropic substances, controlled substances and conveyances shall be disposed of under section 52A of the said Act.*

**3. Officers who shall initiate action for disposal.**— *Any officer in-charge of a police station or any officer empowered under section 53 of the said Act shall initiate action for disposal of narcotic drugs, psychotropic substances, controlled substances or conveyances under section 52A of that Act.*

**4. Manner of disposal.**-(1) *Where any narcotic drug, psychotropic substance, controlled substance or conveyance has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53 of the said Act or if it is seized by such an officer himself, he shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances as per Annexure 1 to this notification and apply to any Magistrate under sub-section (2) of section 52A of the said Act as per Annexure 2 to this notification within thirty days from the date of receipt of chemical analysis report of seized narcotic drugs, psychotropic substances or controlled substances.*

*(2) After the Magistrate allows the application under sub-section (3) of section 52A of the said Act, the officer mentioned in sub-paragraph (1) shall preserve the certified inventory, photographs and samples drawn in the presence of the Magistrate as primary evidence for the case and submit details of the seized items to the Chairman of the Drug Disposal Committee for a decision by the Committee on the disposal, and the aforesaid officer shall send a copy of the details along with the items seized to the officer-in-charge of the godown.*

**5. Drug Disposal Committee.**- *The Head of the Department of each Central and State drug law enforcement agency shall constitute one or more Drug Disposal Committees comprising three Members each which shall be headed by an officer not below the rank of Superintendent of Police, Joint Commissioner of Customs and Central Excise, Joint Director of Directorate of Revenue Intelligence or officers of rank and every such Committee shall be directly responsible to the Head of the Department.*

**6. Functions.**- *The functions of the Drug Disposal Committee shall be to-*

*(a) meet as frequently as possible and necessary;*

*(b) conduct a detailed review of seized items pending disposal;*

*(c) order disposal of seized items; and*

*(d) advise the respective investigation officers or supervisory officers on the steps to be initiated for expeditious disposal.*

**7. Procedure to be followed by the Drug Disposal Committee with regard to disposal of seized items.**- *(1) The officer-in-charge of godown shall prepare a list of all the seized items that have been certified under section 52A of the said Act and submit it to the Chairman of the concerned Drug Disposal Committee.*

*(2) After examining the list referred to in sub-paragraph (1) and satisfying that the requirements of section 52A of the said Act have been fully complied with, the members of the concerned Drug Disposal Committee shall endorse necessary certificates to this effect and thereafter that Committee shall physically examine and verify the weight and other details of each of the seized items with reference to the seizure report, report of chemical analysis and any other documents, and record its findings in each case.*

**8. Power of Drug Disposal Committee for disposal of seized items-** *The Drug Disposal Committee can order disposal of seized items up to the quantity or value indicated in the Table below, namely:-*

*Provided that if the consignments are larger in quantity or of higher value than those indicated in the Table, the Drug Disposal Committee shall send its recommendations to the Head of the Department who shall order their disposal by a high-level Drug Disposal Committee specially constituted for this purpose.*

**9. Mode of disposal of drugs.-** *(1) Opium, morphine, codeine and thebaine shall be disposed of by transferring to the Government Opium and Alkaloid Works under the Chief Controller of Factories.*

*(2) In case of narcotic drugs and psychotropic substances other than those mentioned in sub-paragraph (1), the Chief Controller of Factories shall be intimated by the fastest means of communication available, the details of the seized items that are ready for disposal.*

*(3) The Chief Controller of Factories shall indicate within fifteen days of the date of receipt of the communication referred to in sub-paragraph (2), the quantities of narcotic drugs and psychotropic substances, if any, that are required by him to supply as samples under rule 67B of the Narcotic Drugs and Psychotropic Substances Rules, 1985.*

*(4) Such quantities of narcotic drugs and psychotropic substances, if any, as required by the Chief Controller of Factories under sub-paragraph (3) shall be transferred to him and the remaining quantities of narcotic drugs and psychotropic substances shall be disposed of in accordance with the provisions of sub-paragraphs (5), (6) and (7).*

*(5) Narcotic drugs, psychotropic substances and controlled substances having legitimate medical or industrial use, and conveyances shall be disposed of in the following manner:-*

*(a) narcotic drugs, psychotropic substances and controlled substances which are in the form of formulations and labeled in accordance with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940) and rules made thereunder may be sold, by way of tender or auction or in any other manner as may be determined by the Drug Disposal Committee, after confirming the composition and formulation from the licensed manufacturer mentioned in the label, to a person fulfilling the requirements of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and the rules and orders made thereunder, provided that a minimum of 60% of the shelf life of the seized formulation remains at the time of such sale;*

*(b) narcotic drugs, psychotropic substance and controlled substances seized in the form of formulations and without proper labeling shall be destroyed;*

*(c) narcotic drugs, psychotropic substances and controlled substances seized in bulk form may be sold by way of tender or auction or in any other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of*

1985), and the rules and orders made thereunder, after confirming the standards and fitness of the seized substances for medical purposes from the appropriate authority under the Drugs and Cosmetics Act, 1940 (23 of 1940) and the rules made thereunder;

(d) controlled substances having legitimate industrial use may be sold, by way of tender or auction or in any other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) and the rules and orders made thereunder;

(e) seized conveyances shall be sold off by way of tender or auction as determined by the Drug Disposal Committee.

(6) Narcotic drugs, psychotropic substances and controlled substances which have no legitimate medical or industrial use or such quantity of seized items which is not found fit for such use or could not be sold shall be destroyed.

(7) Destruction referred to in sub-paragraph (b) shall be by incineration in incinerators fitted with appropriate air pollution control devices, which comply with emission standards and such incineration may only be done in places approved by the State Pollution Control Board or where adequate facilities and security arrangements exist and in the latter case, in order to ensure that such incineration may not be a health hazard or polluting, consent of the State Pollution Control Board or Pollution Control Committee, as the case may be, shall be obtained, and the destruction shall be carried out in the presence of the Members of the Drug Disposal Committee.

**10. Intimation to Head of Department on destruction.** - The Drug Disposal Committee shall intimate the Head of the Department regarding the programme of destruction at least fifteen days in advance so that, in case he deems fit, he may either himself conduct surprise checks or depute an officer for conducting such surprise checks and after every destruction operation, the Drug Disposal Committee shall submit to the Head of the Department a report giving details of destruction.

**11. Certificate of destruction.**- A certificate of destruction (in triplicate) containing all the relevant data like godown entry number, gross and net weight of the items seized, etc., shall be prepared and signed by the Chairman and Members of the Drug Disposal Committee as per format at Annexure 3 and the original copy shall be pasted in the godown register after making necessary entries to this effect, the duplicate to be retained in the seizure case file and the triplicate copy shall be kept by the Drug Disposal Committee.

**12. Details of sale to be entered in godown register.**- As and when the seized narcotic drug, psychotropic substance, controlled substance or conveyance is sold by way of tender or auction or in any other manner determined by Drug Disposal Committee, appropriate entry indicating details of such sale shall be made in the godown register.

**13. Communication to Narcotics Control Bureau.**- Details of disposal of narcotic drugs, psychotropic substances, controlled substances and conveyances shall be reported to the Narcotics Control Bureau in the Monthly Master Reports.

**Annexure 1****INVENTORY OF SEIZED NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES,  
CONTROLLED SUBSTANCES AND CONVEYANCES**

*[under Section 52A (2) of the Narcotic Drugs and Psychotropic Substances Act, 1985]*

Case No. -----

Seizing agency: -----

Seizing officer: -----

Date of seizure: -----

Place of seizure: -----

Name and designation of the officer preparing this inventory: -----

*Signature, name and designation of the officer*

**Certification by the Magistrate under sub-section (3) of Section 52A of the Narcotic Drugs  
and Psychotropic Substance Act, 1985**

*Whereas the above officer applied to me under sub-section (2) section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 to certify the above inventory, and sub-section (3) of that section requires any Magistrate to whom an application is made to allow the application as soon as may be, I, having been satisfied that the above inventory is as per the seizure documents and the consignments of seized goods related to the case presented before me, certify the correctness of the above inventory.*

*Signature, name and designation of the Magistrate*

**Annexure 2****APPLICATION FOR DISPOSAL OF SEIZED NARCOTIC DRUGS, PSYCHOTROPIC  
SUBSTANCES, CONTROLLED SUBSTANCES AND CONVEYANCES UNDER SECTION  
52A (2) OF THE NDPS ACT, 1985**

*(Application to be made by the officer in-charge of a police station or an officer empowered under section 53 of the Narcotic Drugs and Psychotropic Substances Act, 1985 who has custody of the seized narcotic drugs, psychotropic substances, controlled substances and conveyances]*

To,



*Learned Magistrate,*

*Sir,*

**Sub: Application for certification of correctness of inventory, photographs and samples of seized narcotic drugs, psychotropic substances, controlled substances and conveyances**

*1. All narcotic drugs, psychotropic substances, controlled substances and conveyances have been identified by the Central Government under section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 as vulnerable to theft and substitution vide Notification No..... dated.....*

*2. As required under sub-section (2) of section 52 A of the Narcotic Drugs and Psychotropic Substances Act, 1985, I submit the enclosed inventory of seized narcotic drugs, psychotropic substances, controlled substances, and/or conveyances and request you to-*

*(a) certify the correctness of the inventory;*

*(b) permit taking, in your presence, photographs of the seized items in the inventory and certify such photographs as true; and*

*(c) allow drawing of representative samples in your presence and certify the correctness of the list of samples so drawn.*

*3. I request you to allow this application under sub-section (3) of Section 52 A of the Narcotic Drugs and Psychotropic Substances Act, 1985 so that the seized narcotic drugs, psychotropic substances, controlled substances, and/or conveyances can thereafter be disposed of as per sub-section (1) of section 52A of the said Act retaining the certificate, photographs and samples as primary evidence as per sub-section (4) of section 52A (4).*

*Yours faithfully,*

*Signature, name and designation of the officer*

**CERTIFICATE BY THE MAGISTRATE UNDER SUB-SECTION (3) OF SECTION 52A OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985**

*I allow the above application under sub-section (3) of section 52A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and hereby, certify the correctness of the enclosed inventory, the enclosed photographs taken and the list of samples drawn in my presence.*

*Signature, name and designation of the Magistrate*

*Date :*

**Annexure 3**

**CERTIFICATE OF DESTRUCTION**

*[See Paragraph 11 of Notification No. dated the... ..]*

*This is to certify that the following narcotic drugs, psychotropic substances and controlled substances, were destroyed in our presence.*

*1. Case No.*

2. *Narcotic Drug/Psychotropic Substance/Controlled Substance:*
3. *Seizing agency:*
4. *Seizing officer:*
5. *Date of seizure:*
6. *Place of Seizure:*
7. *Godown entry number:*
8. *Gross weight of the drug seized:*
9. *Net weight of the narcotic drugs, psychotropic substances, controlled substances destroyed (after taking samples, etc.):*
10. *Where and how destroyed.*

**Signature(s), name(s) and designation(s) of Chairman/Members of the Drug Disposal Committee.**

It is, therefore, discernible from para-4 of the above Notification No. G.S.R. 38(E) dated 16.01.2015, that the officer in charge of the police station shall within 30 days from the date of the receipt of chemical analysis report of drugs, psychotropic substances or controlled substances apply to any Magistrate under Section 52A(2) of the Act in terms of Annexure-2 to the said notification **for certification of correctness of inventory, photographs and samples of seized narcotic drugs, psychotropic substances, controlled substances and conveyances**. It is further postulated under Sub-Para (2) of Para-4 of the Notification that after the Magistrate allows the application under sub-section (3) of Section 52A, the officer mentioned in sub-para (1) of Para-4 shall preserve the certified inventory, photographs and samples drawn in the presence of Magistrate as primary evidence in respect of such offence for the case notwithstanding anything contained in the Indian Evidence Act, and submit details of seized items to the Chairman of the Drugs Disposal Committee for a decision by the Committee on the question of Disposal.

**Conducting inventory of contraband, drawing of samples and vehicles:**

The Hon'ble High Court for the State of Telangana has issued a Circular No.13/SO/19, dated 15-07-2019 by issuing certain instructions in terms of Section 52-A of the N.D.P.S.Act, 1985 to the Magistrates as to how inventory of the seized contraband and conveyances has to be conducted, as postulated by the Hon'ble Supreme Court in UNION OF INDIA Vs. MOHANLAL AND ANOTHER {*Crl. Appeal No. 652 of 2012, dated 28-1-2016 reported in (2016) 3 Supreme Court Cases 379*}. In this case, the Hon'ble Supreme Court has held that while Standing Order No. 1/89 specifically required the approval of the Court for disposal of case property, the notification dated 16-1-2015 does not stipulate such approval as a specific condition for disposal of the case property.

In terms of Section 52A of the Act, upon seizure of the contraband the same has to be forwarded either to the officer in-charge of the nearest police station or to the officer empowered under Section 53 who shall prepare an inventory as stipulated in the said provision and make an

application to the Magistrate for purposes of (a) certifying the correctness of the inventory, (b) certifying photographs of such drugs or substances taken before the Magistrate as true and, (c) to draw representative samples in the presence of the Magistrate and certifying the correctness of the list of samples so drawn. Sub-section (3) of Section 52A of the NDPS Act, requires the Magistrate shall as soon as may be, allow such application. This implies that no sooner the seizure is effected and the contraband forwarded to the officer in charge of the Police Station or the officer empowered, the officer concerned is in law duty bound to approach the Magistrate for the purposes mentioned above including grant of permission to draw representative samples in his presence, which samples will then be enlisted and the correctness of the list of samples so drawn certified by the Magistrate. In other words, the process of drawing of samples has to be in the presence and under the supervision of the Magistrate and the entire exercise has to be certified by him to be correct. The question of drawing of samples at the time of seizure which, more often than not, takes place in the absence of the Magistrate does not in the above scheme of things arise. This is so especially when according to Section 52A (4) of the Act, samples drawn and certified by the Magistrate in compliance with sub-section (2) and (3) of Section 52A above constitute primary evidence for the purpose of the trial. Suffice it to say that there is no provision in the Act that mandates taking of samples at the time of seizure.

The Hon'ble Supreme Court in *Mohanlal's case* (supra) has also further laid down that the process of making any such application and resultant sampling and certification cannot be left to the whims of the officers concerned. The scheme of the Act in general and Section 52A in particular, does not brook any delay in the matter of making of an application or the drawing of samples and certification. While prescribing no time frame into the provision, the Hon'ble Supreme Court has directed that an application for sampling and certification ought to be made without undue delay and the Magistrate on receipt of any such application will be expected to attend to the application and do the needful, within a reasonable period and without any undue delay or procrastination as is mandated by sub-section (3) of Section 52A of the Act. It is further observed in the said decision that the High Courts will keep a close watch on the performance of the Magistrates in this regard and through the Magistrates, on the agencies that are dealing with the menace of drugs which has taken alarming dimensions in this country partly because of the ineffective and lackadaisical enforcement of the laws and procedures and cavalier manner in which the agencies and at times Magistracy in this country addresses a problem of such serious dimensions.

In the State of Telangana, in terms of the aforesaid Notification dated 16-1-2015, the Director General of Police, State of Telangana has issued a Circular Memo in C.No.440/C-18/NC/CID-TS/2019, dated 10-10-2019 directing the concerned Superintendents of each District/Commissioners of Police, for constituting the Drug Disposal Committees at the level of each District with specified number of officers to deal with the contraband and conveyances, in the light of the provisions of Section 52A of the NDPS Act.

**Release of vehicles involved in the offences under NDPS Act, 1985 by the Designated Courts instead of Drug Disposal Committees:**

The Hon'ble High Court of Rajasthan in *Jagtar Singh Vs. State* {Crl. Miscellaneous Petition No. 3542 of 2017, dated 09-11-2017 {reported in 2017 Law Suit (Raj) 2379} has referred to the judgment of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat* {AIR 2003 SC 638} and the provisions of 451 and 457 of Cr.P.C and concluded that the 'property' means 'any property' regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence, and therefore, the release of vehicle/article/currency notes under Section 451 Cr.P.C. cannot be restricted merely on account of the fact that they were used for commission of any offence under NDPS Act.

The Hon'ble High Court for the State of Telangana in a recent decision reported in *MALOTH VINOD Vs. STATE OF TELANGANA* {2021(1) ALD (CRL.) 101 (TS)} while referring to the decisions in *Kishore Kumar Choudhury Vs. State of Orissa* {2017 Law Suit (Ori.) 240}, in *Jagtar Singh's* case (supra) and also in *Sunderbhai Ambalal Desai Vs. State of Gujarat* {AIR 2003 SC 638} has held that when there is no dispute with regard to the ownership of the vehicle seized during investigation in an offence under NDPS Act, it should not be allowed to deteriorate by being kept unused and unattended, and therefore, interim custody of such vehicle can be granted in favour of its owner on certain conditions by the designated Court by invoking the provisions under Sections 451 and 457 of Cr.P.C.

Therefore, as ordained above, insofar as granting interim custody of the vehicles seized in the offences under the NDPS Act is concerned, notwithstanding the provisions under Section 60 of the Act which stipulates that the vehicles used for carrying any narcotic drug or psychotropic substance or controlled substances are liable for confiscation and though Para Nos.4 and 9 of the aforesaid Notification dated 16-1-2015 has entrusted the domain relating to the mode of disposal of the seized contraband and vehicles to the Drug Disposal Committees, but the provisions under Sections 451 and 457 of Cr.P.C. are not excluded and can also be invoked by the concerned Magistrates and Designated Courts. Thus, the concerned Judicial Magistrates and the Designated Special Courts have to keep in mind the aforesaid legal principles while conducting the inventory of case properties and granting interim custody of the vehicles and their disposal under NDPS Act, 1985.

\* \* \* \* \*

*Prepared by*

**[Dr.S.Srinivas Reddy,  
(District Judge)  
Additional Director,  
Telangana State Judicial Academy]**





# INDEX

## PART II

<b>TOPIC</b>	<b>PAGE No.s</b>
1. Forms of Correspondence; Note files and Drafts -----	1 - 7
2. Duties and responsibilities of Court Managers -----	8 - 9
3. Salient features of Service Rules & Regulations of Judicial Officers and Employees-----	10- 71
a) The Telangana State Judicial Service Rules 2017-----	11-14
b) The Telangana State Judicial Ministerial & Subordinate Service Rules 2018-----	15-71
4. Important Provisions of Telangana Civil Service (Conduct) Rules 1964----	72- 76
5. The Telangana Civil Service (CCA) Rules 1991-----	77-86
6. Fundamental Rules and Subsidiary Rules -----	--87-132
7. Treasury Code-----	133- 159
8. Various kinds of leave, Entitlement and Limitation-----	160-171
9. Various kinds of advances to the Government Employees and salient aspects-----	172- 186
10. Important provisions of Telangana Civil Services (T.A) Rules 1996-----	187- 212
11. Brochure on the Maintenance of Cash Accounts-----	212 - 238
12. Brief notes on various statements to be submitted to the High Court and District Court.-----	239-242
13. Relevant G.Os with regard to conferment of Financial Powers to the Unit Heads-----	243-265
14. Miscellaneous.-----	266
15. Important Excerpts Of District Manual-----	267-276

# **FORMS OF CORRESPONDENCE; NOTE FILES AND DRAFTS.**

## **COMMUNICATION – DEFINITION:**

Communication can be defined as an interchange of information and ideas between the sender and the receiver

## **ELEMENTS IN COMMUNICATION PROCESS:**

There are four elements in communication process:

- a) The sender b) The receiver c) The channel d) The symbols.

## **ESSENTIAL FEATURES OF COMMUNICATION PROCESS:**

( i) The objective of the communication must be clear in the sender's mind -clarity is the essence of communication.

( ii) The language used should be intelligible to the receiver ( Simplicity ).

( iii) The timing of communication should be appropriate.

( iv) The medium / channel used should be appropriate to the occasion.

( v) It must be brief and as far as possible -attractive.

## **FORMS OF COMMUNICATION:**

- |  |   |
|--|---|
| ( i) Oral  | Direct: Face to face, Telephone, Public address system, Electronic paging system, Messengers, Tape records. |
| ( ii) Written (Hand written, Type written & printed) | Letters, Notes, Circulars, Telegrams, Telex messages.   |
| (iii) Visual   | TV, Posters, Chart Pictures <i>Slides, Film Strips</i> Documentaries, Multimedia presentations on computers |

## **INTERNAL AND EXTERNAL COMMUNICATION:**

Communication may be internal i.e; within the same organisation or external between two different organisations. It can be vertical or horizontal.

## **FORMS OF CORRESPONDENCE USED IN GOVERNMENT OFFICES**

### **LETTERS**



It is the form used for all formal communications between different offices to members of the public, public associations, bodies etc. It is not used for internal communication between different departments/branches in the same office. It has the following special features:

- i) There will be an identifying number typed or written at the top of the letter.
- ii) The subject of the letter is indicated very briefly in one or two lines, immediately below the salutation.
- iii) The text of the letter will usually begin in a chain of correspondence, with a reference to a previous letter on the subject either of the addressee or of the sender. If the correspondence is ordered by some superior officer to communicate a decision he will then write, 'I am directed to inform you---' but if he is writing on his own authority, he will write 'I am to inform you - , or 'This is to inform you-'
- iv) All official letters will end with the subscription 'yours faithfully' followed by the signature and designation of the person signing the letter. .
- v) The main text of the letter will be to the point, cogent, simple in construction, courteous and divided conveniently into paragraphs which are numbered serially (but the first para is not numbered)

### **DEMI OFFICIAL LETTER**

It is different from the official letter. It is generally used;

- i) for exchange of opinion or information without observing the formalities of an official letter;
- ii) when it is desired that the matter should receive the personal attention of the official addressed;
- iii) when it is intended to bring any matter to the personal notice of an official it is a personal letter addressed to an officer by name- The name and designation of the officer writing the letter, will appear at the left top corner of the letter- The convention in salutation is as follows-

when writing to a superior officer, the salutation will be "Dear Sir"

when writing to a person of equal rank, the salutation will be "Dear Sri / Srimathi / Kumari "

when writing to a subordinate officer the salutation may be "My Dear"

- iv) The name, designation and address of the addressee will then be indicated at the left bottom corner of the letter. The text is in the first person singular and is marked by a friendly and personal tone. It ends with 'Yours sincerely'

followed by the signature of the officer. But the designation of the signatory is not indicated beneath the signature. In this respect the DO letter differs from official letter.

## **MEMORANDUM**

This is used to convey information to subordinate officers not amounting to an order of the Government/Superior or Officer. This is written in the third person and does not contain a salutation or subscription except for the signature and designation of the officer signing it, The name and or designation of the addressee will appear at the left bottom corner of the page.

The form of 'Office Memorandum' is used for correspondence between the Ministries of the Government of India.

## **OFFICE ORDER**

It is used for conveying a decision or sanction concerning the members or staff of the office. This form is used only for internal communication and not for communicating with other offices or the general public. The form of office order will be similar to memorandum.

## **UNOFFICIAL NOTES/REFERENCES--**

This form is used for correspondence between different secretariat departments and between different officers of the same department. This is useful for (a) obtaining the views, comments, etc., of the other secretariat departments and also from different branches within the same department (b) obtaining clarification on existing instructions (c) requisitioning papers/ information, etc. This is drafted in the same manner as a memorandum. The name of the Secretariat Department/Branch or the department to which it is addressed will appear on the left bottom of the page. This will be underlined and name of the originating department/Branch will be written below it, followed by the communication.

## **GOVERNMENT ORDER**

All decisions of Government including sanction for creating new establishments or increasing the strength or existing establishments, and sanctions for spending money are communicated in the form of :

- i) G.O.RT                      - for routine orders
- ii) G.O.Ms                     - for Manuscript or Miscellaneous orders
- iii) G.O.(p)                    - Print -for policy orders concerning all depts/officers

The Government order will end with the inscription "By order and in the name of the Governor of Andhra Pradesh". The Government order will begin with the name of *the* Government Department mentioned at the top of the page. Immediately below that, a synopsis of the order called " Abstract" is given. This will be followed by the order Number and Date prefixed by RT ,MS,P as the case may be. The previous letters, orders etc on the subject will be listed with the prefix "Read". The background of the case will be given in the preamble of the text. This will be followed by the narration of the action recommended by the Head of the Department etc. The order or decision of the Government will be indicated. The names and designation of the persons to whom it is intended, is also indicated.

## **PROCEEDINGS**

This form is used to convey sanction or a decision by competent authorities in whom powers are vested to sanction expenses etc. It is similar to a memorandum except the word 'Read' takes the place of 'Ref'.

## **NOTIFICATION**

This form is used for notifying by publication in the official gazetted , the promulgation of rules and order, delegation of powers to subordinate officers, appointments, promotions , which involve statutory exercise of powers. This is similar to memorandum.

## **RESOLUTION**

The Government use this form for making public announcement of decisions on important policy matters, appointment of committees/commissions of Enquiry and action taken by the Government on the reports of these bodies.

## **CIRCULAR**

When information is intended to be conveyed to several persons in the organisation or several subordinate offices, the communication is issued in the form of a circular. The form of memorandum even that of a letter is used for a circular, but the difference between the two is that instead of a single address as in any of the orders, the circular will have multiple addresses. To save stationery, all the addresses will not be indicated in detail in the circular. The addresses are indicated in general terms such as 'To all the District Collectors' and 'To all Heads of Departments' . Each office issuing such circulars will have a standing mailing list which has the full address of all the officers to whom the circular is sent. The person despatching the circular will write the addresses on the envelop as per the mailing list.

## **ENDORSEMENT**

When a copy of the letter or any other communication addressed to an office is to be sent to another office, it is done by indicating this on the copy of the communication itself instead of preparing a separate letter forwarding it. The words 'copy forwarded to ..... for information/for further action' will appear at the bottom of the copy of the letter after , the signature. This form should not be used while communicating copies to other Governments and higher officers. The ordinary letter form should be used in such cases.

## **TELEGRAMS AND TELEX**

They are used for transmitting the urgent communications. Sometimes, messages drawn up in the form of telegrams are sent by post to save money and these are called "Savingsrams" and are intended to be acted upon by the recipient in the same manner as telegram. Savingram is used when the matter is not so urgent as to be sent by telegram but at the same time it is desired that it should receive priority at the receivers end.

## **SPEED POST**

This service is provided by the Post & Telegraph department, where the delivery is assured within 24 hours to many parts of the country. This has replaced the earlier service known as "Express Delivery". This is available only at select post offices at specified timings. Round the clock service is also available at the special counter near the airport. There are several private courier services providing service of this nature.

## **OTHER METHODS OF COMMUNICATION**

Due to technological developments, the communication methods are fast changing. The private sector in particular is catching up the latest trends and making use of all types of electronic communication devises. It is interesting to note that many government departments are compelled to make use of these resources for their effective functioning.

## **E-MAIL**

Internet is the largest computer network in the world that handles voluminous information on anything. This fascinating medium reaches to every one allowing them to become a part of the information age. .

E-mail or electronic mail is the electronic post office of the internet that lets one to send and receive messages around the world in an incredibly short period. The message is transferred from one computer to another in a few minutes using the e-mail address and is stored in an electronic mail box, till the recipient opens to read. Privacy is guaranteed by a password. And all this is done at the cost of a phone call.

## **VIDEO CONFERENCING**

Video Conferencing is the most advanced communication system, where people from different places can discuss among themselves. Video conference system will comprise of a computer, camera, telephone and a modem. The picture of the person sitting before his computer will be seen on the other computer screen and they can talk to each other as if they are talking face to face. There are mainly two types of video conferencing viz point to point and multi pointing conference. In point to point type data is transferred between two computers whereas multi pointing conferencing can be arranged between several people from different geographical locations. This kind of set up will bring the people together without their travelling long distances for meetings/conferences. They can talk to each other staying at their own places where by saving lot of time as well as money. Though it is expensive to set up, in the long run it will yield very good results. Video conference systems are to be installed in all district collectors offices in the state soon.

## **IFAX**

Usage of fax machines has become almost inevitable in any government organisation. Fax machine is an electronic instrument which can be attached to any telephone. The communication available on a sheet of paper is- to be fed to the fax machine. The number of the receiving fax is to be dialled, on hearing the 'fax tone' the message is to be transmitted. The fax machine will provide a confirmation report immediately.

Any information available on a sheet of paper can be sent through a fax machine, however for effective communication through fax, the following precautions may be taken.

- on the top of the message it may be indicated as 'FAX MESSAGE' to draw the attention .
- If more than one page is being transmitted total number of pages is to be indicated on the first page, and all pages should be numbered.
- If handwritten messages are transmitted, messages are to be written in black colour ink for clarity at the receiving end.
- A4 size paper is the standard size compatible to any type of fax machine

## **PAGERS**

Paging service is one of the other means of communication by which messages can be sent to an individual on a small instrument known as pager. Each pager will be provided with a unique number *like* a telephone number. There will be an exchange working round the clock to which the message is to be communicated over telephone. The exchange in turn will transmit the same message to the individual possessing the pager. The pager will alert the user with a beep sound, who

in turn can look at the message and act. This is very popular in private sector. Pagers are being used in some of the service oriented government departments like APSEI3, MCI-I, Waterworks etc.

### **CELLUAR PHONES**

This is popularly known as mobile phone. It can be used like a normal telephone. It is very convenient to use from any place even while travelling. But it is very costly. In Government, ministers, some of the Secretaries, HODs holding important positions are provided with cell phones.

### **CONCLUSION**

Other forms and modes which are used include wireless messages, etc, for communication with others. press communiques and Press notes are used when it is desired to give vide publicity in the news papers to specific policy decisions of the Government.

Whatever may be the mode of communication adopted , it will be effective only if it is precise, unambiguous and in a language and form intelligible to the person or persons for whom, it is intended.

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**Prepared by**

**[Sri A. Venkaiah, Senior Faculty Member (Retd.), IOA]**

## **DUTIES AND RESPONSIBILITIES OF COURT MANAGERS**

The following are the areas of work which the court Manageris expected to work apart from the work entrusted by the concerned District and Sessions Judge:

**Copyist Establishment:** A data base for transparency,quick accessing of the data, reducing work burden in preparing the manual preparation of dally stamp abstract account. Report generating such as Stamps call for list, pendency list of all courts etc.,

**Central Record Room:** An application data base in which all the data of records in the Section are to be entered for easy accessing of information, report generating such as list of destruction of records for every year without manual work and also Record Issue Register to be computerized.

**Accounts Section:** Facilities Training programmes for the Account Staff by the skilled persons/Retired employees in understanding Accounts Package Softwares, online CFMS and Treasury operations etc.,

- Collecting the information from the R&B authorities division wisewith regard to the Major and Minor work reports of Court Buildings and Residential Quarters and scrutinizing the reports, placing before the Hon'ble District Judge, for instructions.
- Obtaining and submitting the reports pertaining to status of works going on in the District and placing before the Hon'ble District Judge, for instructions.
- Inspecting and submitting the report to the Hon'ble District Judge, whether the work is completed as per the submitted estimats or not.
- Verifying the quality of the work done by the concerned agency ans placing the notes before the Hon'ble district Judge, for instructions.
- Preparing the reports with regard to the necessity of New Court Buildings and Residential Qaurters withing the District and placing before the Hon'ble District Judge.
- Obtaining and preparing the list of Inventory viz., Photo Copler machines, Fax Machines, Air Conditioners provided to the chambers of individual Officers in the District, and place before the Hon'ble District Judge.
- Submitting report with regard to the repairs and requirement of the computers and other accessories with in the unit, to the Hon'ble District Judge.

**eCourts Protect:** Steps are to be taken up for the effective implementation of eCourts project in the District in coordination with the Hon'ble District judge. Facilitate the usage and importance of the information technology and computer usage that will reduce the manual daily routine work of the staff in day to day operations.

- Impart training to all the staff members in the Head quarters on Computer basics and the Case Information System Software. Selective staff members be designated as 'System Administrators' who are instructed to give training to other staff members in the respective court complexes. Bench Typists be provided adequate computer training and some trouble shooting techniques for smooth functioning of the bench. Training Evaluation be taken up after every training program. This assessment may be done by collecting data on whether the participants were satisfied with the deliverables of the training program, whether they learned something from the training and are able to apply those skills at their work place.
- Monitor and provide Assistance to all the Judicial officers with Laptop training (Ubuntu operating System, Case Information System Software, Open Office/Libre Office) being provided by the Hon'ble High Court, so that all the Judicial Officers get acquaintance with the Laptop and internet usage, mail IDs, Lawsuit usage etc.
- Monitor the timely resubmission of PRCs which were committed to the Sessions Courts' (District Court, Metropolitan Sessions Court & SC/ST Court) and returned with objections by the concerned Courts. So that the delay time in numbering of Preliminary registered cases as Sessions Cases be reduced considerably.
- Monitor the timely numbering of Suits, E.Ps. Cheque Petitions, Charge Sheets and hence avoiding delay.
- Regularly monitor the case pendency of all the Courts and maintaining equilibrium while allocating the same to the Courts.
- Monitor the proper maintenance and updation of Registers in all the Courts.
- Monitor the working condition of all the electronic Infrastructure that is provided by the district courts so as to enable the courts to discharge the duties without delay.

*Compiled by*

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## **SALIENT FEATURES OF SERVICE RULES AND REGULATIONS OF JUDICIAL OFFICERS AND EMPLOYEES**

As the head of the judiciary in the state, the High Court exercises administrative control over subordinate courts, besides its appellate and supervisory jurisdiction over them. Thus:

- The High Court is to be consulted by the Governor in relation to the appointment, posting and promotion of District Judges (article 233).
- The High Court has also to be consulted by the Governor in the matter of appointment of persons other than District Judges to the judicial service of the State (article 234).
- The High Court has also been vested with power to exercise control over district courts and courts subordinate thereto, including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service and holding any post inferior to that of a District Judge (article 235).
- On a plain reading of article 235 and 309 of the constitution, it is clear that the Power, to frame rules regarding seniority Of officers in the Judicial Service of the State, is vested with the Governor and not in the High Court.
- The Control Contemplated by article 235 does not extend to the appointment or dismissal of Dist. Judges.
- The Governor alone is Competent to appoint, remove or dismiss a District Judge and this position does not impinge upon the Control of the High Court.
- Confirmation of a Dist. Judge, after successful Completion of probation, is a Power of Control vested in the High Court under art, 235 and the High Court alone can confirm a District Judge.
- The Power to transfer a District Judge falls within the Control of the High Court under art .235.
- In respect of disciplinary proceedings against District Judges, they can be initiated and completed by High Court. If as a result of any disciplinary proceedings, any Dist. Judge has. To be removed, such removal can be ordered only by the Governor.
- There is no need to consult the Telangana State.

The following rules relating to conditions of service, shall apply to all categories.

TS (CCA) Rules 1991

TS Revised Scales of Pay Rules

TS Civil Services (Conduct) Rules 1964

Fundamental Rules

TS Revised Leave Rules 1933

TS Revised Pension Rules 1980

**The Telangana State Judicial Services Rules came into force with effect from 15.7.17. Some of the important provisions are extracted hereunder:**

- The Telangana State Judicial Services consists of District and Sessions Judges, Senior Civil Judges and Civil Judges. Appointment of District & Sessions Judges is by way of Direct Recruitment, accelerated recruitment by transfer and by promotion from Senior Civil Judges.
- Promotion to the selection grade and super time scale is on the basis on merit-cum seniority.
- Appointment to the Post of Senior Civil Judges is by way of promotion of Junior Civil Judges.
- The posts of Junior Civil Judges shall be filled in by direct recruitment and transfer. In every cycle of five vacancies, the first four shall be filled in by direct recruitment. The fifth vacancy will be by transfer.

The feeder Posts for filling up the fifth vacancy, are laid down in the Proviso to rule 4(2).

- All promotions shall be made on grounds of merit and ability, seniority being considered only when merit and ability are approximately equal.
- The High Court is the competent authority to prepare a Panel of Junior Civil Judges who are fit for promotion as Senior Civil Judges.
- All appointments to the Posts of Junior Civil Judges shall be made by Governor from the approved list of persons prepared by the Telangana High Court.

**Rule 5 :**

Prescribes the eligibility criteria for District Judges & Civil Judges

No person shall be eligible for appointment to the category if:

- i. he is not a citizen of India;
- ii. He is dismissed from service by any High Court, Government and Statutory or Local Authority;
- iii. He has been convicted of an offence involving moral turpitude;

- iv. He is or has been permanently debarred or disqualified by the High Court or Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it;
- v. He directly or indirectly influences the recruitment authority by any means for his candidature;
- vi. He has more than one wife living;
- vii. She marries knowingly a person having a wife; and
- viii. He is arrested in connection with any crime involving moral turpitude.

**b) Recruitment by transfer:**

A person to be appointed to the category of Civil Judges by recruitment by transfer shall be:

- i. A holder of a degree in Law awarded by any University established by Law in india.
- ii. A person who has not completed forty eight years of age as on the date first day of the month in which the notification inviting applications for such appointment is published in the newspapers; and applications for such appointment is published in the newspapers; and
- iii. A person who is maintaining good character and conduct.

Provided that no person who is facing disciplinary charges or has undergone any punishment or is in subsisting punishment for any irregularity in discharge of his duties shall be eligible for appointment by recruitment by transfer.

**Rule 6:**

The Recruitment wing of the High Court shall hold the responsibility of issuing notification, methodology for conducting examination, selection process, fee etc., and recruitment would go on every year for the specified vacancies which would be placed in the official website of the High Court. The High Court shall recommend the names of the selected candidates to the Government by completing the selection process. The Governor is the appointing authority. All necessary steps not provided for in these Rules for recruitment under these Rules, shall be decided by the High Court.

**Rule 7- Reservation:**

Rules 22 and 22-A of the Telangana State and Subordinate Service Rules, 1996 in so far as they relate to Scheduled Castes, Scheduled Tribes, Backward Classes, women and one percent for physically handicapped [Orthopedically Handicapped (lower portion of the body)] persons shall apply to the appointments to be made by direct recruitment, and Scheduled Castes and Scheduled Tribes in so far as it relates to recruitment by transfer.

**Rule 8 -Training:**

- a) District Judges: Every person who is appointed by direct recruitment to the category of District Judges shall undergo training in the Academy, for a period of six months.

- b) Civil Judges: i) Every person appointed to the category of Civil Judge possessing qualification mentioned in rule 5(2)(A)(I) shall be on training for a period of 12 months as prescribed.
- ii) Every person appointed to the category of Civil Judge possessing qualification mentioned in rule 5(2)(A)(II) shall be on training for a period of 18 months as prescribed.

**Note:** The Training period shall be concluded towards Probation. However, the Probation would be declared only on successful completion of three (3) years of Probation period including Training period.

**9. Probation and officiation.-** (a) Every person who is appointed to the category of District Judges by direct recruitment from the date on which he joins duty shall be on probation for a period of two years;

(b) Every person who is appointed to the category of District Judges otherwise than by direct recruitment shall be on officiation for a period of two years;

(c) Every person who is appointed to the category of Civil Judges shall be on probation for a period of two years;

(d) The period of probation or officiation, may be extended by the High Court by such period, not exceeding the period of probation or officiation, as the case maybe, as specified in clauses (a) to (c) herein above;

**10. Confirmation/Regularization.-** A person who has been declared to have satisfactorily completed his period of probation or officiation as the case may be, shall be confirmed as a full member of the service in the category of post to which he had been appointed or promoted, as against the substantive vacancy which may exist or arise w.e.f. the date.

**16. Age of Superannuation.-** The age of superannuation of a member of the service shall be sixty years or such further age as is fixed by the Government from time to time.

**17. Postings and Transfers.-** All postings other than first appointments and reappointments to the service, and transfers in the service shall be made by the High Court.

**19. Conditions of Service.-** (a) *Pay and allowances:* Pay and allowances of members of the service shall be as recommended by the National Judicial Pay Commission from time to time and accepted by the Government.

(b) A member of the service shall be eligible for such leave and leave salary and such travelling allowance as is admissible to the member of the Indian Administrative Service governed by the All India Service Leave Rules, 1955 for the time being in force.

(c) A member of the service shall be eligible for the other pensionary benefits regulated under the All India Service (death-cum-retirement benefits) Rules, 1958, which are in force at the time of his appointment.

(d) The Telangana Civil Services (Classification, Control and Appeal) Rules, 1991, the Telangana Civil Services (Conduct) Rules, 1964, the Fundamental Rules, the Telangana Leave Rules, 1933, and the Pension Rules for the time being in force shall insofar as they may be applicable, and except to the extent expressly provided in these Rules, govern members of the service in the matter of their pay, allowances, leave, leave salary, pension and other conditions of service.

20. **Addition of certain service for the purpose of pension.**- An advocate appointed to the service as Civil Judge or District Judge by direct recruitment shall be entitled to reckon as service qualifying for superannuation pension, the actual period of practice put in by him at the Bar not exceeding three years or seven years respectively.
21. **Tests.**- A person appointed to the category of Civil Judges and District Judges by direct recruitment is exempted from passing any Accounts test, language test and other tests prescribed under the General Rules of the Telangana State and Subordinate Service Rules, 1996, and a certificate issued by the Academy in token of having successfully completed the training shall be deemed to be a certificate of pass in the relevant tests.

The Academy shall prepare the necessary curriculum for imparting training to the officers of the respective categories as regards the above tests.

22. **Resignation.**- A member of the service may resign by tendering his resignation in writing and such resignation shall come into effect on the date of its acceptance, on the recommendation of the High Court, by the Governor.
23. **Retirement in public interest.**- Notwithstanding anything contained in these Rules, the Governor, on the recommendation of the High Court containing the reasons in writing, if he is of the opinion that it is in the public interest to do so, has the absolute right to retire any member of the service who has attained the age of 50, 55 or 58 years, by giving him notice of not less than three months in writing or three months pay and allowances in lieu thereof.
24. **Relaxation of Rules.**- The Governor in consultation with the High Court if is satisfied that operation of any of the provisions of these Rules causes or likely to cause undue hardship in any particular case or class of cases may dispense with or relax such provisions of the rules deem proper, just and equitable.
25. **Applicability of General Rules.**- The Telangana State and Subordinate Service Rules, 1996 which are not inconsistent with these Rules and to the extent not covered by these Rules, shall apply to the Service.
26. **Repeal and Savings.**- (1) The A.P. State Judicial Service Rules, 2007 which are in force immediately before the commencement of these Rules shall stand repealed.

(2) The appointments made or actions initiated prior to the Commencement of these Rules shall not be effected and are deemed to have been made or initiated under these Rules.

# **The Telangana Judicial Ministerial & Subordinate Service Rules 2018 were framed vide**

***G.O.Ms.No. 29, Law(LA,LA&J-Home Courts. B) 18.05.2018***

They shall apply to the holders of all posts whether temporary or permanent in the service appointed thereto either under Andhra Pradesh Judicial Ministerial Service Rules, 2003 or under Andhra Pradesh last grade Service Rules or Andhra Pradesh General subordinate service Rules before, on or after these Rules came into force except to the extent otherwise expressly provided;

- i) By or under any Law for the time being in force or
- ii) In respect of any member of service under a contract or agreement subsisting between such member and the State Government.

Some of these important Rules are extracted hereunder;

## **Rule 5:**

- Constitution: The service shall consist of the following category of posts.
- Category-1 : Chief Administrative Officers: (formerly designated as Administrative Officer).
- Category-2 : Senior Superintendents .(formerly designated as Head Clerk, District Court, Additional District Courts, Sheristadar of Sub-Courts and Central Nazir of District Courts)
- Category-3 : Superintendents (formerly designated as Translators, Head Clerks of Munsif Courts, U.D. Record Keepers of District Courts and Copying Superintendent).
- Category 4 : Stenographers Grade-I (Restructured category of Personal Assistant)
- Category 5 : Stenographers Grade-II (Restructured category of Personal Assistant)
- Category 5 : Stenographers Grade-II (Restructured category of Personal Assistant)
- Category 6 : Stenographers Grade-III (Restructured category of Personal Assistant)
- Category 7 : Senior Assistants (formerly designated as Upper division Clerk)
- Category 8 : Junior Assistants (formerly designated as L.D. Clerk)
- Category-9 : Typists
- Category-10 : Field Assistants (formerly designated as Bailiffs/ Admins)
- Category-11 : Examiners
- Category- 12 : Copyists
- Category- 13 : Senior Drivers (Light Vehicle).
- Category- 14 : Drivers (Light Vehicle)
- Category- 15: (a) Record Assistants.  
(b) Roneo Duplicator Operators

(c) Lift Operators.

Category-16: Process Servers.

Category-17: Office Subordinates/Attendees.

**Note :** - The posts in categories I to 5 and 7 above are selection posts, promotion to which shall be made on the basis of seniority-cum-merit.

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

Subject to the other provisions contained in these rules, the method of appointment and appointing authority for [the various categories shall be as follows;

<b>Category and Name of the Post (1)</b>	<b>Method of Appointment (2)</b>	<b>Appointing Authority (3)</b>
1. Chief Administrative Officer	By Promotion of Senior Superintendents (Category-2) and Stenographer Grade —I (category-4) in the ratio of 5: I	Principal District Judge / Unit Head
2. Senior Superintendent	By promotion of Superintendents (Category 3)	Principal District Judge / Unit Head
3. Superintendent	1) 10 % by direct recruitment 2) 90 % By promotion of Senior Assistants (Category-7)	Principal District Judge / Unit Head
4. Stenographer Grade I	By promotion of Stenographers Grade II (Category-5) <b>Note:</b> In the Unit of Principal Special Judge for CBI cases, Hyderabad. The Stenographers Grade II working in the other Units in the State of Telangana are eligible for promotion as Stenographers Grade-I by appointment by transfer as per merit-cum-seniority.	Principal District Judge / Unit Head
5. Stenographer Grade II	By promotion of Stenographers Grade III (Category – 6)	Principal District Judge / Unit Head
6. Stenographer Grade III	1. 60% by direct recruitment 2. 40 % By Promotion of Junior Assistants(category-8)/Typists (category-9) from a combined seniority. Provided that if the candidates in the categories of Junior Assistant (Category- 8), Typist (Category-9) are not eligible, the	Principal District Judge / Unit Head

	<p>candidates below the Category of Junior Assistant/Typist i.e. categories 10 to 17 are also eligible by transfer, if they are having 5 years of service.</p> <p>Further Provided that if the candidates in the categories of Junior Assistant (Category-8), Typist (Category-9) for promotion and Categories 10 to 17 by transfer to the post of stenographer Grade-III (Category-6), are not available as on the date of issue of Notification, the said post(s) may be filled up by way of direct recruitment.</p>	
7.Senior Assistant	<p>1) 10 % by Direct Recruitment.</p> <p>2) 90% By promotion of Junior Assistants (Category-8) / Typists. (Category-9) and Field Assistants (Category- IO) by fixing the ratio of 5: 1 in a cycle of Six (6) vacancies as prescribed in Note 2. Provided that the persons working in category- IO i.e., Field Assistant shall not be eligible for promotion to Category-7 i.e., Senior Assistant unless they complete the minimum service of 10 years in the category of Field Assistant.</p>	Principal District Judge / Unit Head
8. Junior Assistant	<p>1) 50% By direct recruitment</p> <p>2)50% By promotion of Examiners (Category -11) / Copyists (Category - 12) from the combined seniority and promotion of Record Assistants/ Roneo Duplicator Operator/ Lift Operator.(Category-15(a)(b)(c)), Senior Drivers/ Drivers (Category- 13&amp; 14) and Process Servers (Category-16) by fixing ratio of 8:4: 1:3 in a cycle of 16 vacancies as prescribed in Note 2.</p>	Principal District Judge / Unit Head



9. Typist	<p>1) 50% By direct recruitment</p> <p>2)50% By promotion of Examiners(Category 11)/Copyists (Category-12) from the combined seniority and promotion of Record Assistants/Roneo Duplicator Operator/ Lift Operator. (Category-15(a)(b)(c)), and Process Servers (Category-16) by fixing ratio of 9:4:3 in a cycle of 16 vacancies as prescribed in Note 2.</p>	Principal District Judge / Unit Head
10. Field Assistant	<p>1) 33 1/3% By direct recruitment.</p> <p>2) 66 2/3% By Promotion of Process Server (Category-16).</p>	Principal District Judge / Unit Head
11. Examiner	<p>1) 50% By direct recruitment</p> <p>2) 50% By Promotion of Office Subordinates/Attenders (Category-17).</p>	Principal District Judge / Unit Head
12. Copyist	<p>1) 50% By direct recruitment</p> <p>2) 50% By Promotion of Office Subordinates/Attenders(Category- 17).</p>	Principal District Judge / Unit Head
13. Senior Driver (Light Vehicle)	By promotion of Driver (light Vehicle) (Category-14)	Principal District Judge / Unit Head
14. Driver (Light Vehicle)	<p>By Promotion of Office Subordinates/Attenders(Category-17)</p> <p>If no eligible candidate is available for Promotion, the post may be filled up by way of direct recruitment.</p>	Principal District Judge / Unit Head
15.(a) Record Assistant (b) Roneo Duplicator Operator.	<p>1)By Promotion of Office Subordinates/Attenders(Category-17)</p> <p>Provided that if eligible candidates in the category of Office Subordinates/Attenders are not available for promotion, then up to</p>	Principal District Judge / Unit Head

	50% posts may be filled up by way of direct recruitment.	
15.(c) Lift Operator	By Promotion of office Subordinate / Attender (Category-17).	Principal District Judge / Unit Head
16. Process Server	a)70% by promotion of Office Subordinates/Attenders. Category-17) b) 30% by direct recruitment.	Principal District Judge / Unit Head
17. Office Subordinates/ Attender	By direct recruitment only	Principal District Judge / Unit Head

**Note 1:** The combined seniority list shall be prepared as referred supra with reference to the date of the regular appointment to the respective categories.

**Note 2:** Cycle for Promotion of Senior Assistants.

1. JuniorAssistant/Typist
2. Junior Assistant/Typist
3. Junior Assistant/Typist
4. Field Assistant
5. Junior Assistant/Typist
6. Junior Assistant/Typist

If there is no qualified and suitable member in above 06 Points Cycle at any level, the turn will lapse and the said vacancies shall be filled by next turn in the order of rotation. No account shall be taken of any such lapsed turns in filling future vacancies.

**Cycle for Promotion of Junior Assistants.**

1. Examiner/Copyist
2. Examiner/Copyist .
3. Record Assistant/Roneo Duplicator Operator/[Lift operator
4. Process Server
5. Examiner/Copyist
6. Examiner/Copyist,
7. Record Assistant(Roneo Duplicator Operator//Lift operator
8. Senior Diver/Driver

9. Examiner/Copyist
10. Examiner/Copyist
11. Record Assistant/Roneo Duplicator Operator//Lift operator
12. Process Server.
13. Examiner/Copyist
14. Examiner/Copyist
15. Record Assistant/Roneo/Duplicator Operator/Lift operator .
16. Process Server .

If there is no qualified and suitable member in above 6 Points Cycle at any level, the turn will lapse and the said 'vacancies shall be filled by next turn in the order of rotation. No account shall be taken of any such lapsed turns in filling future vacancies.

**Cycle for Promotion of Typists**

1. Examiner/Copyist.
2. Examiner/Copyist.
3. Examiner/Copyist
4. Record Assistant/Roneo Duplicator Operator/Lift operator
5. Process Server
6. Record Assistant/Roneo Duplicator Operator/Lift operator
7. Examiner/Copyist
8. Examiner/Copyist
9. Examiner/Copyist
10. Record Assistant/Roneo Duplicator Operator//Lift operator
- 11 Process Server
12. Record Assistant/Roneo Duplicator Operator/Lift operator
13. Examiner/Copyist
14. Examiner/Copyist
15. Examiner/Copyist
16. Process Server

If there is no qualified and suitable member in above 16 Points Cycle at any level, the turn will lapse and the said vacancies shall be filled by next turn in the order of rotation. No account shall be taken of any such lapsed turns in filling future vacancies.

**Note 3:** The appointing authorities shall exercise their power subject to Control of the High Court.

**7. Reservation of appointments:**

- a) The rule of special representation (Rule. 22(A) of the Telangana State and Subordinate Service Rules, shall apply to appointment by direct recruitment to the various posts in the service.

Provided that Roster Points 6 and 31 meant for visually handicapped and hearing handicapped candidates in a unit o/ 100 vacancies shall not apply in the categories of Stenographer Grade-111, Typist and Copyist, and the said categories shall stand exempted so far as these reservations are concerned.

- b) In the matter of direct recruitment to the posts for which women and men are equally quited, there shall be reservation for women to the 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), and as the case may be in B.C. (Group - E), (subject to outcome of Civil Appeal Nos.2628-2637/2010 pending before the Hon 'ble Supreme Court of India) S.C, S.T., Physically Handicapped and Ex-servicemen quotas.

### **Rule 8: Qualifications:**

- (a) No person shall be eligible for appointment to the categories specified in Column (I) of Annexure I to these rules by the method specified in Column (2) unless such person possesses the qualification specified in the corresponding entry in column (3) thereof.
- (b) Linguistic qualification: A candidate shall not be eligible for appointment if he/she does not possess an adequate knowledge of the language or languages of the district in which he/she 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 languages 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/she has completed 34 years of age on the first day of July of the year in which the notification for selection is made or such age as may be prescribed by the Government of Telangana from time to time.

### **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 maybe revised by an authority to which an appeal would lie against an

order of dismissal passed against such member. Such revision may be made by the authority aforesaid either suo motu 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 may extend the said period of six months if cause is shown for the delay in the submission of the petition.

**13. Probation:-**

- a) Every person appointed by direct recruitment to any post in the service shall, from the date on which he/she 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/she commences probation, be on probation for a total period of one year on duty within a continuous period of two years.

**14. Probation — Suspension — Termination or Extension:**

(1) At any time before expiry of the period of probation referred to in Rule 13 or where such period of probation has been extended under Rule 15, 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/her 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 15 or terminate his/her probation and discharge him/her from the service after giving him/her 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 Rule 19(2) read with Rule 20 of the Telangana Civil Service (Classification, Control and Appeal) Rules, 1991, shall be followed and it shall not be necessary to give him/her one month's notice or pay in lieu of such notice.

**Explanation:** In cases where the discharge of a probationer is made reverting him/her to his/her 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/she is reverted.

- (2) (i) If a probationer has appeared within the original or extended period of probation for any tests and the results of the tests for which he has so appeared are not known before the expiry of such period- he/she shall continue to be on probation until the publication of the results of the tests for which he/she has appeared or the first of them in which he/she fails to pass, as the case may be. In case the probationer fails to pass any of the probation tests for

which he/she has so appeared, the appointing authority shall forthwith, by order discharge him/her unless the period of probation is extended under Rule 15.

- (ii) Where a probationer has, before he/she commenced his/her probation, already passed any of the special tests prescribed, he shall not be required to pass such special tests again.
- (3) (i) **Approved Probationer:** If, at the end of the period of probation or of the period of probation as extended under Rule 15, 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/her period of probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his/her probation on the date of the expiry of the prescribed QT extended period of probation:
- (ii) **Termination of Probation:** - If the appointing authority decides that the probationer has failed to give satisfaction in regard to his/her suitability for full membership it shall, unless the period of probation is extended under Rule 15, by order, discharge him/her from the service after giving him/her one month's notice or pay in lieu of such notice:

Provided that if the discharge of a 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 19 (2) read with Rule 20 of the Telangana Civil Service (Classification, Control and Appeal) Rules, 1991 shall be followed and it shall not be necessary to give him/her 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 to his/her suitability for full membership may be based also on his/her 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/her to his/her 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/she is reverted.

- (iii) **Decision on declaration of probation:** The decision whether a probationer is suitable for full membership or his/her 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 be communicated to him/her. The appointing authority shall communicate the lapse on the part of the probationer if any, well in advance of the expiry of the prescribed period of probation so that he/she may rectify such lapse.

**15. Extension of probation:-** In the case of any probationer failing under sub-rule (2) or class (ii) of Sub-Rule(1) 14, the appointing authority may extend his/her probation to enable him/her to pass the prescribed tests, 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 Rule 14 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/she 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/ her probation satisfactorily within the period for which his/her probation is extended. Such postponement of increment shall not be treated as a penalty but only as a condition of the extension of probation and shall not have the effect of postponing future increments after he/she has passed the prescribed tests or examinations or after he/she completes his/her probation satisfactorily.

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

- (1) A probationer who is discharged under clause (ii) or sub-rule (1) or under sub-rule (3) of Rule 14 shall be entitled to appeal to the High Court within the period of limitation within which an appeal would lie against an order of 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 of 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) **Conditions of service on restoration of discharged probationers:-**
  - (i) When an order discharging a probationer is set aside on appeal under sub-rule (1) or on revision 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/her discharge shall, however, count towards the period of probation prescribed by the rules applicable to him/her.
  - (ii) Such probationer may, during the period on and from the date of his/her discharge to the date of his/her restoration, be paid such pay and allowances, not exceeding the pay and allowances to which he/she would have been entitled if he/she had not been discharged, as the High Court may, with the previous sanction of the State Government, determine.

17. **Discharge of Probationers and approved probationers for want of vacancies:** (1) Probationers and approved probationers may be discharged for want of vacancies in the following order:

- (i) First: probationers in the 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 travelling allowance or exceptional administrative inconvenience.

**Explanation**—A member of the service who is transferred at his/her 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/her joining that unit. Notwithstanding the fact that he/she 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.

**18. Appointment of Full Member:** (1) Subject to the provisions of Rule 32: an approved probationer shall be appointed to be full member in the category for which he/she 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/she may be so appointed with retrospective effect from such date or, as the case may be, from such subsequent date from which he/she was continuously on duty as a 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 a 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/ her probation earlier than another member of the service who is senior to him/her, the member who so completes his/ her probation earlier shall not be confirmed before the member who is senior to him/her. The senior member shall be confirmed according to his/her seniority in the service after he/she completes satisfactorily' the period of his/her probation.

**Explanation:** (i) For the purposes of this sub-rule, an approved probationer on leave shall be deemed to be on duty as a member of the service in the category concerned, if he/she would have been on duty in such category or in a higher category but for his/her absence on leave.

(ii) A. member of the service who is transferred on his/her own request from one unit to another shall not, by reason of having completed his/her 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 a full member of another service shall cease .to be a member of this service.

### **19.Seniority:**

(1) The seniority of a person in a category shall, unless he/she has been reduced to a lower rank as a punishment. be determined by the date of his/her first appointment to such category. If any portion of the service of such person does not count towards probation under Rule 25



- (4), his/her seniority shall be determined by the date of commencement of his/her service, which count?, towards probation.
- (2) After the selection process is completed, the appointing authority shall draw up the merit list of candidates selected, including the candidates selected against reservation categories, by arranging them in accordance with their merit rankings and shall follow the same for the purpose of determination of seniority.
- (3) The transfer of a person on administrative grounds from one category to another category carrying the same pay or scale of pay after commencement of these Rules shall not be treated as the 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/her first appointment to the category from which he/she 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 increments, the seniority of such member on re-promotion 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/her reduction.
- (b) in cases where the reduction operates to postpone future increments, the seniority of such member on re-promotion shall, unless the terms of the order of punishment provide otherwise, be fixed by giving credit-for the period of service rendered by him/her only in the higher category.
- (c) "The seniority of a member of service, class or category who is transferred on his own request from one unit or appointment to another unit of appointment shall be fixed with reference to the date of his joining duty in the latter unit of appointment."

**20. Scope of application of 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.

**21. Training-** (a) Every person selected for appointment by direct recruitment as Junior Assistant shall undergo training for a period of not less than four 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/she shall serve the Department for a period of three years after the completion of training referred to in sub-rule (a).
- (c) He/She shall be liable to refund to the Government the pay and allowances or any other remuneration received by him/her in addition to the amount spent by the Government in his/her training:-

- (i) if he/she fails to serve the Department for a period of three years after the completion of his/her training for any reason; or .
  - (ii) if he/she discontinues the training or is discharged from training for misconduct or any other reasons; or
  - (iii) if he/she 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.

**22. Security:-**

- (a) Where the State Government, by general or special order, directs that the holder(s) of any specified post or category of posts shall deposit security for the due and faithful performance of his/her duties; and
- (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) Posts in Category I & 2 Rs.50,000/
  - (ii) Category 3 .....Rs.25,000/
  - (iii) Category 4 to 16 ..... Rs 10,000/-
- (c) If within a month from the date of his/her appointment or promotion, the person concerned fails to deposit the security required, his/her probation shall be deemed to have been terminated and the appointing authority shall forthwith, by order, discharge him/her from the service or revert him/her to the post from which he/ she was promoted, as the case may be, unless he/she has already been otherwise discharged or reverted.

Provided that the termination of probation under this sub-rule shall not disentitle a person for promotion to any post in the service which does not require a security and for which he/she would have been eligible for promotion otherwise than by reason of his/her promotion or appointment to the post requiring a security.

**23. 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/ her probation is likely to enhance his/her usefulness as a member of the service, may, on his/her application and subject to exigencies of service, be permitted by the appointing authority to undergo the desired course of study. He/She shall also be

granted the entire amount of leave, if any, admissible under the rule applicable to him/her if, but for such leave, he/she would have continued to be on duty.

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

#### **24. Special provisions relating to Copyists and Process Establishment:**

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

#### **25. Temporary Promotions:**

- (1) (i) Where it is necessary in 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, excee 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) A person who does not possess the qualifications prescribed for the post shall ordinarily not 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 he/she possesses the qualification prescribed for the post to which he/she is promoted, be replaced as soon as possible by a member of the service who is entitled 10 promotion under these rules.
- (4) A person promoted under sub-rule (I) shall not be regarded as a probationer in the higher or be entitled, by reason only of such promotions 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/she shall commence his/her 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 (1)(i) at any time without assigning any reason and without notice.

## **26. Transfers and postings:**

- (1) The transfers and postings of persons 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 for the State of Telangana.

Provided that the seniority of a member who is transferred on administrative grounds shall be fixed with reference to the date of his/her appointment in the unit from which he/she is transferred while seniority of a member transferred on his/her own request from one Unit to another shall be fixed in the latter Unit with reference to the date of his/her appointment in that Unit upon such transfer.

- (3) Transfers of Chief Administrative Officers from one Unit to another shall be made by the High Court for the State of Telangana.
- (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 Telangana 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 may transfer a candidate from one unit to the other unit.

## **27. Consequences of resignation:-**

- a) A member of the service shall, if he/she resigns his/her post, forego not only the service rendered by him/ her in the particular post held by him/her at the time of resignation but all his/her previous service under the Government of Telangana or any other State Government in India.

- b) 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 he/she shall not be entitled to count any portion of his/her previous service for any benefit or concession admissible under any rule or order;

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

**28. 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 from military duty, shall be entitled to count the periods spent on military duty for purpose of pension, if he/she would have counted for that purpose his/her service in the civil department but for his/her 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 11th June, 1944, recorded in G.O.Ms.No.465, Finance, dated 6th September, 1944.

**29. Reduction of full member:-** If a full member of any category in the service is subsequently reduced to a lower category, he/she 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/she 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.

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

Where a person has been dismissed, removed or reduced in rank 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/her 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.

**31. Relinquishment of Rights by members:** Any person may in writing, relinquish any right or privilege to which he/she may be entitled under these rules, if, in the opinion of the appointing authority, such relinquishment is not opposed to 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.

“Provided that no conditional relinquishment or relinquishment of right for a temporary period shall be permitted.”

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

- a) for re-appointment to a substantive or officiating vacancy in the category or post in which he/she may be a probationer or an approved probationer.
- b) for promotion from a lower to a higher category in the service; or
- c) For appointment to any substantive or officiating vacancy in another so nice for which he/she may be art approved candidate, as the case may be, in the same manner as if he/she had not been absent. He/She Shall be entitled to all the privileges in respect of appointment, seniority, probation and confirmation, which he: she would have enjoyed, but for his/her absence, subject to his/her completing satisfactorily the period of probation on his/her 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/she may be an approved candidate unless he/she relinquishes his/her membership in the latter service, in which he/she is a probationer or an approved probationer.

### **33. Relaxation of Rules:**

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

Notwithstanding anything contained in these rules, the Governor of the State 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 favorable to him/her than that provided by the rules.

#### **(B) Relaxation of rules by the High Court:-** Without prejudice to the power of the Governor under Rule 33-A, the High Court shall also have the power 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 insofar 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 shall not be dealt with in any manner less favorable than that provided by that rule.

### **34. Applicability of General Rules:-**

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

### **35. Transitory Provisions:**

- a) 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 have 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.
- b) In case of persons who are in service on the date of issue of these rules and who are otherwise eligible for promotion to the higher posts of category 2 to 10 and for whom a Graduation Qualification is now prescribed as a pre-requisite for such promotion, may be promoted, even though they do not possess the Graduation Qualification, but they shall be required to acquire the prescribed qualification within the period of five (S) years from the date of promotion.

This concession shall be in force for a period of three (3) years from the date of issue of these rules.

### **36. Repeal and Saving:-**

The Special Rules issued in G.O.Ms.No.129, Law (L.A. & J-Home-Courts-D), 12th November 2003 as amended from time to time are hereby repealed.

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

Provided further that nothing in these rules shall affect the appointments made in accordance with the rules issued in GO.Ms.No.96S General Administration (Ser.B) Department, dated 21st October, 1995 (Andhra Pradesh Last Grade Service Rules) and GO.Ms.No.565 General Administration (Services B) Department, dated 24th October, 1992(Andhra Pradesh General Subordinate Service Rules) prior to the coming into force of these rules.

### **Annexure – I (See Rule 8)**

S.No	Category and Name of the Post	Method of Appointment	Qualification
(1)	(2)	(3)	(4)
1	Chief Administrative Officer	By Promotion from Category 2 & 4	Must be a Graduate from any recognized University Must have Passed prescribed Departmental Tests i.e., Civil Judicial Test Part-I & II, Criminal Judicial Test, Accounts Test for Subordinate Officers Part-I, and Translation Test
2	Senior Superintendent	By Promotion from Category 3	Must be a Graduate from any recognized University Must have passed prescribed Departmental Tests i.e., Civil Judicial Test Part-I & II, Criminal judicial Test, Accounts Test for Subordinate Officers Part –I, and Translation test.
3	Superintendent	By Direct Recruitment or By Promotion from Category 7	Must be a Graduate from any recognized University  Must have passed prescribed Departmental Tests i.e., Civil Judicial Test Part-I & II, Criminal Judicial Test, Accounts Test for Subordinate officers Part-I and Translation Test i.e., (i) Translation from English to the Regional Language and (ii) Translation from Regional

			Language to English.
4	Stenographer Grade I	By Promotion from category 5	Must be a Graduate from any recognized University
5	Stenographer Grade II	By Promotion from category 6	Must be a Graduate from any recognized University
6	Stenographer Grade III	By Direct Recruitment or By Promotion from category 8 & 9	<p>Must be a Graduate from any recognized University and must have passed Telangana Govt. technical examination English Type- writing by higher grade and must have passed Telangana Govt. Technical examination in English shorthand by higher grade or equivalent examination.</p> <p>Provided that if candidates who have passed the examination by higher grade are not available, those who have passed the examination by the lower grade may be considered. Must have knowledge or qualification in computer operation.</p>
7	Senior Assistant	By Direct Recruitment or By Promotion from category 8, 9 & 10	<p>Must be a Graduate from any recognized University.</p> <p>Must have passed prescribed Departmental Tests i.e., Civil Judicial Test Part-I &amp; II, Criminal Judicial Test, Accounts Test for Subordinate officers Part-I.</p> <p>Preference shall be given to those who have computer skills for Direct Recruitment only.</p>
8	Junior Assistant	By Direct recruitment or By Promotion	Must have passed Bachelor's Degree of any University in India established or incorporated by or under a Central Act, State Act or Provincial Act or an Institution recognized by the University Grants Commission or any equivalent qualification.



			Must have knowledge or qualification in computer operation.
9	Typist	By Direct recruitment or By Promotion	<p><b><u>For Direct Recruitment:</u></b> Must have passed Bachelor's Degree of any University in India established or incorporated by or under a Central Act, State Act or Provincial Act or an Institution recognized by the University Grants Commission or any equivalent qualification.</p> <p><b><u>For Promotion:</u></b> Must have passed Bachelor's Degree of any University in India established or incorporated by or under a Central Act, State Act or Provincial Act or an Institution recognized by the University Grants Commission or any equivalent qualification.</p>
10	Field Assistant	By Direct recruitment or By Promotion	Must have passed Bachelor's Degree of any University in India established or incorporated by or under a Central Act, State Act or Provincial Act or an Institution recognized by the University Grants Commission or any equivalent qualification.
11	Examiner	By Direct recruitment or By Promotion	Must have passed Intermediate examination conducted by the State Board of Intermediate Education or its equivalent examination.
12	Copyist	By Direct recruitment or By Promotion	<p><b><u>For Direct Recruitment:</u></b> Must have passed Intermediate examination conducted by the State Board of Intermediate Education or its equivalent examination.</p> <p>Must have passed Telangana Govt. Technical examination in English Typewriting by higher grade qualification or its equivalent examination.</p> <p>Provided that candidates who have passed the examination by the higher grade are not available</p>

			<p>those who have passed the examination by the lower grade may be considered.</p> <p><b><u>For Promotion:</u></b> Must have passed Intermediate examination conducted by the State Board of Intermediate Education or its equivalent.</p> <p>Must have passed Telangana Govt. Technical examination in English Typewriting by higher grade qualification or Lower grade qualification or its equivalent examination.</p>
13.	Senior Driver (Light Vehicle)	By Promotion only	
14.	Driver (Light Vehicle)	By Direct recruitment or By Promotion	i) Must be able to read and write Telugu and Urdu/Hindi or English. (ii) Must possess a current valid light motor vehicle driving license, issued by competent authority under the Motor Vehicles Act, 1988 with practical experience in driving Motor Vehicles for a period of not less than (3) years with endorsement to drive Motor Cycle and Auto rickshaw.
15 (a)	Record Assistant	By Promotion or By Direct recruitment	Must have passed Intermediate conducted by the State Board of intermediate Examination or its equivalent examination.
15 (b)	Roneo Duplicator Operator.	By Promotion or By Direct recruitment	(i) Must have passed Intermediate examination conducted by the State Board of intermediate Education or its equivalent examination.  (ii) Must have undergone training in operating Roneo Duplicators.
15 (c)	Lift Operator	By Promotion	(i) Must have passed SSC examination or its equivalent examination. (ii) Must possess a Certificate issued by the Electrical Supervisor in any Engineering Department of the State Government to the effect that the individual has adequate

			elementary knowledge of operating an electric lift and can attend to emergencies in the operation of the lifts.
16.	Process Server	By Direct recruitment or By Promotion	Must have passed SSC examination or its equivalent examination.
17.	Office Subordinate/Attender	By Direct Recruitment only	Must have passed 7 <sup>th</sup> class examination or its equivalent examination. Candidates who failed 10 <sup>th</sup> Class will be considered eligible, but those who have higher qualifications than that shall not be considered eligible.

**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/her at the time of his/her appointment shall not be required to acquire higher qualifications prescribed for that post subsequent to his/her appointment.

## **Annexure -II** **(See Rule 11)**

**Manner of Appointment by direct Recruitment:-** For Stenographer Grade-111, Junior Assistants, Typists, Field Assistants, Examiners, Copyists, Drivers (Light Vehicle), Record Assistants, Roneo Duplicator Operators, Process Servers and Office Subordinates /Attenders.

1. The Direct Recruitment to the above said posts shall be made by way of Centralized Recruitment and such recruitment shall be through the Public Service Commission or such other recruiting agency as may be decided upon by the High Court and shall be made under the supervision of the High Court.
2. For such Centralized Recruitment, the State as a whole or a Group of Districts or a District may be taken as a Unit.
3. As per the recruitment schedule issued by the High Court every year, the Unit whether a State or Group of Districts or a District, as the case may be, shall assess the vacancies in each of the categories and issue notification for recruitment calling for applications from the eligible Candidates by fixing the last date for submission of applications.
4. The Recruitment Agency, be it for the State or Group of Districts or District, as the-case may be, shall conduct written examination, Computer Based Online test or Offline OMR based examination of objective type for the eligible candidates to test their ability.

5. The minimum qualifying marks for appearing at the interview shall be O.Cs.40%, B.Cs.35%, S.Cs, STS & P.Hs.30%.
6. Mere securing of minimum qualifying marks will not vest any candidate with a right to be considered for the interview / selection.
7. The Recruitment Agency shall conduct skill test for the candidates who applied for the posts of Stenographer Grade-III, Typist, Copyist.

Provided that the Typing test for the posts of Typist and Copyist and transcription test from shorthand to longhand will be conducted in MS Word with use of Computers.

8. Selection of the meritorious candidates for all the vacant posts in all the categories shall be finalized separately in accordance With the Rule of Reservation (Telangana State and Subordinate Service Rules).
9. The qualified candidates shall be interviewed in the ratio of in each category by the Interview Board constituted by the High Court.
10. After finalization of the merit list the Recruiting agency shall follow Rule of Reservation and send final list in the ratio of 1:2 to the High Court for its approval.

**“Manner of Appointment by direct recruitment:-** For Superintendent, Senior Assistant, Stenographer Grade –III, Junior Assistants, Typists, Field Assistants, Examiners, Copyists, Drivers (Light Vehicle), Record Assistants, Roneo Duplicator Operators, Process Servers and Office Subordinates/Attenders.”

11. After of the list of selected candidates by the High Court, the candidates will be allotted to the District concerned issue of appointment orders by the Unit Head of the concerned District Court, after following the due procedure.

**ANNEXURE-III**  
**(See Rule 8(b))**

District	Language
Hyderabad	Telugu and Urdu/Hindi
Adilabad	Telugu, Urdu / Hindi and Marati
Karimnaoar	Telugu and Urdu/Hindi
Khammam	Telugu and Urdu/Hindi
Nlahabubnagar	Telugu and Urdu/Hindi
Medak	Telugu and Urdu/Hindi
Naloolnda	Telugu and Urdu/Hindi
Nizamabad	Telugu and Urdu/Hindi
SVarangal	Telugu and Urdu/Hindi
Ranga Reddv	Telugu and Urdu/Hindi

V. NIRANJAN RAO,  
*Secretary to government,*  
*Legal affairs, legislative Affairs & Justice.*

# HIGH COURT FOR THE STATE OF TELANGANA

**ROC.No.3026/2017-C-1**

**Dated.1-04.2019**

Gazette Notification No. 3, dated 07-06-2018.

(G.O.Ms.N0.29 LAW (LA, LA & J-HOME-COURTS.B) Department,  
dated 18-05-2018) Telangana Judicial Ministerial and Subordinate  
Service Rules, 201 8.

**"COMMUNICATED"**

REGISTRAR (ADMN.).

To

1. The Prl. Secretary to the Hon 'ble the Chief Justice, High Court for the State of Telangana (with a request to place the sallie before the Hon 'ble the Chief Justice)
2. All the P.Ss to the Hon 'ble Judges (with a request to place the same before the Hon'ble Judges)
3. All the Registrars, High Court for the State of Telangana.
4. All the District Judges/Unit Heads in the State of Telangana.
5. The Section Officers, Special Officer Section, E- Section, Recruitment Section, Establishment Section and D-II Budget Section, High Court for the State of Telangana. (for information and necessary action if any).

*Compiled by*

**Smt. E. Tirumala Devi,**  
**Director,**  
**Telangana State Judicial Academy,**  
**Assisted by**  
**K.Varalaxmi,**  
**U.D.Stenographer**  
**Telangana State Judicial Academy**

**IMPORTANT CIRCULARS OF  
HIGH COURT FOR THE STATE OF TELANGANA.**

**REGARDING RECRUITMENT, SENIORITY, PROMOTION AND OTHER SERVICE  
CONDITIONS AND REGULATIONS OF VARIOUS CADRES OF EMPLOYEES IN  
JUDICIAL DEPT.**

**GOVERNMENT OF TELANGANA  
ABSTRACT**

Telangana State Judicial Service Rules - Amendment to Rule 16 of  
Telangana State Judicial (Service and Cadre) Rules 2017 i.e., relating to  
age of Superannuation of Judicial Officers - Orders - Issued.

**GENERAL ADMINISTRATION (J & R.A.) DEPARTMENT**

**G.O.Ms.No.36.**

**Dated: 17-05-2021.**  
Read the following:-

- 1) Telangana Public Employment (Regulation of Age of Superannuation) (Amendment) Act 2021 (Act 3 of 2021).
- 2) From the Registrar General, High Court for the State of Telangana, Roc. No. 1143/SO/2021, dated 27-04-2021.

\* \* \*

**ORDER:**

In exercise of the powers conferred by Articles 223, 234, 235, 237 read with proviso to article 309 and proviso to clause (3) of article 320 of the Constitution of India and of all other powers hereunto enabling and in consultation with the High Court for the State of Telangana at Hyderabad, the Governor of Telangana hereby makes the following amendment to the Telangana State Judicial (Service & Cadre) Rules 2017 issued in G.O.Ms.No. 59 Law (LA&J-Spl.C) Department, dated 15-07-2017.

**AMENDMENT**

In Rule-16 of Telangana State Judicial (Service and Cadre) Rules 2017 the words 'sixty years' substituted with the words 'sixty one years'.

2. These orders shall come into force with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**SOMESH KUMAR  
CHIEF SECRETARY TO GOVERNMENT**

To  
The Registrar General, High Court for the State of Telangana, Hyderabad.  
The Registrar (Vigilance), High Court for the State of Telangana, Hyderabad.  
The Commissioner, Printing, Stationary & Stores Purchase (Printing wing),  
Chanchalguda, Hyderabad for publication in the Telangana Gazette.  
The Accountant General, Telangana, Hyderabad.  
The Pay and Accounts Officer, Telangana, Hyderabad.  
SC/SF.

// FORWARDED BY ORDER //

SECTION OFFICER

**HIGH COURT FOR THE STATE OF TELANGANA AT  
HYDERABAD**

**C I R C U L A R**

**ROC.NO. 1311/2019-C.1**

**DT:03-10-2020**

**Sub:** Public Services –TJMSS – Some of the Unit Heads seeking instructions regarding implementation of catch-up Rule in view of the Judgment of Hon'ble Apex Court in Civil Appeal Nos. 6631 & 6632/2015 in S.Paneer Selvam and other Vs. Government of Tamilnadu & others – **Certain Instructions** – Issued.

\*\*\*

It is brought to the notice of the High Court that while considering the promotions and fixing the inter-se-seniority of the employees, some of the Unit Heads are seeking instructions regarding implementation of catch-up Rule in view of the Judgment of Hon'ble Apex Court in Civil Appeal Nos. 6631 & 6632/2015 in S.Paneer Selvam and other Vs. Government of Tamilnadu & others.

Therefore, **all the Principal District Judges/Unit Heads in the State are informed that they have to implement the 'catch-up' rule in the absence of any legislation made by the State Government permitting conferment of consequential seniority to persons belonging to SC/ST community, who have been promoted, in view of the decision of the Supreme Court in *Pravakar Mallick and Ors. Vs. The State of Orissa and Ors. (MANU/SC/0379/2020) (dt.17.04.2020)*.**

Receipt of the Circular may kindly be acknowledged by Return Post.

  
REGISTRAR (VIGILANCE)  
FAC REGISTRAR (ADMN.).

**To**  
**All the Principal District Judges/Unit Heads in the State.**

The Section Officer, Special Officer's Section, High Court for the State of Telangana, Hyderabad (with a request to incorporate the circular in the compendium of circulars).

**Stock.. 1**  
<http://hc.ts.nic.in>

**Spare...1**

**HIGH COURT FOR THE STATE OF TELANGANA**

**ROC.NO. 465/2019-C1**

**DT: 18.07.2019**

**CIRCULAR**

**Sub:** Public Services – Representation of Telangana State Judicial Employees Association requesting to communicate the Government G.Os to the Subordinate Judiciary for its implementation regarding Child Care Leave and 5 days Casual Leave extra in addition to the Casual Leaves to all the women employees working in the Subordinate Judiciary - Considered – Regarding.

**Ref:-** 1. G.O.Ms.No 209 Finance (HRM-III) Department, ]  
Dated: 21-11-2016.  
2. G.O.Ms.No.142 Finance (HRM-III) Department,  
dated: 01-09-2018.  
3. Representation, dated:11-02-2019 of the Telangana State Judicial Employees Association, addressed to the High Court.

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The Telangana State Judicial Employees Association has submitted a Representation requesting the High Court to implement the G.Os. vide G.O.Ms.No.209 Finance (HRM-III) Department, dated 21-11-2016 and G.O.Ms.No.142 Finance (HRM-III) Department, dated 01-09-2018 regarding Child Care Leave and 5 days Casual Leave extra in addition to the Casual Leave to all the women employees working in the Subordinate Judiciary in the State of Telangana.

**The High Court on consideration of the above said Representation hereby accepts the request of granting 05(five) days Casual Leave in addition to the Casual Leaves to all the women employees working in the Subordinate Judiciary as provided in G.O. 2<sup>nd</sup> referred above .**

However, the request of the Association for implementation of G.O. 1<sup>st</sup> referred above, regarding Child Care leave is **rejected**.

Receipt of this Circular may please be acknowledged.

**REGISTRAR (ADMINISTRATION)**

To

1. All the Principal District Judges/Unit Heads.
2. The Principal Private Secretary to the Hon'ble the Chief Justice, High Court for the State of Telangana.
3. All the Personal Secretaries to the Hon'ble Judges, High Court for the State of Telananga.
4. All the Registrars, High Court for the State of Telangana.
5. The Registrar (IT)-cum-Central Project Coordinator, High Court of Judicature at Hyderabad, **(with a request to place the same in the Official Website of the High Court.)**
6. The Section Officer, Special Officer's Section, High Court for the State of Telangana.

**(With a request to incorporate the Circular in the compendium of Circulars)**

7. The President,

Telangana State Judicial Employees Association, Ranga Reddy District, District Court Complex, L.B. Nagar, Hyderabad - 500074. State of Telangana.



**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.2589/E1/1995

Dated : 6.1.2001

**CIRCULAR**

Sub : COURTS – CRIMINAL – Appointment of Court

Assistants and Court Attendants in the 207 Courts of Special Judicial Magistrates of Second Class/Special Metropolitan Magistrate in the State – Guidelines – ISSUED.

Ref : G.O.Ms.No.35 Law (LA. & J Cts.A) Department,  
Dt.22.1.1997

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Attention of all Unit Heads are invited to the G.O. cited, wherein the Government has issued orders for the creation of one Court Assistant and one court Attendant with the Honorarium of Rs.1000/- p.m. and Rs.500/- p.m. respectively, to each of the 207 Courts of Special Judicial Magistrates of Second Class in the State, and the said posts shall be filled in by the retired employees of Judicial Department only.

Pursuant to the said G.O. the High Court has issued instructions through the letter 2<sup>nd</sup> cited, to all the District and Sessions Judges in the State and Metropolitan Sessions Judge, Hyderabad to take necessary steps for filling up of the said posts from the retired employees of the Judicial department.

After the receipt of the said instructions some of the District Judges have sought for certain instructions from the High Court with regard to the age limit, Educational Qualifications etc., for the recruitment of Court Assistants and Court Attendants in the said Courts.

After careful examination, the High Court has framed guidelines for the recruitment of Court Assistants and Court Attendants in the Courts of Special Judicial Magistrate of II Class, and the same are enclosed herewith.

All the District and Sessions Judges in the State and the Metropolitan Sessions Judge, Hyderabad are therefore, directed to follow said guidelines while filling up of the posts of Court Assistants and Court Attendants in the Courts of Special Magistrates of II Class without fail.

The receipt of the Circular may please be acknowledged.

Sd/- Registrar General

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**HIGH COURT OF ANDHRA PRADESH : HYDERABAD**

Roc.No.125/99-RC

Dated : 28.7.1999

**CIRCULAR**

Sub : PUBLIC SERVICES – Recruitment to the Posts under APJMS and APLGS in all the Units in the State – Furnishing of Roster Points to the notified vacancies and preparation of Common Merit Lists of selected Candidates – Certain Instructions – ISSUED.

Ref: High Court's Circular Roc.No.355/98-RC,  
dt.25.9.1998.

**-0-**

It is noticed by the High Court that some of the Unit Heads are not intimating the assessment of the requirement of fresh appointments during the next succeeding year, before 30<sup>th</sup> September of each year. And the Unit Heads are not communicating the Roster Points supporting the posts notified by them. It is also noticed that as and when the Unit Heads are forwarding the Final Merit Lists of selected candidates they are not submitting common merit lists of all the selected candidates for the posts notified under O.C. vacancies, as all candidates irrespective of their groups can compete against O.C. vacancies by virtue of their merit. In the absence of common merit lists, unnecessary delay is caused in approving the selection of candidates and it is becoming necessary to corresponding with the Unit Heads or sometimes, to differ the selection.

The High Court, therefore requests all the Unit Heads in the State to furnish the Roster Points supporting the posts notified by them whenever they furnish the assessment of vacancies to the High Court and to forward common merit lists of selected candidates for the posts noticed under O.C. Vacancies along with other group vacancies, keeping in view to place the older in the age above the younger in the case of candidates who got equal marks, while preparing such common merit lists. The break-up of marks secured by the candidates in the practical and written exams for the posts of Steno-typists, Typists, and Copyists, may also be furnished along with the common merit lists.

Receipt of this circular may please be acknowledged.

Sd/-

**REGISTRAR (VIGILANCE)**

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.2536/98-C-(1)

Dated : 20.4.1999

**CIRCULAR**

Sub : PUBLIC SERVICES–A.P.J.M.S. – Representation of A.P. Judicial Employees Association with regard to maintenance of confidential files – Instructions –Issued.

Ref: 1) High Court's Circular Roc.No.572/92-C.Spl.(Con)  
Dt.12.2.1992.

2) Representation dt.24.10.1998, of the A.P. Judicial Employees Association represented by Organizing Secretary addressed to the High Court.

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The A.P. Judicial Employees Association, represented by its Organizing Secretary, has submitted a representation to the High Court to issue instructions to stop the maintenance of personal files of the staff of the Subordinate Courts.

The High Court, after careful consideration of the relevant G.Os. and previous circulars of the High Court has taken a decision to continue the maintenance of annual confidential reports of the staff of the Subordinate Courts as per the circular of the High Court dt.12.2.1992 issued in Roc.No.572/92-C.Spl.(Con) with a direction to all the Unit Heads to communicate a copy of the adverse remarks of the annual confidential reports, if any, against the employees of the respective units to the individuals concerned.

All the District and Sessions Judges and other unit officers under the control of the High Court, are therefore, requested to continue the maintenance of confidential files of all the employees working in their respective units in accordance with the instructions issued by the High Court, in the circular first read above (copy enclosed) and to communicate a copy of the adverse remarks of the annual confidential reports, if any, against the employees of their respective units, to the individuals concerned.

REGISTRAR(ADMINISTRATION)

**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.142/99-RC

Dated : 7.4.1999

**CIRCULAR**

Sub : PUBLIC SERVICES – Recruitment to the posts under APJMS – Allotment of candidates for the postsof Steno-Typists, Junior Assistants and Typists by the A.P. Public Service Commission – Furnishing of estimate of vacancies of the posts which are under the purview of A.P. Public Service Commission – Certain instructions to Unit Heads in the State – ISSUED.

Ref : 1) High Court's Circular Roc.No.355/98-RC, dt.25.9.98

2) Letter No.1260/RS.11/1/97, dt.11.3.99 from the Secretary, APPSC, Hyderabad

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The Andhra Pradesh Public Service Commission through its letter second cited has brought to the notice of the High Court that as and when commission requests the Unit Heads in the State to furnish the estimate of vacancies with correct roster position, for the posts of Steno-Typists, Junior Assistants and Typists in the Andhra Pradesh Judicial Ministerial Service for the vacancies fallen vacant from 1.7.93 to 1.9.98 with specific instructions which are to be followed to furnish an indent for allotment of required candidates from the recruitment of Group-IV Services, 1998. Instances have also come to the notice of the High Court that certain Unit Heads are raising objections in accepting the candidates sponsored by the Andhra Pradesh Public Service Commission contrary to the Andhra Pradesh Judicial Ministerial Service Rules and the guidelines and Circular Orders issued by the High Court, thought the Unit Heads earlier sent requisitions for allotment of candidates.

Keeping in view all the aspects referred to by the Andhra Pradesh Public Service Commission and Note (2) of the Guidelines<sup>1st</sup> cited, the High Court, hereby directs all the Unit Heads in the State to notify the vacancies of Steno-Typists, Junior Assistants and Typists which are within the purview of the Andhra Pradesh Public Service Commission, within the ambit of Andhra Pradesh Judicial Ministerial Service Rules, and the procedure formulated in the guidelines issued and communicated to all the Unit Heads in the State, by the High Court under reference first cited, and to follow scrupulously the Andhra Pradesh Judicial Ministerial Services Rules and the norms and guidelines issued by the High Court. The High Court further directed the Unit Heads to furnish the correct roster position to the Andhra Pradesh Public Service Commission as and when it requires and to accept the candidates sponsored by the Andhra Pradesh Public Service Commission for the posts which are under the purview of the Andhra Pradesh Public Service Commission viz., Steno-Typists, Junior Assistants, and Typists without raising any objections.

Receipt of the Circular may please be acknowledged.

SD/-  
REGISTRAR(VIGILANCE)

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No. 2536/98-CI(1)

Dated : 23.3.1999

**CIRCULAR**

The A.P. Judicial Employees Association has brought to the notice of the High Court that no inform procedure is being followed by the Unit Heads while giving promotions to both selection and non-selection posts in the Subordinate Courts. Some of the Unit Heads are conducting written tests for promotions and some of them are promoting the individuals by conducting oral interview only. some of the Unit Heads are calling the candidates for written test/interview at the ratio of 1 : 3 or 1: 5 whereas in some districts, the Unit Heads are calling the candidates at the ratio of 1 :10 of even 1 :40.

The High Court desires that it is essential to adopt a uniform procedure throughout the State while giving promotions to both selection and non-selection posts in the Subordinate Courts.

All the Unit Heads are therefore requested to adopt the following instructions while effecting promotions to both selection and non-selection posts.

**I. SELECTION POSTS :**

- 1) Provisions of Rule 8 of A.P.J.M.S. Rules shall be followed while giving promotions to the selection posts.
- 2) The District Judges should prepare a panel a eligible candidates as per seniority. Call them for Interview at the ratio of 1: 3 and select the suitable candidates.

In case, any of the first three candidates not eligible for promotion for the reason viz., unauthorized absence, prolonged illness, undergoing punishments etc., the District Judges may consider next eligible candidates in seniority for promotions in the same promotion.

**II NON-SELECTION POSTS:**

- 1) Promotion to non-selection posts shall be made on the basis of seniority only, provided the member to be promoted possessed the required minimum General Educational Qualification and not suffering from any disqualification for the post to which he is to be promoted :
- 2) In case of promotions to the members, who have been awarded penalties under A.P.C.S. (CCA) Rules, the Unit Heads should consider their cases if there is reasonable lapse of time after imposing such penalties and on their earning good reports subsequent to the award of penalty.

REGISTRAR (ADMINISTRATION)

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.30/99-RC

Dated : 22.2.1999

**CIRCULAR**

Sub : PUBLIC SERVICES – Recruitment to the posts of

Record Assistants which are governed by A.P. General Subordinate Service Rules-Deleting the provision of direct recruitment to the post of Record Assistant – Certain instructions – ISSUED.

Ref :1) High Court's Circular Roc.No.355/98-RC, dt.25.9.98

2) G.O.Ms.No.965, General Administration (Ser.B)  
Department, dt.21.10.1995

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The Government, in supersession of the Andhra Pradesh General Subordinate Service Rules, 1960, has issued Special Rules in G.O.Ms.No.965, General Administration (Ser.B) Department, dated 21.10.1995, wherein the method of recruitment to the posts of Record Assistant under Rule 3 has been changed. As per the said Rule, the method of appointment to the category of Record Assistant is, "by appointment by transfer of a person

from the Andhra Pradesh Last Grade Service in the concerned unit in the Department concerned or by transfer of Roneo Duplicator Operator or Xerox Operator”.

The High Court, therefore directs all the Unit Heads in the State not to notify the post Record Assistant by direct recruitment and to adopt the special Rule with regard to the procedure of appointment to the post of Record Assistant issued in G.O.Ms.No.965, General Administration (Ser.B) Department, dated 21.10.1995, (copy enclosed) in all future recruitments.

Receipt of the Circular together with G.O.Ms.No.965, dt.21.10.1995, may pleased be acknowledged.

Sd/- REGISTRAR (VIGILANCE)

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.8/99-RC

Dated : 25.1.1999

**CIRCULAR**

Sub : PUBLIC SERVICES – A.P. Last Grade Service –

Enumerations of Legitimate duties of Process Servers/ Attenders and performance thereof –Instructions - ISSUED.

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The A.P. Judicial Class IV Employees Association has represented to the High Court that they are not willing to perform the night duty to guard the public property, e.g., case records and books at the residences of the Judicial Officers and to carry boxes containing the case records and books to and from the Judges’ residences etc., and therefore requested the High Court to exempt them from the said duties. The representation is considered and the following instructions are issued.

As per civil Rules of Practice, punkah pulling in Court over the Judge’s seat and carrying tappal boxes to and from the Court and guard duty at the houses of Sub-Judges and District Munsifs and night by the peons (attenders) etc., are the legitimate duties of the Process Servers and attenders. When a question arose to relieve certain duties which the process Servers/ Attenders considered as menial and disliked, it was held that such a step will encourage the spirit of insubordination among them and it was decided that the performance by the Process Servers/Attenders of all the duties pertaining to their posts should be insisted upon even though some of the duties are regarded by them as being of menial character.

When the Government of Andhra Pradesh has introduced the scheme of gradual withdrawal of Attenders at the residences of officers through their G.O.Ms.No.1059, G.A.D. dated 11-11-1971, the High Court addressed the Government to exempt the Judiciary from the operation of the said G.O. on the ground that the Judicial Officers do not have contact with the public and have to be confined to the Courts and residences only, and as the residential attenders are required to watch the valuable Government records taken to the residences for dictation of Judgments etc., and as several type of criminals are tried by them, it is necessary that some attender must be on duty at the residence of the Judicial Officers to

prevent all the sundry persons from entering the residences of the Judicial Officers. Accordingly, the Government issued G.O.Ms.No.219, GAD dated 5-5-1973 exempting the Judicial Officers from the purview of G.O.Ms.No.1059, GAD dated 11-11-1971. Moreover, G.O.Ms.No.228, Fin. & Plg. Dated 31-8-1988, relied upon by the A.P. Judicial Class IV Employees Association is not applicable to Judiciary.

Under the circumstances, the High Court feels that a situation has arisen to enumerate the legitimate duties apart from Process execution work attached to the posts of, and to be performed by, the Process Servers and Attenders (since both the posts are in the same class of service and are interchangeable) which are as follows:

- (1) Guard duty in Court,
- (2) Maintenance order and in around the Court halls and calling parties,
- (3) Delivery of local tappings and taking letters to and from the post office.
- (4) Clearing and booking railway parcels.
- (5) Depositing money in the Bank or Treasury and cashing bills and cheques.
- (6) Carrying office boxes, books and records to the Judge's residence and back to Court,
- (7) Carrying boxes and papers from one section to another,
- (8) Punching and sealing process memoranda,
- (9) Second punching of disposed of records and other miscellaneous duties in the office.
- (10) Doing the duties of Daylights in casual leave vacancies, and
- (11) Night duty at the residence of the Judicial Officers to guard public property, i.e., case records and books etc.

The above duties have always been regarded as legitimate duties to be performed by the Process/Servers/Attenders.

All the District Judges and other Unit Officers are, therefore, hereby instructed to entrust the duties as specified above to the Process Servers and Attenders and see that they are duly performed by them and in case of disobedience or non-performance of any of the above legitimate duties by any of the Process Servers and Attenders, they may be dealt with according to rules in force.

Receipt of the circular may be acknowledged.

Sd/-

**REGISTRAR (Admn.)**

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.8/99-RC

Dated : 25.1.1999

**CIRCULAR**

Sub : PUBLIC SERVICES – Recruitment to the various categories of posts under APJMS and APLGS in all

the Units in the State – Selection of candidates against resultant vacancies of Non-joining/ Relinquishment of selected candidates– Discontinuance of operation of waiting list– Certain instructions – ISSUED.

Ref : 1) High Court's Circular Roc.No.355/98, dt.25.9.98  
2) G.O.Ms.No.544, General Administration (Ser.A) Department, dt.4.12.1998.

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The Government have issued Adhoc Rule in G.O.Ms.No.544, General Administration (Ser.A) Department, dt.4.12.1998, notwithstanding anything contained in the A.P. State and Subordinate Service Rules, Special Rules of Adhoc Rules, governing the maintenance and operation of waiting list for all the direct recruitments for the posts under the State and Subordinate Services and Last Grade Services, dispensing with the maintenance and operation of waiting list and directing the Unit Heads to notify in the next recruitment year, the fall out vacancies, if any due to relinquishment and non-joining etc., of selected candidates.

The High Court therefore requests all the Unit Heads to adopt the Adhoc Rule issued in the G.O.Ms.No.544, General Administration (Ser.A) Department, dt.4.12.1998 (copy of which is enclosed) in all future recruitments.

Receipt of the Circular along with G.O.Ms.No.544, dt.4.12.1998 may please be acknowledged.

Sd/-

REGISTRAR (VIGILANCE)

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**HIGH COURT OF ANDHRA PRADESH : HYDERABAD**

Roc.No.355/98RC

Dated : 25.9.1998

**CIRCULAR**

Sub : PUBLIC SERVICES – Recruitment to the various Categories of posts under APJMS, APGSS and APLGS, in all the Units in the State – Certain instructions issued with regard to the selection procedure – Regarding.

Ref : 1) High Court's Circular Roc.No.3475/91/C1, dt.25.6.92  
2) High Court's Circular Roc.No.2318/96/C1(1), dt.1.7.96  
3) High Court's Circular Roc.No.2318/96/C1(1), dt.5.10.96

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Attention of all the Unit Heads is invited to the High court's Circulars dated : 1.7.1996 and 5.10.1996. The High Court after careful consideration has taken a decision that the procedure prevailing prior to the year 1995 as regards the selection and approval of the



panels of the directly recruited staff of the District Courts be Respondent-introduced for all future appointments. Accordingly, the High Court hereby Respondent-introduced the said procedure for all future appointments with immediate effect.

All the Unit Heads in the State are therefore requested to follow strictly the procedure as stated above for all future appointments.

Sd/- REGISTRAR (VIGILANCE)

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.2318/96-C1

Dated : 5.10.1996

**CIRCULAR**

Sub : PUBLIC SERVICES – Recruitment to the various Categories under APJMS, and APLGS in Subordinate Courts under the control of the High Court of Andhra Pradesh, Hyderabad – Certain Instructions – ISSUED.

Ref: High Court's Circular Roc.No.2318/96-C1(1) dt.1.7.96

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In connection with the temporary recruitment to the various posts in the Subordinate Judiciary revised guidelines were issued by the High Court in the circular cited. In view of the observation made while approving the proposals forwarded by the Unit Heads to this Registry for approval, the High Court directs that the further observations made in the that behalf as furnished below should be kept in view while attending to the recruitment process.

“It is found that whenever written test or interview is conducted, no marks list are maintained in regard to each candidate nor any scientific method is followed in allotting the marks. In most of the cases, it will not be known as to who set the paper for written test and who corrected the answer papers. Sometimes, it is also found that a staff member is entrusted with such work. That may led to suspicious in the mode of selection and the arbitrary manner in which selections are made and also the doubt whether the unit head took necessary responsibility in that regard and whether the staff played certain important role in the finality of the selections. Therefore, the Unit Heads may be impressed that they will be personally and officially responsible in such selections and take personal interest in setting the question papers in the written test and to either personally correct the answer papers or wherever technical posts are involved like the posts of Stenographers, corrections should be done by the senior most, experienced and expert person in the presence and supervision of the Unit Heads and to that effect there must be certificate on each answer paper and the original question paper. While allotting marks in the interview, there must breakup for different heads like personality and deportment, expression, general knowledge and general impression etc. It may also be impressed that selection for the posts of particular categories of reservation etc., should be strictly in accordance with

the relevant G.Os. and the roster and that should be reflected in the papers submitted for confirmation. The entire file including the applications, question paper, answer papers, marks lists and if necessary the report of the Unit Head to clear any doubt should be submitted to the High Court.”

All the Unit Heads are therefore instructed that any violation in the mode and method of selection in the light of the above instructions will be viewed very seriously and the Unit Head will be open for all the consequences.

REGISTRAR (MANAGEMENT)

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.779/96-CI(3)

Dated : 3.9.1996

**CIRCULAR**

Sub : PUBLIC SERVICES – APJMS/APLGS/APGSS –

Transfer of Staff Members – Reg.

Ref : 1) High Court’s Circular Roc.No.778/96-C1(3), dt.22.3.96

2) High Court’s Circular Roc.No.779/96-C1(3), dt.22.3.96

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The attention of all Unit Heads is invited to the instructions issued by the High Court in the circulars cited, on the issue relating to the transfer of staff members on completion of three years stay in a particular seat/Station.

The unit heads are hereby directed to furnish information in the proforma enclosed as to the transfers made in implementation of the circular instructions referred to above.

Sd/- M.E.N.Patru,  
Registrar (Management)

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Roc.No.779/96-CI(3)

DATED : 03-09-1996

**PROFORMA**

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Sl.No.	No. of persons Category wise	No. of years of service in one seat before the transfer	Persons retained and reasons for retention
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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.2318/96-C1 (1)

Dated : 1.7.1996

**CIRCULAR**

Sub : PUBLIC SERVICES – Recruitment – Recruitment to various categories, viz., Junior Assistants Steno-Typists, Typists, Examiners, Readers, Copyists, Amins, Drivers,

Record Assistants, and Attenders in Subordinates Courts  
Under the control of the High Court of A.P., Hyderabad – Fresh  
Norms/Guidelines – ISSUED.

Ref : High Court's Circular Roc.No.3475/91-C1, dt.25.6.1992

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In the circular cited, the High Court has issued certain Norms and Guidelines regulating the appointment to the posts of Junior Assistants, Steno-typists, Typists, Examiners, Readers, Copyists, Amins, Drivers, Record Assistants, Attenders and Process Servers in the Subordinate Courts in the State and they are being followed by the Unit Officers while filling-up the vacancies in the above categories.

In filling-up the above vacancies, it is reported that the following difficulties are being experienced by the Unit Officers.

- 1) Due to wide publicity by affixing the notification in the notice boards throughout the districts thousands of applications are being flooded to the District Court.
- 2) Graduates and Post Graduates are also applying to all the Categories of posts. Candidates possessing higher qualifications are offering their services for the lowest category of posts such as Attenders and process Servers.
- 3) There is no choice left for the Unit Heads to short list the applications.
- 4) There are no clear guidelines/instructions and method of selection covering and said aspects.
- 5) Some District Judges are conducting written examination and interview. Some District Judges are constituting a Selection Committee with himself, Addl. District Judge, and other Judicial Officers. Whereas some District Judges are selecting the candidates independently without the assistance of any other Judicial Officer.
- 6) The unsuccessful candidates are resorting to sending representations to High Court that they have been deprived of their legitimate change on one ground or the other: some of them are filing writ petitions in the High Court causing inconvenience to the institution etc.,

In the circumstances, it became necessary to issue clear instructions in this regard to avoid the cumbersome procedure of calling thousands of people for very few posts and also to stop unnecessary litigation and unwarranted criticism about the process of recruitment. The previous guidelines issued on the subject in the circular cited have therefore been re-case and modified with the objective of making them more comprehensive, to ensure uniformity, to make the selection process more objective, and to ensure that right persons are selected to the particular types of jobs.

Keeping in view the high status enjoyed by the Judicial Officers in the society, the Supreme Court in its judgment in Review Petition No.249, of 1992, have given certain

directions to the implemented by the Executive in the country with regard to their reasonable salary, appropriate allowances and manageable living conditions i.e., providing of residential accommodation, conveyance etc., and the said directions are being implemented. Since a Judicial Officers has to maintain an allowances amounting almost to self imposed isolation and since a form of life and conduct for more severe and restricted than that of ordinary people is required of him, it also became necessary to appoint suitable and willing Attenders at the residence of the Judicial Officers to attend to all Domestic work apart from their regular duties in order to enable the Judicial Officers to concentrate more in their Judicial functions.

The High Court of Andhra Pradesh, Hyderabad, in exercise of the powers conferred under Article 235 of the Constitution of India and all other powers enabling thereto, and in modification of the previous guidelines issued in the Circular cited, hereby issues fresh norms and guidelines regulating the appointments to the posts of Junior Assistants, Stenotypists, Typists, Examiners, Readers, Copyists, Amins, Drivers, Record Assistants and Attenders in the Subordinate Courts under the control of the High Court of Andhra Pradesh, Hyderabad, a copy of which is enclosed herewith to this circular.

The Unit Officers are directed to follow the below mentioned instructions while making appointments to the posts of Process Servers and Attenders.

- 1) Before appointing the candidates who have been selected primarily on account of their professional skills as Attenders, they shall be asked to give an undertaking that they are prepared to discharge the duties assigned by the Judicial Officers at their residences. It shall be made clear in the order appointing the Attenders that they can, at any time, be assigned duties at the residence of the Judicial Officers according to the exigencies.
- 2) For selection to the posts of Process Servers a simple written test in Telugu/Urdu, and a test to ensure that they are able to read and understand simple words or sentences in English must be held. Candidates selected as process servers shall be asked to give an undertaking that they have no objection to work as Attenders in Courts including the performance of guard duties and duties connected with their skills as and when called upon to do so.  
The SILENT FEATURES of the above revised guidelines are summarized below:

There is a Selection Committee instead of the Principal District Judges doing the selection solely.

- 1) For posts other than Attenders and Process Servers, the practice of calling for names from Employment Exchange remains but the ration will be 1:10.
- 2) Maintaining of 'C' List but only with those who are regularly selected and worked for a continuous period of 3 months.
- 3) Assessment of vacancies before 1<sup>st</sup> September, every year.

- 4) Appointment of Attenders from those personnel possessing special skills, such as Driving, Carpentry, Electrical etc., for performing duties at the residences of the Judicial Officers.
- 5) Written test to be held for all categories of Posts other than the Attenders.
- 6) For Process Servers, a simple written test in English of the standard consistent with minimum qualifications prescribed to know whether they are able to read, write and understand properly shall be conducted.
- 8) Maximum qualifications for Attenders/Process Servers.
- 9) Preferential qualifications or factors and the broad norms for short-listing or screening of applications in relation to each category/class of post have been specified.
- 10) The weightage of marks to be awarded in written test and interview have been specified.
- 11) Preparation of gradation list and the number of candidates to be called for interview are laid down.

REGISTRAR (ADMINISTRATION)

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

Roc.No.4453/90/C.Spl. (Con.)

Dated : 25-1-1991

**CIRCULAR**

Sub : Public Services – APJMS – Appointment to non-selection  
Posts – Instructions – Issued.

Ref : High Court's Circular of even No., dated : 16-11- 1990

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Instances have come to the notice of the High Court that many of the Unit Officers are not following seniority in spite of the Instructions issued in the Circular referred to above while promoting members from the categories of Amins, Readers, Examiners and Copyists to the posts of L.D.Cs., Typists and Steno-typists, as the case may be which are non-selection posts, with the result the seniors who are deprived of promotion are approaching the High Court by filing Appeals on administrative side or Writ Petitions on the Judicial side. This practice is quite in contradiction to the instructions already issued in High Court's Circular Roc.No.1814/75/C1, dated 26-4-1988. Promotion to non-selection posts shall be made on the basis of common seniority only, provided the member to be promoted possesses the required minimum general educational qualification prescribed for the post to which he is to be promoted. The Unit officers are, therefore, requested to follow strict common seniority from among Reader, Examiners and Copyists while effecting promotions to the non-selection posts except where the members have been awarded penalties under A.P.C.S. (CCA) Rules. Even in such cases the Unit Officers should consider their cases if there is reasonable lapse of time after imposing such penalties and on their earning good reports subsequent to the award of penalty.

All the unit officers are hereby directed to keep in view the above instructions while making promotions to the non-selection posts.

**Registrar (Administration)**

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

Roc.No.4458/90/C.Spl. (Con.)

Dated : 16-11-1990

**CIRCULAR**

Instances have come to the notice of the High court that many of the unit Officers are not following seniority while promoting members from the Categories of Amins, Readers, Examiners and Copyists to the posts of L.D.Clerks, Typists and Steno-typists, as the case may be, which are non-section post; with that result the seniors who are deprived of promotions are approaching the High Court by filing appeals on Administrative side or Writ Petitions on the Judicial side. This practice is quite in contradiction to the instructions already issued in High Court's circular R.O.C.No.1814/75/C1, dated 26-4-1975. Promotion to non-selection posts shall be made on the basis of seniority only, provided the member to be promoted possesses the required minimum general educational qualification for the post of which he is to be promoted. The Unit Officers are therefore requested to follow strict seniority while effecting promotions to the non-selection posts except where the members have been awarded penalties under A.P. Civil Services (C.C.A.) Rules. Even in such cases the Unit Officers should consider their cases if there is reasonable lapse of time after imposing such penalties and on their earning good reports subsequent to the award of penalty.

All the Unit Officers are hereby directed to keep in view the above instructions while making promotions to the non-selection posts.

Receipt of this Circular may be acknowledged.

**T.H.B. CHALAPATHI,**  
**Registrar (Administration)**

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

Roc.No.2792/90-C-4,

Dated : 08-08-1990

**CIRCULAR**

Sub : P.S. – Appointment of the Spouses/Children of the

Deceased employees under Social Security Measures- Instructions –  
Issued.

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You are aware that the Government, with a view to provide immediate succor to the members of the family of a Government Employee who dies on harness leaving no other earning member in the family, have issued various orders under Social Security Measures from time to time. According to the said measures a Child (Son/daughter) or spouse of the deceased Government Employees is eligible to be appointed to a post whose pay is equal to or less than that of L.D.C. The said posts are also taken away from the purview of Andhra Pradesh Public Service Commission. ON the Demise of the Government Employee if a Suitable post is not immediately available for providing employment to the

dependents of the deceased employee, the appointing authorities are empowered to create a supernumery post for the said purpose. In the case of appointment of dependents of the deceased Government employee to the posts included in the Andhra Pradesh Last Grade Services involving relaxation of Age and Educational Qualifications etc., the Unit Officers can refer such cases to the Head of the Department (i.e. High Court) for such relaxations. Even in the case of minors who are aged 16 years can also be appointed to posts in the Last Grade Service in relaxation of Rules.

Similarly, in bases where a Government Employee retires on Medical invalidation grounds the spouse of the Government Servant or any one of the dependant children can be appointed to a Post of L.D.C. or equivalent post or any other lower post subject to eligibility and the conditions mentioned in G.O.Ms.No.504, dated: 30-7-1980.

The Andhra Pradesh Judicial Employees Association has represented to the High Court that inspite of the above social Security Measures introduced by the Government for the Welfare of the families of the deceased employees, some of the Unit Officers are not adhering to the said Government orders and are not providing immediate relief by appointing the spouse/dependent children of the deceased employees, with the result, the said dependents are being rendered destitutes.

All the Unit Officers are, therefore, hereby instructed to strictly adhere to the various orders issued by Government from time to time under social Measures and also to refer deserving cases involving relaxation of Age and Educational Qualifications in the matters relating to the appointment of the Spouse/dependent children of the deceased employees to the posts in Andhra Pradesh Last Grade Services.

**T.H.B. CHALAPATHI,**  
**Registrar (Administration)**

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

Roc.No.2608/88-C1

Dated : 09-02-1989

**CIRCULAR**

Sub : Public Services ; A.P.J.M.S. – Appointment of Sheristadars and Superintendents (Category-I) to District Court – Ban relaxed temporarily – Orders – Reg.

Ref : 1) High Court's Lr . Of even No. dated : 9-9-1981.

2) High Court's Proc. Of even No. dated 25-5-1983.

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Attention of the District Judges and other appointing authorities is invited to the references first and second cited, wherein they were directed to appoint Senior members in Cat-2 temporarily and Sheristadars/Superintendents, District Courts (Cat.1) as the case may be, on an ad-hoc and purely on temporary basis making it clear in the order that the persons promoted will not have any preferential claim to the posts when regular appointments are made on the basis of State-wide seniority list in Category-2 as per the amended Rules.

Instances have come to the notice of the High Court and the appointing authorities are regularizing such temporary promotees and confirming them contrary to the instructions issued.

The District Judges and other appointing authorities are hereby directed not to regularize or confirm the temporary promotees pending amendment of rules and State-wide seniority in Category-2.

Sd/-

**REGISTRAR (Admn.)**

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

Roc.No.2608/88-C1

Dated : 09-02-1989

**CIRCULAR**

Sub : EMPLOYMENT- EXCHANGE (Compulsory Notification

Of Vacancies) Act, 1959-Filling up of the vacancies in the Subordinate Courts consequent on the Judgment of the Supreme Court of India in civil Appeal Nos. 9 to 15 of 1986, dt. 13-4-1987 – Revised Guidelines –Issued.

Ref : High Court's Circular Roc.No.3227/C1, dt : 23-12-87

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In the reference cited, the High Court has issued instructions to the District Judges and other appointing authorities under the control of the High Court in the matter of appointment to the posts in the Judicial Ministerial Service, including Record Assistants, with a specific direction that the vacancies should be filled-up from among the candidates sponsored by the Employment Exchanges only. The High Court has since reviewed the matter with reference to the Judgment of the Supreme Court dated 13-4-1987 in Civil Appeal Nos. 9 to 15 of 1986, and considered that the earlier instructions require modification and accordingly issues the revised instructions with regard to the recruitment to the posts in the A.P. Judicial Ministerial Service, the A.P. General Subordinate Service and the A.P. Last Grade Services.

The Andhra Pradesh Judicial Ministerial Service Rules 1964, provide for direct recruitment to the posts mentioned in Rule-6 in accordance with the manner in Annexure-II as provided in Rule-13. In addition, the provisions of the Presidential Order under Article 371-D have to be followed. Out of these, the post of a Junior Assistant (i.e. Lower Division Clerk) is to be filled up both by promotion and direct recruitment. According to Rule 9(2) the proportion of direct recruits and promotees is to i.e. 3 : 1. The selection for direct recruitment for the posts of Junior Assistants is to be made by the A.P. Public Services Commission. The selection for direct recruitment for the other posts of lower in rank than the Clerks of Juniors Assistants are to be made by the respective appointing authorities. Some of these posts are feeder posts for promotion to the post of Junior Assistants or Clerks.

For the appointment of Clerks or Junior Assistants the appointing authorities have to estimate the number of vacancies in accordance with Rules and intimate the Public Service Commission regarding the vacancies meant for direct recruits before the dates prescribed. If a candidate selected by the A.P. Public Service Commission is not available for the vacancy meant for direct recruits, the appointing authorities may make a temporary



appointment, which has to be replaced by the properly selected candidate. Regulation-16 of the A.P. Public Service Commission (Regulations), 1963, as reiterated in Government Memo.No./243/Ser.A/88-7, dated 11-7-1988 and the High Court Circular No.4977/87/C4, dated 9-2-1988 require that for continuance beyond three months of such a candidate concurrence of the Commission is necessary has to be obtained. It is proper that whenever any temporary appointment to a post meant for direct recruit Clerk is made, in addition to seeking concurrence of A.P. Public Service Commission, this Court also be informed together with reasons for such appointment.

The District Judges and other appointing authorities under the control of the High Court are hereby instructed to compulsorily notify the vacancies in the A.P. Judicial Ministerial Service, A.P. General Subordinate Service and A.P. Last Grade Service to the respective Employment Exchanges and at the same time invite applications from eligible candidates directly. For the purpose of adequate publicity for candidates, the Unit officers are directed that the notification indicating the number of vacancies, etc., is put up not only on the notice boards of the District Court but also of all the Courts in the District and some other offices like the Collectorate and the Manual Revenue Offices etc., and select candidates for appointment after estimating the relative merits of the candidates.

While selecting the candidates and making appointments, the appointing authorities shall strictly follow the Rule of reservation and the Presidential Order under Article 371-D of the Constitution of India in respect of the Six Point formula, wherever it is applicable. They should also report to the High Court the appointments made by them indicating that the appointments are in accordance with aforesaid procedure and also with reference to the Rules.

The receipt of the Circular should be acknowledged.

Sd/-

**REGISTRAR (ADMN.)**

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

Roc.No.5417/88-C1

Dated : 29-12-1988

**CIRCULAR**

Sub : Public Services ; A.P.J.M.S. – Employees of the Subordinate Judiciary – Not staying at the places of their work – Instructions – Issued.

Ref : D.O.Lr.Dis.No.10214, dated : 5-12-1988 from the District Judge, Guntur.

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It is brought to the notice of the High Court that a good number of employees in the Subordinate Judiciary are not staying at the places of their work and are only attending the Courts by coming from outside Stations and on account of which work in the Courts is being hampered with resultant accumulation of arrears in their seats. Despite instructions of the

presiding officers not to leave the stations, the employees are reported to the still indulging in such practice.

The High Court therefore, feels it expedient in public interest, to order that all employees in Subordinate Judiciary shall invariably stay at their respective stations of work so as to help avoid inconvenience to the proper functioning of the Courts and clearance of arrears in their respective seats.

All the District & Sessions Judges and Presiding Officers in the City Courts are therefore requested to instruct all the employees working under their control in their respective units to stay at their respective stations of work and if they have not so far taken steps to do so, to make immediate arrangements for their stay as aforesaid, without fail and within a reasonable time. Any attempt to flout the instructions will be viewed seriously.

Sd/-

**REGISTRAR (Admn.)**

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

**CIRCULAR**

Roc.No.3857/81/C.Spl.(Con.R.Dis.No.298/84)

Dated : 28-2--1985

Sub : Public Services – A.P.J.M.S/A.P.L.G.S. – Termination of the Services of Seniors keeping Juniors in Service –Instructions – Issued.

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Instances have come to notice of the High Court where the appointing authorities have been terminating the services of the senior ministerial staff of the Subordinate Judiciary keeping their Juniors in service on the plea that their services are purely temporary and their appointment can be terminated at any time without assigning any reason which is against the rules and also to principles of natural justice.

When the appeals or Revision Petitions of those terminated employees are being allowed by the High Court it is becoming very difficult to pay them the pay and allowances from the date of their termination to the date of their reinstatement as supernumerary posts have to be created for the above period.

The High Court, after a careful consideration of this matter on hand, instruct all the appointing authorities in the State not to terminate the employees who are Seniors keeping their Juniors in service on the plea that their appointments are temporary. The Unit Officers are also hereby informed that responsibility for ousting or terminating the Senior employees while keeping their Juniors into service will be fixed on the concerned authority and recovery of the amount involved in the creation of the supernumerary post will also be effected.

Instructions given above may be followed scrupulously by all the Unit officers of the subordinate Judiciary.

The receipt of the same may be acknowledged.

**REGISTRAR (ADMINISTRATION)**

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**HIGH COURT OF ANDHRA PRADESH ; AT HYDERABAD**  
**GUIDELINES REGARDING APPOINTMENT OF COURT ASSISTANTS AND**  
**COURT ATTENDANTS IN THE COURTS OF SPECIAL JUDICIAL MAGISTRATES**  
**OF SECOND CLASS/SPECIAL METROPOLITAN MAGISTRATE**

- (1) (a) Any retired person who held any post in the Andhra Pradesh Judicial Ministerial Service or any retired person who held the post of Assistant, Examiner, Typist, Copyist and above in the Andhra Pradesh High Court Service is eligible or appointment as Court Assistants.  
Provided that if suitable retired employee from A.P. Judicial Ministerial Service and A.P. High Court Service does not respond to the recruitment notification or otherwise not available an outsider can be appointed.
- (b) The appointing authority shall take steps to impart such training as may be necessary for a short period to the Court Assistants recruited, if they are not otherwise familiar with the nature of work to be performed.
- (2) Any retired person who held the post of Attender, Process Server or in any other post in the Last Grade Service in the Subordinate Courts or in the High Court Service is eligible for appointment as Court Attendant.  
Provided that if suitable retired employee from the Last Grade Service in the Subordinate Courts and the High Court Service does not respond to the recruitment notification or otherwise not available, an outsider can be appointed.
- (3) Any employee who crossed the age limit of 65 years shall not be eligible for the appointment of Court Assistant and Court Attendant.
- (4) Any employee, who has taken voluntary retirement on the ground of medical invalidation, retired on compulsory retirement from service, dismissed, or removed from service, shall not be eligible for the appointment of Court Assistant or Court Attendant.
- (5) The District and Sessions Judges in all the Districts and Metropolitan Sessions Judge in the City of Hyderabad are the appointing authorities to appoint Court Assistants and Court Attendants in the Courts of Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates as the case may be in their respective Units.
- (6) The appointments for the posts of Court Assistants and Court Attendants shall be for a period of two years and if the work of the persons hold the said posts is satisfactory, such persons may be considered for re-appointment for the subsequent period.
- (7) (a) Vacancy position of the Court Assistant and Court Attendant shall be notified well in advance in all the Courts in the District, calling for applications from the eligible candidates. Preference shall be given to the local candidates i.e., persons living in the same station or near about place and the Rule of Reservation need not be followed.
- (b) If there are no suitable persons in the district, the District Judge/Metropolitan Sessions Judge, Hyderabad, may take candidates from the other Districts also.
- (8) The Court Assistant shall be paid Rs.1,000/- p.m. (Honorarium) and Court Attendant shall be paid Rs.500/- p.m. (Honorarium) as per G.O.Ms.No.35, Law (L.A. & J-Courts-A) Department, dated 22-01-97 or such other amount as may be prescribed by the Government for time to time.

- (9) The Court Assistant and Court Attendants are eligible for 15 casual leaves per every calendar year as in the case of Special Judicial Magistrates of Second Class and they are not entitled for any other kind of leave. The concerned Special Judicial Magistrate of Second Class is authorized to sanction CASUAL LEAVE to the Court Assistant and Court Attendant.
- (10) The District Judge/Metropolitan Sessions Judge is competent to take disciplinary action against the erring persons working as Court Assistants and Court Attendants, on the report submitted by the concerned Special Judicial Magistrate of Second Class or otherwise.
- (11) The District Judge/Metropolitan Sessions Judge is competent to terminate the service of any person working in the posts of Court Assistant and Court Attendant at any time, if the work is not generally satisfactorily or there is any physical disability or on the grounds of misconduct or negligence subject however to giving an opportunity of making representation in the last mentioned event viz., "misconduct or negligence."
- (12) Medical fitness and mental alertness is insisted upon in the appointments of Court Assistants and Court Attendants.
- (13) Preference may be given to those candidates who have experience in the field.
- (14) The District Judges/Metropolitan Sessions Judge, Hyderabad are directed that in the matters of appointment to the posts of Court Assistants and Court Attendants, merit shall be the only criteria and further directed to adopt fair means and transparency in such appointments.
- (15) All other terms and conditions of the relevant G.O.Ms.No.35, Law (L.A. & J-Courts) Department, dated 22-01-1997 must be scrupulously followed.

Sd/- Registrar General

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**GOVERNMENT OF ANDHRA PRADESH**  
**GENERAL ADMINISTRATION (SERVICES-WELFARE) DEPARTMENT**  
**Memo No.11124/Ser.Wel/2003-2, dated : 10-03-2003**

Sub : Services Welfare – A.P.N.G.Os Association – State  
Women Wing – Problems of Women Employees  
to be solved – Regarding.

Ref: 1)G.O.Ms.No.27, W.D.C.W. & D.W. Dept., dt.21.4.99

2) G.O.Ms.No.322, G.A.(Ser.C) Dept., 19-07-99

3) From the Chairperson, State Women Wing,  
A.P.N.G.Os Association, Hyderabad representation  
Dt. 17.01.2003.

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The attention of all Heads of Departments/Collectors & District Magistrates in Andhra Pradesh is invited to the references cited. The Chairperson, State Women Wing of A.P.N.G.Os Association, Hyderabad has represented for removal of Discrimination/Eradication of Sexual/mental harassment against working Women in work places. She has requested for strict implementation of G.O.Ms.No.27, Women Development Child Welfare & disabled Welfare Department, dt.21.04.1999.

2. In the reference first cited, instructions have been issued for ensuring of equality in Employment to women and to take measures to eliminate discrimination against women in the field of employment. It is also informed that Government also decided to incorporate specific Provision in A.P. Civil Services (Conduct) Rules, 1964, for prohibition of sexual harassment of working women. Orders have been issued in the reference second cited amending the Rules 3 of A.P. Civil Services (Conduct) Rules, 1984, to incorporate specific Provision in the A.P. Civil Services (Conduct) Rules, 1964 for prohibition of sexual harassment of working women.

3. All the Heads of Departments/District Collectors in A.P. are requested to inform whether, they have set up a mechanism by nominating a senior officer to receive complaints regarding sexual harassment of Women employees in work place and to redress the complaints. They are requested to inform whether any complaints have been received in the cell established for the purpose. They are requested to furnish the compliance report in the matter on or before 31-03-2003 under intimation to respective Associations, with the names of Concerned Head of the Dept/Collector & District Magistrate and Telephone numbers etc., so as to place the same before Chief Secretary to Government.

**B.ARAVINDA REDDY**

**SECRETARY TO GOVERNMENT (SERVICES)**

**HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD**

ROC.No.552/98-C.I(1)

Dated:8.4.2002

**C I R C U L A R**

Sub: Public Services – APJMS – Departmental Tests required to be passed for consideration of promotion to the post of HeadClerk/Translator i.e. category-3 of Division IV of APJMS –Instructions – Reg.

Ref: 1) Circular Roc.No.552/98-C.I/1, dt:20.9.1999 of the High

Court of A.P., Hyderabad.

2) High Court's Orders dt:31.3.2000 in W.P.Nos.21481 and 22774/99

3) Orders dt:9.1.2002 in SLP (Civil) No.2891-94/2001 of the Supreme Court of India.

Some of the employees working in the units of the District Judge, West Godavari and Prakasam filed W.P.No.21481/99 and W.P.No.22774/99 respectively on the file of the High Court of A.P. challenging the validity of the High Court's circular dt:20.9.1999. The Division Bench of the Hon'ble High Court while allowing the said Writ Petitions quashed the circular of the High Court dt:20.9.1999 in Roc.No.552/98-C.I/1, in its order dt:31.3.2000 in W.P.Nos.21481 and 22774/99. The special leave petitions (Civil) Nos.2891-94/2001 filed in the Supreme Court of India against the orders dt:31.3.2000 in

W.P.Nos.21481/99 and W.P.No.22774/99 were dismissed by the Hon'ble Supreme Court of India on 9.1.2002.

In view of the aforesaid circumstances and in super session of the High Court's circular first read above, all the Unit Heads are, therefore, informed that the passing of Translation Test for promotion to the posts of Head Clerk/Translator i.e. category-3 of Division IV of APJMS is not necessary.

Receipt of the circular may be acknowledged.

REGISTRAR (ADMN.)

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**HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD**

ROC.No.1114/OP CELL-E/2002U

Dt. 14-02-2002

**C I R C U L A R**

Sub: COURTS – Civil and Criminal – Smoking in the Court  
premises – Certain instructions – ISSUED.

Ref : High Court's Order dt.13-02-2002 in W.P.No.2606/2002

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Attention of all the Unit Heads in the State is invited to the orders passed by the Hon'ble Supreme Court of India in MURLI S.DEORA Vs. UNION OF INDIA in which the Hon'ble Supreme Court has banned smoking in public places and issued directions to take effective steps to ensure prohibiting smoking in public places, viz., Auditoriums, Hospital Buildings, Health Instructions, Educational Institutions, Libraries, Court Buildings, Public Offences and Public conveyances including Railways.

The Hon'ble the Chief Justice, High Court of Andhra Pradesh, by the orders cited, (copy of which is enclosed) in a taken up Writ Petition No.2606/2002 directed the Registry to inform all the District Courts that the respective District Judges shall issue consequential directions to other Courts in the District to inform all the members of the Bar Associations, Staff Members and other litigant public not to smoke inside the Court premises and also to direct the Stall-holders who are temporarily permitted to hold stalls inside the Court premises not to sell either cigarettes or beedies or cigars.

The Unit Heads are further instructed to see that the above directions of the Hon'ble High Court are strictly complied with in the Court premises under their control.

The receipt of the Circular may please be acknowledged.

**REGISTRAR  
(VIGILANCE)**

.....  
**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.87/2001-RC

Dated : 10.1.2002

**C I R C U L A R**

Sub : PUBLIC SERVICES – Assessment of vacancies existing and anticipated during the next succeeding year Intimation of vacancies for the High Court before notification – Instructions to the Unit Heads to proceed with issue of notification 2 weeks after intimation of vacancy position to the High Court without waiting for reply – Issued.

Ref : 1) High Court’s Circular Roc.No.2318/96/C1(1)  
Dt.1.7.1996.  
2) High Court’s Circular Roc.No.355/98-RC,  
Dt.25.9.1998.

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Several instances have come to the notice of the High Court that the Unit Heads are requesting for permission for notifying the vacancies for the posts under Andhra Pradesh Judicial Ministerial Service and Andhra Pradesh Last Grade Service after intimating the assessment of vacancies and waiting even after the lapse of two weeks from the date of addressing the High Court though there is no provision in the guidelines issued from time to time which causes unnecessary delay in notifying the vacancies.

The High Court in its Circular 1<sup>st</sup> cited has issued certain norms and guidelines regulating the appointments to the posts under Andhra Pradesh Judicial Ministerial Service and Andhra Pradesh Last Grade Service in the Subordinate Courts in the State. Though the circular under reference 2<sup>nd</sup> cited issued by the High Court introducing the procedure prevailing prior to the year 1995 as regards selection and approval of the panels of the directly recruited staff of the Subordinate Courts, the procedure formulated in the High Courts Circular 1<sup>st</sup> cited except selection and approval of the candidates remain unchanged. The

High Court, therefore, reiterates the guideline 2(e) of the guidelines issued in the High Court’s circular 1<sup>st</sup> cited which reads as follows:

1. “The District Judges shall take further steps viz., by way of notifying the vacancies after waiting for two weeks from the date of addressing the High Court”.

All the Unit Heads in the State are therefore requested to follow the procedure stated above, strictly in all future appointments.

Receipt of the circular may please be acknowledged.

**REGISTRAR GENERAL**

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.760/99/VIGILANCE CELL Dated : 31-12-2001

**CIRCULAR**

Sub : PUBLIC SERVICES – APJMS APGSS ALGS –  
Proposals of the employees of the Subordinate Courts for retirement on medical invalidation grounds and for appointment to their dependants on compassionate

grounds – Instructions – issued.

Ref : High Court's Full Bench Judgment dt.12-10-2001 in  
W.P.No.13489/2000 and Batch.

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Having regard to the Law laid down in the Full Bench decision dt.12-10-2001 in W.P.No.13489/2000 and batch, on the file of the High Court of A.P., the High Court hereby directs all the Unit Heads not to forward the proposals of the employees of their unit for retirement on medical invalidation grounds and for appointment to their dependants on compassionate grounds.

Receipt of the circular may please be acknowledgment.

REGISTRAR (ADMN.)

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

Roc.No.760/99/VIGILANCE CELL

Dated : 13-1-2000

**CIRCULAR**

Sub : SUSPENSIONS – Extension of suspension of the  
staff of Subordinate Courts by the Dist. and Sessions Judges concerned  
– Issuance of certain Instructions-Regarding.

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The District and Sessions Judges while initiating disciplinary proceedings against the erring staff members working in their units are also placing them under suspension in public interest whenever the circumstances so warrant. On expiry of first six months period of suspension of the said employees the Dist. Judges are sending proposals for extension of their suspension for another period of six months on the ground that the disciplinary proceedings initiated against them could not be concluded. Some times the proposals for such extension are being received very late in the High Court with the result the employees who are placed under suspension could not get their subsistence allowance for want of orders extending the period of suspension by the High Court.

The High Court upon considering the matter carefully, hereby informs that it is not necessary that the High Court should under take review of suspension after the expiry of first six months itself and the authority who kept the employees under suspension can do the same. The High court further, however informs that cases of suspension beyond one year only be referred to High Court.

All the unit Heads are therefore hereby directed to follow the above instructions scrupulously.

**REGISTRAR GENERAL**

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**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**



**WOMEN'S DEV.CHILD WELFARE AND DISABLED WELFARE (PROG)  
DEPARTMENT**

**G.O.Ms.No.27**

**Dt.21.04.1999**

**ORDER :**

The Constitution of India provides for “Gender Equality” and the “Right to life and Liberty” is a fundamental right to all the citizens. Equality in employment is an inhibitive factor in the fundamental rights. Gender equality includes protection from sexual harassment and right to work with dignity, which are universally recognised as basic human rights. The convention on the elimination of all forms of discrimination against women after due deliberations made certain general recommendations to the State for its adoption and enforcement. The recommendations are as follows:

- 1) Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the work place;
  - 2) Sexual harassment includes such unwelcome sexually determined behaviour as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment. Effective complaint procedures and remedies, including compensation should be provided;
  - 3) States should include in their reports information about sexual harassment, and on measures to protect women from sexual harassment and other forms of violence or coercion in the work place;
2. The Government in India ratified the above recommendations and constituted a commission for Women Rights to act as Public defender of Women's human rights:-
3. The Government of Andhra Pradesh is committed to the national policy and forthright in defending the fundamental rights of all and avowed to gender equality. In tune with this policy several measures have been taken for uplift and development of women.
4. The Honourable Supreme Court of India in the case of Visakha & Other Vs. State of Rajasthan and Others (Jt.1997(7)SC.384) has laid down certain guidelines and norms to prevent sexual harassment of working women. It is specifically laid down in the judgment of the supreme Court that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the Commission of acts of sexual harassment. Following are the guidelines laid down by the apex court.

**(1) Duty of the employer or other responsible persons in work-places and other institutions :**

It shall be the duty of the employer or other responsible persons in work-places or other institutions to prevent or deter the Commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

**(2) Definition :**

For this purpose/, sexual harassment includes such unwelcome sexually determined behavior (whether by directly or by implication) as :

- (a) Physical contact and advances;
- (b) A demand or request for sexual favors;
- (c) Sexually colored remarks;
- (d) Showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in Government Public or Private Enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the women has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raise any objection thereto.

**(3) Preventive Steps:**

All employers of persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps;

- (a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- (b) The Rules Regulations of Government and Public sector bodies relating to conduct and discipline should include rules regulations prohibition sexual harassment and provide for appropriate penalties in such rules against the offender.
- (c) As regards private employers steps should be taken to include the aforesaid prohibition in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Appropriate work conditions should be provided in respect of work leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee women should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

**(4) Criminal Proceedings :**

Where such conduct amounts to a specific offence under the Indian Penal Code, 1860 or under any other Law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority;

In particular, it should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaint of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

(5) **Disciplinary action :**

Where such conduct amounts to mis-conduct in employment as defined by the relevant service rules appropriate disciplinary action should be initiated by the employer in accordance with those rules.

(6) **Complaint Mechanism :**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

(7) **Complaints Committee:**

The complaint mechanism referred to in (6) above, should be adequate to provide, where necessary a complaints Committee, a special counsellor or other support service, including the maintenance of confidentiality.

The complaints Committee should be headed by a woman and not less than half of its members should be women. Further to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either Non Government Organisation or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in-charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

(8) **Worker's Initiative :**

Employees should be allowed to raise issues of sexual harassment at workers' meeting in other appropriate forum and it should be affirmatively discussed in Employer-Employee Meetings.

(9) **Awareness :**

Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines (and appropriate legislation when enacted on the subject) in a suitable manner.

(10) **Third party Harassment :**

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

- (11) The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.
- (a) These guidelines will not prejudice any rights available under the protection of Human Rights Act, 1993.

5. The apex court directed that the above guidelines and norms should be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women,

6. Government of Andhra Pradesh accordingly adopt the above guidelines and direct all concerned to follow the above guidelines for strict compliance.

4. Government also decided to incorporate a specific provision in the Andhra Pradesh Civil Services (Conduct) Rules, 1964 for "Prohibition of sexual harassment of working women". Necessary amendments will be issued to the Andhra Pradesh Civil Services (Conduct) Rules, 1964 by General Administration (Ser.C) Department in due course.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**CHANDANA KHAN  
SECRETARY TO GOVERNMENT**

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**HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD**

**Roc.No.116/92-C1**

**Dated: 24.2.1992**

**CIRCULAR**

Sub: PUBLIC SERVICES -A.P. Last Grade Service - Enumerations of Legitimate duties of Process Servers/ Attenders and performance thereof - Instructions - ISSUED.

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The A.P. Judicial Class IV Employees Association has represented to the High Court that they are not willing to perform the night duty to guard the public property, e.g., case records and books at the residences of the Judicial Officers and to carry boxes containing the case records and books to and from the Judges' residences etc., and therefore requested the High Court to exempt them from the said duties. The representation is considered and the following instructions are issued.

As per civil Rules of Practice, punkah pulling in Court over the Judge's seat and carrying tappal boxes to and from the Court and guard duty at the houses of Sub-Judges and District Munsifs and night by the peons (attenders) etc., are the legitimate duties of the Process Servers and attenders. When a question arose to relieve certain duties which the process Servers/ Attenders considered as menial and disliked, it was held that such a step will encourage the spirit of insubordination among them and it was decided that the performance

by the Process Servers/Attenders of all the duties pertaining to their posts should be insisted upon even though some of the duties are regarded by them as being of menial character.

When the Government of Andhra Pradesh has introduced the scheme of gradual withdrawal of Attenders at the residences of officers through their G.O.Ms.No.1059, G.A.D. dated 11-11-1971, the High Court addressed the Government to exempt the Judiciary from the operation of the said G.O. on the ground that the Judicial Officers do not have contact with the public and have to be confined to the Courts and residences only, and as the residential attenders are required to watch the valuable Government records taken to the residences for dictation of Judgments etc., and as several type of criminals are tried by them, it is necessary that some attender must be on duty at the residence of the Judicial Officers to prevent all the sundry persons from entering the residences of the Judicial Officers. Accordingly, the Government issued G.O.Ms.No.219, GAD dated 5-5-1973 exempting the Judicial Officers from the purview of G.O.Ms.No.1059, GAD dated 11-11-1971. Moreover, G.O.Ms.No.228, Fin. & Pig. Dated 31-8-1988, relied upon by the A.P. Judicial Class IV Employees Association is not applicable to Judiciary.

Under the circumstances, the High Court feels that a situation has arisen to enumerate the legitimate duties apart from Process execution work attached to the posts of, and to be performed by, the Process Servers and Attenders (since both the posts are in the same class of service and are interchangeable) which are as follows:

- (1) Guard duty in Court,
- (2) Maintenance order and in around the Court halls and calling parties,
- (3) Delivery of local tappals and taking letters to and from the post office .
- (4) Clearing and booking railway parcels.
- (5) Depositing money in the Bank or Treasury and cashing bills and cheques.
- (6) Carrying office boxes, books and records to the Judge's residence and back to Court,
- (7) Carrying boxes and papers from one section to another,
- (8) Punching and sealing process memoranda,
- (9) Second punching of disposed of records and other miscellaneous duties in the office.
- (10) Doing the duties of Dayalats in casual leave vacancies, and
- (11) Night duty at the residence of the Judicial Officers to guard public property, i.e., case records and books etc.

The above duties have always been regarded as legitimate duties to be performed by the Process/Servers/Attenders.

All the District Judges and other Unit Officers are, therefore, hereby instructed to entrust the duties as specified above to the Process Servers and Attenders and see that they are duly performed by them and in case of disobedience or non-

performance of any of the above legitimate duties by any of the Process Servers and Attenders, they may be dealt with according to rules in force.

Receipt of the circular may be acknowledged.

REGISTRAR (Admn.)

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**HIGH COURT OF ANDHRA PRADESH, HYDERABAD**

**Roc.No.5417/88-C1**

**Dated: 29-12-1988**

**CIRCULAR**

Sub: Public Services; A.P .J.M.S. -Employees of the Subordinate Judiciary-  
Not staying at the places of their work-Instructions- issued.

Ref: D.O.Lr.Dis.No.10214, dated: 5-12-1988 from the District Judge, Guntur

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It is brought to the notice of the High Court that a good number of employees in the Subordinate Judiciary are not staying at the places of their work and are only attending the Courts by coming from outside Stations and on account of which work in the Courts is being hampered with resultant accumulation of arrears in their seats. Despite instructions of the presiding officers not to leave the stations, the employees are reported to the still indulging in such practice.

The High Court therefore, feels it expedient in public interest, to order that all employees in Subordinate Judiciary shall invariably stay at their respective stations of work so as to help avoid inconvenience to the proper functioning of the Courts and clearance of arrears in their respective seats.

All the District & Sessions Judges and Presiding Officers in the City Courts are therefore requested to instruct all the employees working under their control in their respective units to stay at their respective stations of work and if they have not so far taken steps to do so, to make immediate arrangements for their stay as aforesaid, without fail and within a reasonable time. Any attempt to flout the instructions will be viewed seriously.

Sd/- REGISTRAR (Admn.)

*Compiled by*

**Smt. E. Tirumala Devi,**  
Director,  
Telangana State Judicial Academy,  
Assisted by  
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# **IMPORTANT PROVISIONS OF TELANGANA CIVIL SERVICES (CONDUCT) RULES 1964**

*[As adapted in G.O.M.s.No.189, General Administration (Ser.-C), Dept., dated 27.5.2016]*

## **I. GENERAL**

- Under the proviso to article 309 of the Constitution of India, which empowers the Governor to make rules regulating interalia, the conduct of Government employees, the A.P. Civil Services (conduct) Rules 1964 came to exist.
- These rules contain the does and don'ts of Government servants,

## **II. SCOPE**

Government employee is defined as any person who is a member of Civil Service of the State of Andhra Pradesh or holds any civil posts under the State or in connection with the affairs of the State, whether he is on duty or under suspension or on leave or on foreign service, either within or outside the State.

## **III. FAMILY**

These rules are also applicable to the members of the Family of the Government employee. "Member of the Family" include the spouse, son, daughter, step-son or step-daughter of such employee whether residing with such employee or not and any other person related to and residing with, such employee and wholly dependent on such employee; but does not include a spouse legally separated from such employee or a son, daughter, stepson or; step-daughter who is no longer in any way dependent upon such employee or of whose custody such employee is deprived by law.

## **IV. FUNDAMENTAL RIGHTS OF INDIAN CONSTITUTION**

- ARTICLE : 14 Equality before law.
- ARTICLE : 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- ARTICLE: 16 Equality of opportunity in matters of Public Employment
- ARTICLE : 19 Rights to freedom
  - Freedom of speech and expression
  - Freedom of assembly
  - Freedom of association
  - Freedom of movement.
  - Freedom of residence and settlement
  - Freedom of Profession, Occupation, trade or Business.

## **V. RESTRICTIVE PROVISIONS OF CONDUCT RULES**

- Restriction on constitutional rights
- Taking part in politics and elections
  
- Joining of and Forming Associations
- Demonstrations and Strikes
- Connection with Press and Radio, Criticism of Government
- Acquisition and Disposal of Property
- Restriction on personal Rights
- Private Trade and Employment
- Investing, Lending and Borrowing
  
- Collection of Subscription
  
- Acceptance of Gifts
  
- Public Demonstrations
  
- Vindication of Acts and Character
- Canvassing of outside influence
- More than one marriage
- Consumption of Intoxication drinks
- The ultimate aim of such restrictions which forbid the Government servant to do certain acts is mainly intended to improve the tone of Public Service. The relationship between the Government and the Government servant is governed by the Law of Master and Servant relationship.
- A Government servant is expected to maintain a reasonable and decent standard of conduct and not bring discredit to his service by his misdemeanor.
- Thus neglect by a Government servant of his wife and his children in a manner unbecoming of a Government servant, may be regarded as a good and sufficient reason to justify action being taken against him.
- If the Government were to sit back and permit its officials to commit any outrage in their Private Life, provided it falls short of criminal offence, the result may very well be catastrophic fall in the moral prestige of the Administration.
- The State could demand a certain standard of conduct from the Government servant not only while performing their official duties but in their private life as well.
- Arguments are often raised to the effect that in view of the complexities of modern life, the consideration of expediency should outweigh the considerations of Honesty. Consideration of expediency may be irresistible at times but their evils are merely to be put up with and not to be extolled or prescribed as standards of life and work.
- A Public Officer is not at liberty to amass fortune by taking illegal gratification even though willingly given.



**VI. EVERY GOVERNMENT SERVANT SHOULD AT ALL TIMES:**

- Maintain devotion to duty
- maintain absolute integrity, discipline, impartiality and a sense of propriety.
- do nothing which is unbecoming of such employee or derogatory to the prestige of Government.
- not act in a manner which will place his official position under any kind of embarrassment
- exercise his best judgement in the performance of his official duties except when he is acting under a direction from his official superior.
- Integrity is uprightness, honesty or purity.
- Devotion to duty is faithful service.
- Unbecoming of a Government servant is unmannerly attitude, insubordination, lack of decorum, laziness, corrupt habits, shirking of responsibility and other things which are normally branded as unworthy of a Government servant.
- The dictionary meaning of misconduct is given as bad management, mismanagement, culpable neglect of an official in regard to his office. It is a transgression of some established and definite law or a forbidden act. It implies a wrongful intention and not a mere error of judgement. Misconduct is something more than mere negligence. It is the intentional doing of something when the doer knows to be wrong or which he doer recklessly, not caring what the result may be. It is a sufficiently wide expression and covers any conduct which in any way renders a person unfit for his office or is likely to tamper or embarrass the administration. In this sense, grossly improper or unbecoming conduct in public life may also become misconduct and may render an officer liable to disciplinary action.
- Moral is concerned with right and wrong or duty which one owes to one's fellow beings or to the society in general.
- Moral turpitude is a reprehensible Act contrary to the accepted notions of right and customary rule or code of conduct accepted by the society. It would mean anything done contrary to justice, honesty, modesty or good morals.
- Corruption includes all improper and selfish exercise of power and influence attached to a Public Officer.
- No Government employee can associate himself with an association, the object or activities of which are prejudicial to the interests of the Sovereignty and Integrity of India or Public Order.
- He should not participate in strike or absent from duty or work without permission, or neglect his duties with the object compelling any superior officer or Government to take or omit to take official action or indulge in demonstrative fast like hunger strike or refuse to receive his pay.

- No gifts can be accepted the prominent exception being a gift of a value of less than Rs. Two hundred from personal friends on ceremonial occasions such as weddings.
- Every Government employee (other than members of last grade service) should, on first appointment to the Government service, submit to Government a statement of all immovable properties whose value exceeds Re 20,000/- in the forms prescribed in Annexure-I and II to Sub-Rule 9.
- He should also submit before 15th January of every year, a declaration in the forms given in Annexure I and II of Rule 9 (7) of all immovable/movable property owned, acquired or inherited by him or held by him on lease/or on mortgage, either in his own name or in the name of any member of his family.
- Every Government Servant shall intimate to the competent authority within 15 days from the date of receipt of foreign currency or foreign goods of the value exceeding Rs. 10,000/- from any person by him or by any member of his family or by any person on their behalf.
- No Government employee should except after previous intimation to the head of the Department acquire or dispose of or permit any of his family member to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise either by himself or through others. If such a transaction is conducted from a private dealer (not a regular or reputed dealer), the previous sanction of the Head of the Department Appointing authority/Regional Officer/District Collectors/Other District Officers, as the case may be, as specified in sub-rule (10) of rule 9 should be obtained. Same is the case with the movable property exceeding Rs. 20,000/- in value.
- The violation of above and or any of the following rules of conduct, would be treated as negligence/misconduct and is required to be dealt with under the A.P. Civil Service (CCA) Rules 1991 .

### **RULE NO. NATURE OF PROHIBITION IN THE CONDUCT RULES**

- 3 B - Adopt dilatory tactics or willfully cause delays
- 3 C- Indulge in sexual harassment with any working women
- 4 Strikes
- 5 Demonstrations
- 6 Acceptance of gifts, services, entertainments, address and other forms of felicitations.
- 7 Collection of subscriptions or other pecuniary assistance in pursuance of any object.
- 8 Lending, borrowing and insolvency

- 9 Acquiring or disposing of immovable or movable property.
- 10 Indulging in private trade, business and investment.
- 11 Promotion and management of companies in private capacity.
- 12 Private employment.
- 13 Publication of books.
- 14 Communications of official documents or information
- 15 Connection with press.
- 16 Participation in radio broadcast and contribution to newspapers and periodicals
- 17 Criticism of the policy or action of Government or any other state govt. or central Government.
- 18 Evidence before any committee, commission or other authority.
- 19 Taking part in politics and elections.
- 20 Vindication of acts and character of Government employee.
- 21 Working with or under relatives in Government service.
- 22 Employment of a member of the family in a private firm.
- 23 Government employee not to deal in his official capacity with matters concerning himself, his relatives or dependants.
- 24 Influencing authorities for furtherance of interests.
- 25 Bigamous marriages.
- 25 A. Dowry
- 26 Drinking

*Compiled by*

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**THE TELANGANA CIVIL SERVICES  
(CLASSIFICATION, CONTROL AND APPEAL)  
RULES 1991**

*[Adapted vide G.O.Ms.No.190, G.A.(Ser.C) Dept, Dt: 27.05.2016]*

**PART - I : GENERAL (Rules 1-3)**

- The APCS (CCA) Rules 1991 (G.O.Ms. No. 487 GA (Scr. C) Dept., dt 14.9.92) were published in the A.P. Gazette on 1st July 1992. These rules came into force with effect from 1 October 1992. These rules are intended to be applicable to every Government servant who is a member of the Civil Service of the State, whether permanent or temporary, a Government Servant whose services are temporarily placed at the disposal of the Govt. of India, the Government of another state or a company, corporation or organization owned or controlled by Government, or a local or other authority and a Central Government employee, employee of other state Government and Employee of a Local Government of A.P. who is temporarily working with the State Government. These rules define Disciplinary authority as one who is competent to impose any of the penalties specified in rule 9 or rule 10.

**PART-II : CLASSIFICATION (Rules 5-7)**

- The Civil services of the state are classified into :
  - i) The State service-included in schedule I (Gazetted officers), and
  - ii) The subordinate services-included in schedule II (Non Gazetted employees).

**PART-I : SUSPENSION (Rule-8)**

(1) A member of the service may be placed under suspension from service:

- c) Where a disciplinary proceedings against him is contemplated or is pending, or
- d) Whether in the opinion of the component authority, he has engaged himself in activities prejudicial to the interest of the security of the state, or
- e) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.
- f) The authorities component to suspend members of state and subordinate services are laid down in rules 12-15.

*\*[xxxx] (Proviso omitted (G.O.Ms.No. 417, G.A.D., Dt. 24-8-94), G.O.Ms. No. 27, G.A.D., dt. 24-01-2002).*

- (2) A Government servant shall be deemed to have been placed under suspension by an order of the authority competent to place him under suspension:
- a. With effect from the date of his detention if he is detained in custody whether on a criminal charge or otherwise for a period exceeding forty-eight hours.
  - b. With effect from the date of his conviction if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not immediately dismissed or removed or compulsorily retired consequent to such conviction.
  - c. An order or suspension, may at anytime, be modified or revoked by the authority which made the order or by any authority to which that authority is subordinate.
- The State Government have prescribed proforma for issuing the orders of suspension in G.O. Ms. No. 411 GA (Ser. C) Dept. dt. 28.7.93 for the guidance of the competent authorities. Similar proforma for continuance under suspension after review, in intervals of six months has been prescribed in Govt., memo No. 904/Ser. C/67-1 GAD dt. 29-5-1967. The checklist prescribed in Govt. Circular Memo No. 56183/ Ser-c/99 GAD dated 15-10-99. should be kept in view.
  - The object of placing an officer under suspension is generally to facilitate easy collection of evidence from witnesses who may hesitate to depose against an officer so long as he is in office, or to prevent an officer from tampering with witnesses or records. In many cases it is not quite necessary to keep the officers under suspension after a certain period.
  - The circumstances in which a disciplinary authority may consider it appropriate to place a Government servant under suspension as indicated by the Government, are detailed below. These are only intended for guidance and shall not be taken as mandatory.
  - Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (eg. apprehended tampering with witness or documents).
  - Where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working.
  - Where the continuance in office of the Government servant will be against the wider public interest other than those covered by (1) and (2) above, such as, there is a public scandal and it is necessary to place the Government servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals particularly corruption.

- Where allegations have been made against the Government servant and the preliminary inquiry has revealed that a prima facie case is made out which would justify, his prosecution or his being proceeded against the departmental proceedings and where the proceedings are likely to end in his conviction and/ or dismissal, removal or compulsory retirement from service.
- In the first three circumstances, the disciplinary authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prima facie case has been established.
- Certain types of misdemeanor or where suspension may be desirable in the four circumstances mentioned are indicated below :
- Any offence or conduct involving moral turpitude.
- Corruption, embezzlement or misappropriation of government money, possession of disproportionate assets, misuse of official powers for personal gain.
- Serious negligence and dereliction of duty resulting in considerable loss to Government.
- Desertion of duty
- Refusal or deliberate failure to carry out written orders of superior officers.
- In respect of the types of misdemeanor specified in (9) (10) & (11) above, discretion has to be exercised with care.
- It should also be considered at an early stage whether sending the officer on leave (if he is willing to take it) will not be suitable step to take. This of course, will not apply in all serious cases where there is good prima facie case.
- The authority competent to suspend the Government servant, while issuing the orders of suspension should invariably mention in the said order the subsistence allowance which should be paid to the Government servant concerned. The order of suspension cannot be given with retrospective effect. Every order, notice and the other process made or issued under these rules (Vide rule 42) should take effect only from the date of :
- Service of that order on the delinquent by delivering or tendering it in person, if he is on duty.
- Communication of that order to the delinquent by registered post to the address given by him, if any or of his usual place of residence.
- Publication in the A.P. Gazette, if it cannot be so served or communicated.
- Where a Government servant is suspended, he is free to go wherever he likes, but he must leave address with the head of the office, or if he is himself the Head of the office, with his immediate superior. He must also leave his address with the officer, if any, holding an inquiry into his conduct. He must obey all orders to attend any inquiry into his conduct and if he fails to do so, the inquiry can be held in his absence.
- A member of a service who is deemed to have been suspended by an order of the competent authority if he is detained in custody on a criminal charge

or otherwise, for a period exceeding forty-eight hours, and if such a Government servant is released on bail, the competent authority may revoke the orders of suspension and admit him to duty or grant him leave during the period, if applied for by him, if the said authority thinks fit to do so having regard to the nature of the charge and other circumstances of the case. The mere fact that the member of the service has been granted bail, does not give him a right to be restored to duty.

- When a penalty of dismissal, removal or compulsory retirement imposed on a member of a service who has been placed under suspension is set aside in appeal or review or by a decision of a court of law and further inquiry or action is contemplated shall be deemed to have continued under suspension from the date of the original order of dismissal, removal or compulsory retirement until further orders.
- The authorities which are empowered to suspend certain members of state services are specified in rule 13. Where no such specific provision is made the concerned regional authority if any is competent to suspend members holding initial Gazetted Posts. The Head of the Department is competent to suspend members holding second level Gazetted posts. If there is no Regional authority, the Head of the Department can exercise his power in respect of both the initial and second level Gazetted Officers. In the absence of specific provision, the immediate superior Gazetted officer vide 14 (1) (a) or higher authority including appointing authority or any highest authority (including Government) is competent to exercise this power of suspension in respect of subordinate services.
- In trap cases, the Government servant should be suspended immediately after the trap basing on the preliminary report of the Anti Corruption Bureau. If there is likely to be any interregnum between the trap and the actual relief of the trapped officer after being placed under suspension, the competent authorities should consider whether the officer could be transferred immediately so that material evidence is not destroyed and the arrangements should be made to relieve trapped officer forthwith.
- In disproportionate assets cases, the accused officer need not be suspended immediately following the registration of the cases. But he may be transferred to a far off non-local post to avoid likelihood of his tampering with the records and influencing the witness.
- If, however, the Anti Corruption Bureau finds during investigation that there is reasonable ground for believing the accused officer has deliberately failed to co-operate with the investigating agency or that he is trying to tamper with the official records or influencing the witnesses or bringing pressure on the investigating officers, it is open to the disciplinary authority to place the accused officer under suspension, at that stage, based on the recommendation of the Anti Corruption Bureau to that effect.
- In cases other than those mentioned above, the disciplinary authority should consider and decide the desirability of placing the accused officer under suspension, if he is not already under suspension as and when

charge sheet is filed against him in the court or where after investigation, it is decided to initiate regular departmental action for imposing any of the major penalties and a charge memorandum is served in this regard.

- The cases of loss and fraud are usually reported to the police and officials involved who are placed under suspension continue to be under suspension till they surrender or are apprehended by the police and prosecuted, resulting in either the case dragging on for a long time or if and when the absconding officials are apprehended and proceeded against, they are required to be paid the subsistence allowance, if they produce a certificate of non-employment.
- In such cases, the disciplinary authorities shall take the following action.
- A certificate should be obtained from the local police authorities to the effect that whereabouts of the officials concerned are not known. This certificate should be placed on record in the connected file.
- A brief statement of the allegations should be prepared and kept on the file.
- The disciplinary authority should himself record on the file the fact that the whereabouts of the officials concerned are not known and that the police authorities have also certified to that effect and, therefore, it is not reasonably practicable to hold the inquiry contemplated under Rule 20. The disciplinary authority can then take recourse to rule 25 where there is provision to dispense with the enquiry. Reasons for not holding inquiry should then be recorded in writing and the disciplinary authority issue orders imposing such penalty, as it deems fit. The allegations and charges have to be briefly discussed in the punishment orders. Normally in such cases, the punishment that could be meted out would be either removal or dismissal from service.
- A reference to the report/recommendation made by the higher authority, Anti Corruption Bureau and Vigilance & Enforcement dept. should be avoided in the orders of suspension issued by the competent authority in order to establish that the competent authority has exercised his power independently.
- Where the work and conduct of an emergency employee are not satisfactory he should not be placed under suspension pending inquiry as it involves financial loss to Government nor should disciplinary action be initiated against them but he should be discharged from service in terms of his appointment by an innocuous order so far to avoid complication.
- Review of the orders of suspension after a period of every six months should be undertaken as specified below :
- In the case of Gazetted officers, if the suspension order is issued by the Regional authority the first review after six months will be done by him only. The second and subsequent reviews will be done by the Head of the Department at six monthly intervals. When no Regional authority exists and the Head of the department ordered suspension of first and second



level Gazetted officers such order shall be reviewed every six months by him only.

- If the original order of suspension is issued by Government all reviews including first review shall be done as ordered above except that prior approval of the Government to the result of the review shall be obtained when the review leads to reinstatement before reinstatement orders are issued.
- In respect of third level and above Gazetted categories of officers, the review of order of suspension, at an interval of every six months shall be done by Government only.
- In respect of members of the subordinate service the first review of the order of suspension after six months from the date of issue of orders shall be by the appointing authority. The 2nd and subsequent reviews of the order of suspension shall be by the Head of the department at an interval of every six months. Where the appointing authority is Head of the department itself, the review of the order of suspension at an interval of every six months shall be by the Head of the department only. Even if suspension is ordered by the higher authority the review shall be done as ordered above, except that the report on the result of review shall be sent to higher authority for information & record.
- it may not be desirable to place an officer under suspension for a long period or indefinitely. Therefore, in all cases where a member of sentence is placed under suspension, action regarding investigation or inquiry as the case may be, should be undertaken on priority basis with utmost speed at all levels keeping in view the limits fixed for the inquiries at all stages and disciplinary proceedings should be finalized and orders issued as early as possible. Even in respect of criminal cases filed in the special courts for SPE and ACB cases, efforts should be made by authorities concerned that the trial is completed at the earliest possible period so that the member of service is not continued under suspension for longer period.
- However an outer limit of two years has been prescribed from the date of suspension, failing which the Govt. servant may be reinstated without prejudice to the proceedings being pursued. In exceptional cases, especially where there is deliberate delay caused due to non co-operation of the employee concerned suspension beyond two years can be continued.
- Payment of subsistence allowance should not be withheld pending review of suspension.

#### **PART-IV CONTROL (Rules 9-10)**

Control is sought to be achieved by providing for the imposition of the following penalties on Government servants for their acts of negligence and misconduct. These penalties may be imposed on members of the state and subordinate services for good and sufficient reasons.

## **MINOR PENALTIES**

- i) Censure
- ii) Withholding of promotion
- iii) Omitted by G.O.Ms. No. 335, G.a.D., Dt. 4-8-2005.
- iv) Withholding of increments without cumulative effect.
- v) (a) Suspension where a person has already been suspended under rule 8 to the extent considered necessary;  
  
(b) reduction to a lower stage in the time scale of pay for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.

## **MAJOR PENALTIES**

- vi) With holding of increments with cumulative effect.
- vii) (a) save a provided for in clause (v)(a), reduction to a lower stage in the time-scale of pay for a specified period, with further firections as to whether or not the Government servant will earn increments of pay during the period of such reduction and hwther on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;  
  
(b) reduction to lower time-scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the Government servant to the time-scale of pay, grade, post or service from which he was reduced, with or without further directions, regarding conditions of restoration to the grade or post or Service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or service.  
  
[Subs. By G.O.Ms.No. 373, G.A.D., Dt. 6-12-2003]
- viii) Compulsory retirement
- ix) Removal.
- x) Dismissal.

See also the provisos and explanation to Rule 9.

## **AUTHORITIES COMPETENT TO IMPOSE PENALTIES ON GAZETTED OFFICERS**

**Rule 11(1):** The High Court of Judicature at Hyderabad for the State of Telangan and the State of Andhra Pradesh may impose on members of the

Telangana State Judicial Service, any of the penalties specified in [clauses (i) to (vii)] of Rule 9:

[Subs.by G.O.Ms.205, G.A.D., 5-6-1998]

Provided that the High court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh may impose on Judicial First Class Magistrates any of the penalties specified in rule 9.

#### **COMPETENT AUTHORITIES TO IMPOSE PENALTIES ON SUBORDINATE SERVICES (Rule 14)**

- i. The authorities competent to impose certain penalties on members of some subordinates service (Non-Gazetted) are specified in rule 14 and in appendices, II, III & IV. In the absence of such specific provision, the general rule is that the penalties of (i) Censure (ii) Fine (Clause (i) of rule 10) (iii) withholding of increments (Clauses (i) and (iv) of rule 9) can be imposed on a Government servant by his immediate superior gazetted officer or where the appointing authority for such member is a non gazetted officer, such officer or any higher authority. The officer next above the immediate superior Gazetted officer or appointing authority or any higher officer may impose the penalty or recovery from pay.
- ii. The appointing authority or any higher authority may impose on a member of the subordinate service the penalties of withholding of promotion for any specific fault or misconduct, suspension to the extent considered necessary, reduction, compulsory retirement, removal and dismissal.
- iii. Where in any case a higher authority has imposed or declined to impose a penalty, a lower authority shall have no jurisdiction and where in any case a lower authority has imposed penalty or exonerated a member, it shall not debar a higher authority from exercising his powers. His orders shall supersede any order passed by a lower authority (Rule 18)

#### **PART-V : PROCEDURE FOR IMPOSING PENALTIES**

##### **(Rules 20, 21 , 22 & 23) MINOR PENALTIES (Rule 22)**

- No order imposing the penalties I to V of rule 9 or 10 shall be passed by the authority competent to impose the penalty except after the member of the service is informed in writing of the imputations of misconduct or misbehavior and the proposal to take action against him and given an opportunity to make representation.
- The record of proceedings in such cases of minor penalty should contain :
- A copy of the intimation to the Government servant of the proposal to take action against him.

- A copy of the statement of imputations of misconduct or misbehavior delivered to him.
- His representation, if any.
- The evidence produced during the inquiry, if any.
- The advice of the APPSC, if any.
- The findings on each imputation of misconduct or misbehavior.
- The orders on the case together with the reason there for.

### **MAJOR PENALTIES (Rule 20)**

- An elaborate procedure is prescribed in Rule 20 for imposing major penalties. Under Art. 311 of the constitution no civil servant can be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges and given a reasonable opportunity of being heard in respect of those charges.
- Under clause (4) of rule 20, it is the responsibility of the disciplinary authority to undertake the work of framing charges and to deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of imputations of misconduct or misbehavior and a list of documents and witnesses by which each article of charge 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 defense and to state whether he desires to be heard in person
- On receipt of the written statement of defense, or if no written statement of defense is submitted by the Government servant, further inquiry needs to be conducted in respect of charges not admitted in the former case and Ex- parte inquiry in the later case.
- The disciplinary authority shall necessarily appoint an Inquiry Officer when it proposes to conduct detailed inquiry in cases where, in his opinion, the charge if proved, warrants imposition of major penalty, instead of itself taking up the inquiry, unless the appointment of Inquiry Officer becomes impossible in view of the non-availability of the Officer in the Department.
- The government servant may either appear himself in person before the Inquiring authority or may take the assistance of any other Government servant or retired Govt. servant to present the case on his behalf subject to the conditions laid down in clause (8) of rule 20.
- The manner in which such an inquiry officer has to conduct the inquiry and submit his report to the competent authority is dealt within rule 20 (23).
- On receipt of inquiry report, disciplinary authority shall furnish a copy of inquiry officer's report under Rule 21 to the person charged and allow a reasonable time not exceeding 15 days to submit his further representation, if any, on inquiry officer's report.
- There is no need to give any opportunity to the charged officer to make a representation against the penalty proposed to be imposed, in view of Art.

311 (2) of the Constitution as amended by the 4<sup>2nd</sup> amendment Act 1976 to the constitution of India punishment is the State

- If the Disciplinary Authority having regard in its findings on all or any of the Articles of Charges, is of the opinion that any of the penalties should be imposed shall pass Order imposing such penalty.
- The final order containing the decision of the authority competent to impose the penalty, should be a self contained speaking order. Even where the order is passed by the Government, the order should set out briefly the relevant facts, findings, advice of the Commission and Government's decision thereon. It should be signed by an officer authorized to sign orders on behalf of the Government. Such an order should be communicated to the accused Government servant and his acknowledgment in token of having received it, should be obtained and kept on record.
- The procedure laid down in Rule 20 of the AP Civil Service (CCA Rules) in regard to the imposition of major penalties, need not be followed in certain exceptional cases, as mentioned in rule 25, viz:
- When a person is punished on the ground of conduct which has led to his conviction on a criminal charge.

Where an authority competent to impose penalty is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

- Where the Governor is satisfied that in the interest of security of the state it is not expedient to give to that person such an opportunity or to hold such inquiry.
- Where it is proposed to impose any of the penalties specified, on the basis of the report of the Lokayukta or Upalokayukta, the disciplinary authority shall take action on the basis of the recommendation contained in that report (rule 27).

### **APPELLATE AUTHORITY RULES 32-41**

An appeal against an order or penalty covered by Rules 8,9, & 10 shall be preferred within three months to the Appellate Authority prescribed in the above rules . The appellate authority can confirm, enhance, reduce or set aside the penalty or remit the case with any direction as he deems fit.

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# FUNDAMENTAL RULES AND SUBSIDIARY RULES

## Introduction:

The Fundamental Rules provide for certain fundamental principles governing the conditions of services like pay fixation, increments, leaves, etc. to all Government servants paid from the consolidated fund of the State. While the State and Subordinate Services Rules provide for the initial recruitment, promotion, probation, etc., and the CCA Rules provide for disciplinary matters. Apart from these two sets of rules the Fundamental Rules are the significant set of rules governing the day to day issues relating to services and that is why, designated as Fundamental Rules.

The Fundamental Rules were originally made by the Secretary of State for India, under section 96 B (2) of the Government of India Act, 1919, though, came into force on the 1<sup>st</sup> January, 1922. The Rules so made by the Secretary of the State for India continued to be in force under the Government of India Act, 1935 as well as under the Constitution of India. Under Article 313 of the Constitution of India, the Fundamental Rights continued to be in force and certain amendments had to be made now and then to bring them in accordance with the provisions of the Constitution of India and for other purposes. The Fundamental Rules apply to all the government servants paid

from the consolidated fund of the State. The power of interpreting these Rules is reserved to the Government.

**Subsidiary Rules:**

Under the Fundamental Rules, a State Government may make rules modifying or revising any of the rules in relation to services under its administrative control. Provided that the interest of the existing members of services are protected and that the new rules so made give no concessions which are not covered either by Fundamental Rules or by the latest version of the Civil Services Regulations. such rules made by the State Government are called the Subsidiary Rules and Instructions.

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**PART-I**

**Extent of application:**

Rules 1 to 8.

**Definition:**

Rule 9

**PART-II**

**General conditions of service:**

Rules 10 to 18

**PART-III**

**Pay:**

Rules 19 to 43

**Additions to pay:**

Rules 44 to 48

**Conditions of appointments:**

Rule 49

**Deputation within India:**

Rule 50 to 51

**Dismissal, Removal and Suspension:**

Rule 52 to 55

**Retirement:**

Rule 56

**PART-IV**

**Leave:**

Rules 57 to 104

**Joining time:**

Rules 105 to 108

**PART-V**

**Foreign Services:**

Rules 109 to 127

**Services under local firms:**

Rules 128 to 130



## **Part -I**

### **F.R.-2:**

These Rules apply to all the government servants paid from the consolidated fund of the State and to any other class of government servants to which the Government may by general or special order declare them to be applicable.

### **F.R.-3:**

These Rules do not apply to government servants whose conditions of service are governed by Army or Marine Regulations.

### **F.R.-5 A:**

The State Government may relax any of the Subsidiary Rules framed under Fundamental Rules in the case of an officer of any of the services under the control of President of India. (added by G.O.Ms. No. 128, Fin., Dt. 29-04-1969)

### **F.R.-6:**

Government may delegate to any of its officers any power conferred upon was by these Rules with the following exceptions:

- All powers to make rules be the other powers conferred by Rules 9(6) (b), 44, 45, 83, 108A, 119 and 127 (c) and by the first proviso to sub clause (1) of Rule 30.

### **F.R.-7:**

No powers may exercise or delegated under these Rules except after

consultation with the Finance Department.

**F.R.-8:**

Powers of interpreting these Rules reserves to the State Government.

(G.O.Ms.No. 128, Finance, Dt. 29-04-1969)

**PART-II**

**Definitions:**

**F.R.-9:**

Unless there be something repugnant in the subject or context the terms defined are used in the Rule in the sense here explained.

**F.R.- 9(1A) - Allotment:**

Grant of license to a government servant to occupy a house owned, leased or requisitioned by the Government or a portion thereof, for use by him as residence.

**F.R.9(4) Cadre:**

The strength of services or a part of service sanctioned as separate unit.

**F.R.9(5) Compensatory allowance:**

Allowance granted to meet personal expenditure necessitated by special circumstances in which duty is performed. It includes travelling allowance.

**F.R.9(6) Duty:** includes -

(i) Service as a probationer or apprentice, such service is followed by compensation.

(ii) Joining time.

(iii) A course of instruction or training in India

subsidiary rules under Rule 9(6):

- List of authorised courses of training are given in Annexure-I.
- Actual number of days to attend the departmental examination shall be treated as duty. This concession shall not be granted more than twice.
- If the training is for one month or less, spent in campus, the period shall be treated as special casual leave.
- If the training is for a longer period it shall be treated as a duty.
- Absence for attending interview or medical examination shall be treated as a duty.
- Refresher course for computers or emergency assistance should be limited to two months in each case.
- Compulsory wait for orders of posting on return from leave should be treated as duty.
- When sent abroad for training the entire period shall be treated as duty.
- The period of enforced halts due to break down of communication of account of floods, natural calamities shall be treated as duty by the Department of Secretariat.
- The absence from the headquarters on appointment as a examiner in respect of examination conducted by the UPSC/APPSC etc., three days shall be treated as duty. (G.O.Ms.No.472, Finance, (F.R.I), Dt.21-10-1972)

**F.R.9(7) Foreign services:**

Services in which the government servant receives his pay with the sanction of government from any source other than the consolidated fund.

**F.R.9(8) General revenue of India:**

Revenue allocated to the State Government and excludes the revenue of local fund.

**F.R.9(9) Honorarium:**

Recurring or non-recurring fund granted to a government servant from consolidated fund for special work of a occasional or intermediant character.

**F.R.9(10) Joining time:**

The time allowed to a government servant to join a new post or to transfer to or from a station to which he is posted.

**F.R.9(12) Leave salary:**

Monthly amount paid by the Government to the government servant on leave.

**F.R.9(13) Lien:**

The title of government servant to hold substantively, either immediately or on the termination of periods of absence, a permanent post including a tenured post to which he has been appointed substantively.

- The concept of confirmation has been amended in G.O.Ms.No.633, G.A.(Services) Department, dt.08.11.1989.
- The confirmation is dealing from availability of permanent post.

Confirmation can be done against temporary post and it is confined to the initial post after satisfactory completion of probation in that post.

**F.R.9(14) Local fund:**

Revenue collected by bodies, having force or law which come under the control of government.

**F.R.9(17) Ministerial servant:**

A government servant of subordinate service whose duties are entirely clerical.

**F.R.9(18) A calendar month:**

**F.R.9(19) Officiate:**

A government servant officiates in a post when he performs the duty of a post on which another person holds a lien.

**F.R.9(21) Pay:**

The basic pay drawn by government servant every month.

**F.R.9(22) Permanent post:**

Post carrying a definite rate of pay sanction without time limit.

**F.R.9(23) Personal pay:**

Additional pay granted to the government servant to save him from loss of substantive pay.

**F.R.9(24) Presumptive pay:**

Pay to which government servant would be entitled if he hold the post

substantively.

**F.R.9(25) Special pay:**

Additional pay for special arduous nature of duties.

- Special pay shall be added to pay when pay fixed in higher post not having special pay from 01.05.1975.
- Re fixation pay under F.R.31(2) is allowed from 01.03.1979.
- Adding of special pay to pay was cancelled from 28.09.1998.
- Merger of special pay is allowed to those appointed before 24.08.1998.

**F.R.9(27) Subsistence allowance:**

Monthly grant made to a government servant who is not in receipt pay or leave salary.

**F.R.9(28) Substantive pay:**

Pay other than special pay, personal pay or emoluments which a government servants is entitled on account of his substantive position.

**F.R.9(30) Temporary post:**

Post carrying a definite rate of pay sanctioned for limited time.

**F.R.9(30-A) Tenure post:**

A permanent post which a government servant may not hold for more than a limited time.

**F.R.9(31) Time scale of pay:**

Pay raises by periodical increments from a minimum to maximum.

**F.R.9(32) Travelling allowance:**

Allowance granted to a government servant to cover the expenses which he incurs in travelling in the interest of public service. It includes allowance for maintenance of conveyance.

**F.R.10:**

No person except a military person may be appointed to a permanent post under government on production of medical certificate of health.

**F.R.11:**

The whole time of a government servant is at the disposal of the government which pays him, he may be employed in any manner required by proper authority without claim for additional remuneration.

**F.R.12 (a):**

Two or more government servants cannot be appointed substantively to the same permanent post at the same time.

**F.R.12(b):**

A government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

**F.R.12(c):**

A government servant cannot be appointed substantively to a post on which another government servant holds a lien.

**F.R.12-A:**

A government servant on substantive appointment to any government post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

**F.R.13:**

Unless his lien suspended or transferred a government servant holding substantively a permanent post trains a lien on that post:

- While performing the duties of that post.
- On Foreign Service or in temporary post or in officiating post.
- During joining time.
- While on leave.
- While on suspension.

**F.R.14(a):**

Lien on a permanent post which a government servant holds substantively is suspended if he is appointed in a substantive capacity to a tenure post or to a post on which another government servant holds lien.  
(G.O.Ms.No.12, Fin. & Plg. (FW:FR.I) Dept., Dt. 07-02-1995)

**F.R.14(b):**

Lien is suspended if transferred in an officiating capacity to a post in another cadre.

**F.R.14(c):**

Lien on a tenure post in no circumstances be suspended. If he is appointed to another permanent post, his lien on the tenure post be terminated.

**F.R.14(d):**



If lien on a post is suspended, the post may be filled substantively.

**F.R.15(a):**

Government may transfer of government servant from one post to another except on account of inefficiency or misbehavior or on his written request. (G.O.Ms.No. 12, Fin.& Plg, (FW:FR.I) Dept., Dt.07-02-1995)

**F.R.16:**

A government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as may be order prescribed.

**F.R.17:**

An officer shall begin to draw the pay and allowances attached to his tenure of a post, with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

**F.R.18:**

No government servant shall be granted leave of any kind for a continuous period exceeding five years.

- Willful absence from duty not covered by grant of any leave will be treated as a 'dies-non' for all purposes vis., increments, leave and pension.
- E.O.L. on M.C. up to 36 months counts as qualifying service.

- Unauthorised absence to duty for a continuous period exceeding one year, the penalty of removal from service shall be imposed.  
(G.O.Ms.NO.8, Fin., (Fr-I), Dept., Dt. 08-01-2004)

**F.R.18-A:**

A government servant shall be deemed to have been resigned from the service if he is absent without authorization for a period exceeding 'one year' or remains absent from duty for a continuous period exceeding five years with or without leave or continues on foreign service beyond the period approved by the State Government. (G.O.Ms.No. 128, Finance (FR-I), Dept., Dt.01-06-2007)

**PAY**

**F.R.19:**

Fixation of pay under the "next below" Rule.

**F.R.20:**

For any period treated as duty government may grant such pay as it considers equitable. Absence from duty for undergoing training is treated as duty.

**F.R.22(a)(i):**

When a government servant promoted/appointed to a higher post which involves assumption of duties and responsibilities of greater importance than those attached to such permanent post, he will draw as initial pay the stage of the time scale next above his substantive pay in respect of the old post.

**F.R.22(a)(ii):**

When appointed to new post which does not involve responsibilities of greater importance he will draw as initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post.

**F.R.22(a)(iii):**

When appointed to new post on his own request, under Rule 15(a) if the maximum pay in the time scale of that post is less than his substantive pay in respect of the old post he will draw that maximum as initial pay.

**F.R.22(a)(iv):**

Pay shall be fixed in the new post at a stage not lower than the pay drawn in the earlier post. Protection of date of increment in the previous post is not allowed. (Memo No. 14497/188/A1/F.R.11/2000, dt.15.10.2004).

**F.R.22 (b):**

The basic pay of the employee is fixed at the minimum of the time scale of pay attached to the post to which he is appointed.

**F.R.22 B:**

This rule came into force with effect from 25<sup>th</sup> December, 1982 as per the orders issued by the Government vide G.O.Ms. No. 239 Fin. & Plg. (FW.FR.II) Department, Dt.22.08.1989, R/w G.O.Ms. No. 332 Fin. & Plg. Department, dt. 13.12.1983.

- The pay in the post at a stage above the notional pay which is arrived by increasing the pay in the lower post by an increment.

- Option can be exercised:
- Promotion date.
- Increment date.
- Option to be exercised within one month from the date of assuming charge.
- If promoted after exhausting (3/5) stagnation increments in the lower post, FR-22-B cannot be allowed.

**F.R.23:**

The holder of a post, the pay of which is changed shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date of which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time scale. The option once exercised is final.

**F.R.24:**

Increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a government servant by the Government or by any authority to whom the State Government may delegate this power if his conduct has not been good, or his work has not been satisfactory. In ordering the withholding of an increment the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

**F.R-25:**

When an efficiency bar is prescribed in a time scale the increment next above the bar shall not be given to a government servant without the specific sanction of the authority empowered to withhold increments.

**F.R-26:**

As the experience and efficiency of an employee grows with service, he will be able to turn out better and more work. Increments are granted every year to employees to compensate the increased volume of work they will be able to render as their service continues. Increment is not a charity conferred on the government servant. He earns increment as a right with the increase his efficiency and capacity to put up more volume of work as his experience grows with each year of service.

**SERVICE THAT COUNTS FOR INCREMENT**

- All periods of duty in a post on a time-scale count for increment in that time-scale. (FR-26).
- Service in substantive post. (FR-26(b)(i)).
- Service in officiating post. (FR-26 (c)).
- All kinds of leave other than E.O.L. (FR-26(b)(ii)).
- EOL on MC or for prosecuting higher studies and technical studies with an undertaking to serve the Government for 5 years (F.R.26(b)(2)).
- Period of Deputation. (FR-26(b)(ii)).
- Foreign Service. (FR-26(c)).
- Period of suspension treated as not-duty. (FR-26 (a a)).

- Period of E.O.L. on private affairs – (FR-26 (a a))
- Period of E.O.L. on M.C. or prosecuting higher and technical studies exceeding 6 months.
- Over stayal of leave not regularised.
- Break in service. (F.R-26).

**Note:**

- periodical increment – sanction of increment to the different categories of employees by Drawing Officers – instructions – issued. **(Memo.No. 12965/677/A. & L./5, Fin. & Plg., Dt.13-02-1987)**
- Examinations – Tests – Concession of allowing the annual grade increments in respect of employees who crossed the age of 45 years. **(Memo. No. 475, Genl. Admn., (Ser-C) Dept., Dt. 20-09-1994)**
- Pension – date of increment falls due on the day following retirement. **(G.O.Ms.No. 235, Finance & Planning (FW-Pen.II) Dept., Dt.27-10-1998)**
- Revision of pay scales – Advance – Increments for acquisition for higher qualification of Law to the Steno Typist – Orders – Issued. **(G.O.Ms.No. 10, F & P (FW.PC.II) Dept. dt. 07-02-1999)**
- Advance increments to the categories of Typists/Examiners and Copyists working in the AP High Court, District Courts and Subordinate courts in Judicial Department for possessing or acquiring the degree of Law qualification – Orders – Issued. **(G.O.Ms.No. 180, F. & P., Dt.05-12-2000)**

**F.R-27:**

An authority may grant a premature increment to a government servant on a time scale of pay, if it has power to create a post in the same cadre on the same scale pay.

- Fundamental Rules stepping up of pay of Seniors on par with the Juniors – Supreme Court Judgment, Dt.13-03-1989 – comprehensive – Instructions – Issued. (G.O.Ms.No. 15592/230/AI/FR.-II/93, Fin. & Plg., Dt.17-05-1993)

**F.R-28:**

If a government servant is transferred from a higher grade to a lower grade as penalty, he may be allowed to draw pay not exceeding the maximum of the lower grade post.

**F.R-29(1):**

If a government servant is reduced, as a measure of penalty, to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective, and whether, on restoration, the period of reduction, shall operate to postpone future increments, and, if so, to what extent.

**F.R.-29(2):** If a government servant is reduced, as a measure of penalty, to lower service, grade or post, or to a lower time scale, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective. But where the period is specified, that authority shall also state

whether, on restoration, the period of reduction shall operate to postpone, future increments, and if so, to what extent.

**F.R-29-A:**

Where an order of penalty of withholding of increment or a government servant or his reduction to a lower service, grade or post or to a lower time-scale, or to a lower stage in a time-scale is set aside or modified by a competent authority on appeal or review, the pay of the government servant shall be regulated. If the said order is set aside, he shall be given, for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;

**F.R.29(b):**

If the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

**F.R-31(1):**

If a government servant is appointed to officiate in a post will draw presumptive pay of that post.

**F.R.-31(2):** On an enhancement in the substantive pay as a result of increment or otherwise, the pay of such government servant shall be re-fixed from the date of such enhancement, as if he was appointed to officiate in that post on that date where such re-fixation is to his advantage.

**F.R-31-A:**

A probationer or approved probationer in a service on duty shall draw pay as follows:



(a) A probationer,

(i) While undergoing a course of training, the pay specified in the special rules,

(ii) After completion of training, pay of the lowest grade (or) the minimum pay in the time-scale.

(b) If holding permanent post,

(i) If appointed as probationer in a corresponding state service, shall draw the minimum pay of the post such minimum pay is lower than his substantive pay, pay shall be fixed at equal stage.

(c) An approved probationer shall draw:

(i) If probation is for two years, he will draw 1st increment, and the second increment, after declaration of probation,

(ii) If probation is for one year, he will draw increment after declaration of probation.

**F.R-31-B:**

The pay of a government servant whose promotion or appointment to a post is found to be erroneous, shall be regulated in accordance with rules in force.

**F.R-33:**

When a government servant officiates in a post the pay of which has been fixed at a rate personal to another government servant, the Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the

rate so fixed be a time-scale, may grant him initial pay not exceeding the lower stage or that time scale and future increments not exceeding those of the sanctioned scale.

**F.R-37: Personal Pay:**

Personal Pay shall be reduced by any amount by which the recipients pay may be increased and shall cease as soon as his pay is increased by an amount equal to his Personal Pay.

**F.R-39: Pay of temporary posts:-**

When a temporary post is created which may have to be filled by a person not already in government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

**F.R-40:**

When a temporary post is created which will probably be filled by a person who is already a government servant its pay will be fixed by the Government with regard to:

- a) the character and responsibility of the work to be performed, and
- b) the existing pay of government servants of a status, sufficient to warrant their selection for the post.

**F.R-44: Compensatory Allowances:**

Subject to the general rule that the amount of compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the Government may grant such allowances to any government

servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

- Compensatory Allowances Include, House Rent Allowances, Local Allowances, Other misc., allowances, Travelling Allowance.

(G.O.Ms.No.39, Fin. & Plg.(FW:FR-I) Dept., Dt. 09-03-1995)

**F.R-45:**

Government may make rules laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the Government may make available for the purposes. Such rules may lay down different principles for observance in different localities or in respect of different class or residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of residence.

Quarter allotted to Government Employees – Recovery of Rent – Revised Orders – Issued. (G.O.Ms.No. 239, Finance (PC-I) Dept., dated 26-09-2005)

**F.R45 A-I:**

This rule applies to work charged employees, persons paid from contingencies, holders of special posts such as I.A.S.

**F.R45 A-II:**

Assessment of license fee the capital cost of a residence, shall include

value of sanitation, water supply, electrical installation, fittings etc.,

**F.R45 A-III:**

Standard rent shall be calculated basing on maintenance repairs, Municipal Tax etc.,

**F.R 45 A-IV:**

Allotment should be made as per the status of the officer.

**F.R 45 A-V:**

Under special circumstances Govt., may grant rent free accommodation.

**F.R 45 A-VI:**

If the residence is supplied with furniture, tennis court, or garden maintained by Govt., cost shall be charged in addition to rent.

**F.R 45-B:**

Standard License Fee is calculated and recovered from the occupant.

**F.R-48:**

A government servant is eligible to receive without special permission,

- a) The premium awarded for an essay or plan in public competitions
- b) Any reward offered for the arrest of a criminal or for information or special service in connection with the Administration of Justice
- c) Any reward payable in accordance with the provisions of Act or Regulation or rules framed there under
- d) Any reward sanctioned for services in connection with the administrative of the customs and excise laws: and

e) Any fees payable to a government servant for duties which he is required to perform in his official capacity under any special or local law or by order of the Government.

**F.R 48-A:**

A government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for, or obtain a patent for an invention made by him, save with the permission of Govt., and in accordance with such conditions as the Govt., may impose.

**F.R 48-B:**

If a question arises, whether a government servant is a government servant to whom rule 48-A applies, the decision of Government shall be final.

**COMBINATION OF APPOINTMENTS**

**F.R-49:**

The Govt., may appoint one Govt., servant to hold substantively as a temporary measure, or to officiate in not more than two independent posts at one time.

- The higher pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of that post.
- For the other post he draws pay not exceeding half the presumptive pay.
- If compensatory allowances are attached to one or more of the posts, shall be limited to total of compensatory allowances attached to all the posts.

- The competent authority will declare whether to officiate or hold full additional charge or discharge only current duties of the second post.
- Additional pay should not exceed one fifth of his officiating pay.
- For discharging current duties, pay should not exceed one tenth of his officiating pay.
- Period of additional charge should be more than 14 working days.
- Period of discharge of current duties should be more than one month.
- Period of additional charge should not exceed 6 month.
- The rate of additional pay for the first 3 months is 1/5 of his officiating pay.
- The rate for the remaining three months 1/10 of his officiating pay.
- The HOD will sanction additional pay for the first three months.

Note:

- Sanction of Full Additional Charge Allowance under F.R. 49 – Admissibility of Compensatory Allowance – Clarificatory Instructions – Issued.

**(Circular Memo. No. 15727-A/187/A2/FR.II/2000, Finance and Planning (FW-F.R.II) Dept., Dt.27-05-2000)**

- Payment of compensatory allowance to the Government Servants under Suspension – Certain Clarification – issued – Regarding

**(Memo. No. 17982/212/A2/FR.II/2000, Finance And Planning (Fin. Wing – F.R.II) Dept., Dt.23-08-2000)**

- Admissibility of D.A., H.R.A., and C.C.A.. on Additional Pay sanctioned under FR. 49 – Clarification.

**(Memo.No. 25778/350/A2/Fr.II/2000, F. & P. (Fin. Wing – F.R.II) Dept., Dt.02-09-2000)**

### **DISMISSAL, REMOVAL AND SUSPENSION**

#### **F.R-52:**

The pay and allowances of a government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

**F.R-53:**

A government servant under suspension, or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to a subsistence allowance at an amount equal to the leave salary which the Govt., servant would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary.

- (i) The amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty percent of the subsistence allowance admissible during the period of first three months.
- (ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding fifty percent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority the period of suspension has been prolonged, due to reasons to be recorded in writing directly attributable to the Govt., servant.
- (iii) The rate of D.A will be based on the increased or as the case may be, the decreased amount of subsistence allowance.
- (iv) The amount of subsistence allowance shall be restricted to 50% in all cases where a prima-facie case is established on charges of corruption, misappropriation and demand or acceptance of illegal gratification until finalization of the disciplinary case.
- (v) Any other compensatory allowances admissible from time to time on the

basis of pay of which the Govt., servant was in receipt on the date of suspension, subject to the fulfillment of other conditions laid down for the drawl of such allowances.

**F.R.53(2):**

No payment shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.

- Where a penalty of dismissal, removal, or compulsory retirement imposed upon a govt., servant is set aside and he is deemed to have been placed or to continue to be under suspension from the date of such dismissal, removal or compulsory retirement, and he fails to produce such certificate, shall be entitled to subsistence allowance equal to the amount by which his earnings falls short.
- Arrears of subsistence allowance should not be withheld, but paid after adjusting Income-tax, House rent, repayment of loans and advances.
- Over payments. Recoveries should not be made at a rate greater than one third of subsistence allowance, exclusive of DA.
- If a govt., servant under suspension is dismissed or removed from service, arrears of subsistence allowance should be paid to him upto the date of termination.
- Full additional charge arrangements shall be made in the vacancies arising due to placing of a govt., servant under suspension.
- A govt., servant under suspension whether he is lodged in prison or released



on bail on his conviction pending consideration of his appeal be paid subsistence allowance.

**F.R.54(1):** When a Govt., servant, who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation, the authority competent to order reinstatement shall consider and make a specific order (a) regarding the pay and allowances to be paid, (b) the said period shall be treated as duty or not.

**F.R.54(2):**

If the reinstating authority is of the opinion that the govt., servant is completely exonerated, he shall be paid the full pay and allowances.

**F.R.54(3):**

The period of suspension, dismissal, removal or compulsory retirement, as the case may be treated as duty for all purposes.

**F.R.54(4) :**

A government servant who retires from service while under suspension, or when any disciplinary or criminal cases are pending against him, the authority competent may withhold Whole or part of encashment of E.L.

## PART - IV

### Leave

Leave is a permission granted to a Govt. servant to be absent from actual duty.

Fundamental rules 67 to 104 and The A.P. Leave Rules 1933 govern various

kinds of leaves and the sanction of leaves to the employees.

The A.P. Leave Rules 1933 adopted to Telangana State are laid down in Annexure – III of Fundamental Rules & Subsidiary Rules. They are applicable to those who are recruited to services on or after 04.09.1933. They are applicable to all State Govt. employees and not applicable to the contingent establishment and persons appointed on daily wages.

**FR – 66.** The authorities competent to grant leave other than Special Disability Leave.

**FR – 67 -** Leave cannot be claimed as a matter of Right. Leave cannot be taken without prior approval unless some unavoidable conditions. The Govt. authority cannot compel a Govt. servant to take leave on half pay when leave on full pay is permissible to him.

**FR – 68** Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day on which charge is resumed.

**FR– 69** A Govt. servant on leave cannot take up any service or setting up of private practice etc. except with the permission of competent authority.

**FR- 70** In exigencies of the public service, the discretion to refuse revoke leave of any description is reserved with the sanctioning authority.

**FR-71** The application for grant of leave should specify the period of leave, nature of leave, leave address and in the case of leave on mc, the mc should be enclosed.

**FR-72** Unless permitted by the authority, govt. servant may not return to duty

before expiry of granted leave.

**FR-73** A Govt. servant, who is absent after the leave, is entitled for no leave salary for the period of such absence. However such absence be treated as leave on half pay.

- A Govt. servant shall not go on leave continuously more than 5 years (FR 18)
- Unauthorized absence from duty for a period exceeding one year, the penalty of removal from service shall be imposed. (G.O.Ms.No. 260, Genl. Admn. (Ser.C) Dept., dated 4.9.2003)
- Any kind of leave admissible may be granted in continuation with any other kind of leave so admissible (other than Casual Leave)
- CCL can be combined with casual leave or regular leave, but not both.
- Special Casual Leave can be combined with casual leave or regular leave, but not both.
- Leave at credit shall lapse on the date of retirement, death or resignation.

#### **VACATION DEPARTMENTS (FR 82)**

- Vacation Department means a department where vacation exceeds 15 days, like Colleges and Judiciary etc.
- Vacation is treated as duty for all purposes.
- Vacation may be availed in combination or in continuation of any other kind of leave.
- If earned leave is taken in combination of vacation, the total period of leave and vacation should not exceed 180 days.
- EL credit for permanent employee in vacation dept. is 3 days in a calendar

half year.

- EL credit for temporary employees in vacation dept. is 2 days in a calendar half year.
- 5 days extra CL for Women Teachers
- 7 days Special C.L. for Vacation Department employees
- If vacation is not availed, by the order of competent authority, additional EL will be credited to the leave account of the employees.

### **EARNED LEAVE**

**(Rule 8,10,17 and 20 of APLR)**

- Earned Leave credit is an advance credit
- All employees (Temporary/ Permanent) are eligible for Earned Leave
- EL credit will be given for leave periods also, except EOL
- Leave will be credited in two spells, i.e. on 1<sup>st</sup> January and on 1<sup>st</sup> July
- The EL credit for temporary employees is 8 days for calendar half year
- The EL credit for permanent employees is 15 days for calendar half year (G.O.Ms.No.384, Fin., Dt.05.11.1977).
- For regular employees EL credit will be given @ 2 1/2 days per month.
- If an employee joined in the middle of a month that month will not be considered.
- If an employee joined in the middle of a half year the month joined and previous period in that half year will not be considered.
- In case of retirement during a middle of half year, advance credit will be given for the number of months he is likely to be in service in that half year but

not the entire half year.

- If an employee is on EOL during the preceding half year the advance credit for the present half year will be reduced by 1/10<sup>th</sup> of the period of EOL taken, subject to a maximum of 15 or 8 days, as the case may be.
- Maximum limit of accumulation of EL for regular employee is 300 days (w.e.f. 15.10.2005)
- Maximum limit of accumulation of EL for non-regular employee is 30 days
- Maximum availment of EL for regular employee is 180 days at a time and for non-regular employees 30 days
- Earned Leave at credit not exceeding 300 days can be encashed, in case of retirement or death.

For non-regular employees:

Advance Credit is 8 days for 6 months is as follows:

1<sup>st</sup> month- 1 day

2<sup>nd</sup> month- 1 day

3<sup>rd</sup> month – 2 days

4<sup>th</sup> month – 1 day

5<sup>th</sup> month – 1 day

6<sup>th</sup> month – 2 days

Total 8 days.

If the employee joined in the middle of a month that month will not be considered. EL will be calculated for the remaining months in that half year.

### **Recasting of EL Account**

- When a Govt. servant appointed temporarily and service got regularized at a later date with retrospective effect, his EL Account should be re-casted with effect from the date of regularization of his service.
- The leave availed between the date from which his services regularized and date of issue of orders shall not be altered as a result of the additional leave that becomes due after recasting the leave account.

### **FR 65 : Carry Forward of Leave**

- a) If a Govt. Servant quits the service on compensation or invalid pension or gratuity, later on reemployed, - leave may be carry forwarded if the gratuity is refunded and pension is kept in abeyance.
- b) Dismissed or removed - Later on reinstated on appeal or revision, - leave may be carry forwarded.
- c) Posts abolished – leave upto that date - Retrenched owing to reduction of staff as a measure of economy, later on absorbed on an identical post or lower one, - leave shall not be carry forwarded.

### **Exceptions**

- (1) - Joined the new post within joining time
- (2) Who have received orders of appointment soon after discharge from the old post and have joined new post without delay.

### **Leave may be carry forwarded**

- (3) Head of the Department is competent to convert the period of break as joining time without pay if it doesn't exceed 30 days and Govt. Servant has 3

years of continuous service.

- If it exceeds 30 days, Finance Dept. concurrence is required.

(4) Who are thrown out of permanent posts but continue to hold temporary posts or to officiate in other posts without break - leave shall be carry forwarded.

(5) - Resigned from service - leave shall not be carry forwarded.

### **Surrender of Earned Leave**

- All regular employees both superior and class IV are eligible to surrender earned leave of 15 days in each financial year and receive cash benefit.
- Non-regular employees are eligible to surrender 15 days of earned leave after completing 24 months of service in the first instance and thereafter 15 days during alternate financial year.
- Calendar for surrender of EL is dispensed with w.e.f. 1.4.2009 and employees are permitted to surrender EL any time in the year, after completion of 12 months from last surrender of EL.
- Employees who have a balance of more than 285 days EL as on 30 th June / 31 st Dec., they can surrender EL without waiting for completion of 12 months.
- No deductions will be made in surrender leave salary.

### **Half Pay Leave**

**(Rule 13, 18 and 23 of APLR)**

- Only for regular Govt. Employees
- 20 days of HPL for each completed year of service from the date of

regularization

- Half pay leave will be credited for the periods in EOL and any other leave period also. Except Dies – non and suspension period HPL credit will be given for all the period in service.
- There is no limit for accumulation of Half Pay Leave
- HPL to the extent admissible can be granted at a time
- HPL can be taken both for medical and private grounds.
- At the time of retirement HPL can be encashed duly following the formula **(G.O.Ms.No. 154, dated 4.5.2010)**, subject to the condition that the total number of days of EL + HPL put together should not exceed 300 days for encashment.

#### **Leave Salary for Half Pay Leave:**

- Equal to half of the pay drawn before proceeding on leave
- Half of the basic pay + DA corresponding to half pay + other compensatory allowances based on full pay (up to the period six months). For the period exceeding no month's compensatory allowance.
- Full pay for a period of 6 months in entire service, if the leave is on medical certificate for treatment of TB, Leprosy, Cancer, Mental illness, Heart diseases and Renal failure.

#### **Commutated Leave**

**(Rule 15-B, 18-B of APLR)**

- Half pay leave credit is the basis for commuted leave



- This leave will be sanctioned on Medical Certificate only and sanctioned for the ill health problems of the employee only
- The debit in the half pay leave account will be double the period of commuted leave taken
- The maximum limit of commuted leave that an employee can take in entire service is 240 days only

### **Leave Salary**

As like EL for the first six months. For the period exceeding six months the employee will get only Pay and DA. No Compensatory allowances are permissible.

### **Leave Not Due**

#### **(Rule 15 C and 18 C of APLR)**

- This leave will be considered when half pay leave is not at credit and the debit of this leave will be in the HPL account to be set off against future credit
- This leave will be sanctioned only on Medical Certificate
- The maximum limit of Leave not Due that an employee can take in entire service is 180 days only
- If any employee resigns or retires voluntarily after availing this leave and before adjustment of minus balance, the leave salary paid should be recovered.

Leave Salary- Equal to half pay leave.

### **Extra Ordinary Leave**

#### **(Rule 5 A, 16, 18 and 23 of APLR)**

- When no other leave is available

- When leave is available, but the Govt. Servant request for grant of EOL, in writing
- The sanctioning authority can treat the period of Absence without leave into EOL
- Only permanent employees in superior service are eligible and employees in last grade service are eligible in special circumstances
- Maximum period of EOL can be given (exclusively EOL or in combination with any other leave) at a time is 5 years.
- The EOL period will not be counted as qualifying service and no annual Increments during the period.
- EOL granted on medical certificate counts as qualifying service
- Head of the Department can permit EOL on medical certificate for grant of Increment for the period not more than 6 months.
- In case of EOL on medical certificate exceeding 6 months Govt. is competent for grant of increment.
- Gazetted Officers are to submit medical certificate from a doctor not below the rank of Civil Surgeon.
- NGOs and Last Grade employees are to submit medical certificate from any registered medical practitioner.

**EOL for Non Regular employees**

- For a non regular Government servant EOL shall not exceed 3 months.
- Up to 6 months on production of medical certificate, if completed 3 years service.

- Up to 18 months for undergoing treatment for TB or Leprosy
- Up to 12 months treatment of Cancer or Mental illness
- For SC / ST candidates for further studies up to 24 months EOL can be sanctioned.

**Leave Salary :**

No leave salary. However in respect of NGOs and employees in Last Grade Service, if the leave is for treatment of TB/ Leprosy/ Cancer/ Mental illness/ Heart diseases and Renal Failure, is entitled to an ex-gratia allowance equal to half the pay drawn before proceeding on leave, subject to a minimum of Rs. 4295/- per month and maximum of Rs.6430/- per month (2010 Pay Scales)

**Special Disability Leave (FR 83)**

- The sanctioning authority for this leave is Government only
- Both Temporary and Permanent employees are eligible.
- To be granted to the person who is disabled by injury in consequence of performance of duty.
- This leave can be sanctioned for a period not exceeding 24 months for any one disability
- This leave is granted on Medical Certificate issued by the competent medical authority.
- This leave will be sanctioned without debit to any leave account

**Leave salary:** Equal to leave on full pay is payable for the first 120 days in respect of permanent employees and 30 days in respect of the temporary

employees and half pay for the remaining period.

The disability does not include the disability caused in the road accidents while going to office from residence and vice versa, but includes road accident while proceeding on official duty from office, or court or a work spot on the field.

**Study leave (FR- 84):**

- must be relevant to the job requirement
- should not exceed 2 years in entire service.
- Govt. servant less than 5 years service and due to retire within 3 years are not eligible.
- sanctioned without debit to any leave account
- EOL may be taken in conjunction of this leave without any limit
- If combined with any other leave total leave should not exceed 28 months.
- Leave salary - Equal to half pay leave

Half pay + DA corresponding to half pay + other compensatory allowances corresponding to full pay (first six months).

**Maternity leave (FR 101 a)**

- This leave is admissible to married women employees for a period not exceeding 180 days (G.O.Ms No. 152, Finance (FR. I) Dept., dated 4.5.2010)
- Maternity leave is sanctioned to female government employee up to two children only
- This leave can be combined with other kinds of leave
- This leave is also not debitable to any leave account
- The non-permanent/ temporary employees are also admissible

- In Vacation departments, if maternity leave falls during vacation, the leave and vacation put together should not exceed 180 days.

- Not less than 6 weeks leave will be sanctioned in case of abortions

Leave salary: Equal to full pay drawn before proceeding on leave.

### **Leave for Hysterectomy Operation**

**G.O.Ms.No.52, Fin (FR.I),Dt.01.04.2011**

- To undergo hysterectomy operation for female Govt. servant and hospitalization 45 days

- Applicable to Temp./Permanent employees on production of MC from Civil Surgeon.

- counts for increment, pension Salary on full pay

### **Paternity Leave**

**(G.O.Ms.No. 231, Finance & Planning (FR-I) dated 16.9.2005)**

- To be granted to married male permanent or temporary Govt. Employee up to two surviving children.

- 15 days on full pay

- Leave sanctioning authority is competent to sanction the leave before 6 months from the date of delivery on production of MC.

(Memo No.20129-C/454/FR I/2010, Fin, Dt21.07.10)

### **Hospital Leave (FR 101-b)**

- Temporary Govt. servants are not eligible

- Applicable to certain categories of sub-ordinate service staff and last grade

employees who are vested with difficult jobs, such as Constables and Head Constables of Police department and Excise department, Jail Matrons, Duffedars, last grade employees in mental hospitals and last grade employees in Fire services department etc. (FR 101.b)

- Up to Six months Hospital leave at a time once in 3 years of service.
- This leave is sanctioned when the employee is hospitalized (or) detained in hospital and receiving medical aid as out patient.
- It is not admissible when the treatment is necessitated by irregular habits of the employee
- This leave is also not debit to any leave account
- Leave salary – Half Pay

#### **Leave for 5 years to take up employment at Abroad**

**(G.O.Ms.No. 214, Fin. & Plg. (FR-I) Dept., dated 3.9.96)**

- Govt. servant having 5 years regular service is eligible.
- This period will be treated as EOL
- No Govt. dues should be pending recovery
- No prosecution should be pending or contemplated in the court of law against the govt. servant
- The period will not effect the service of the employee (it will not be treated as break in service) and the period will be counted for Pension.
- The period will not be counted for service benefits such as Increments etc.
- If the absence of the employee exceeds five years he/she can be terminated

from Govt. Service.

**Casual Leave :**

- Casual leave is a concession to enable Government Servant in special circumstances to be absent from duty for short period, without such absence being treated as leave.
- Maximum period of casual leave that can be availed in a calendar year is only 15 days. The unavailed part of leave will lapse at the close of the calendar year.
- Casual leave may be combined with optional holidays or Sundays or other authorized Public Holidays provided the resulting period of absence does not exceed 10 days.
- In case of casual leave to purely temporary and emergency Government servants the sanctioning authority will use its discretion having regard to the length of service put in by such Government Servant.
- A Government servant may be granted casual leave for half a day either from 10.30 to 1.30 pm or from 2.00pm to 5.00pm.

**Compensatory Casual Leave**

- If an employee NGO and below cadres worked on Sunday or any other public holiday as per the specific instructions of authorities, he/she can take leave on any other working day as Compensatory Casual Leave.
- Permission to avail O H is refused in exigency of service.

**(G.O.Ms.No.528,G.A.D, Dt.26.04.1961)**

- This leave should be availed within 6 months of the holiday on which the employee worked
- Gazetted Officers are not allowed to take compensatory leave
- This leave should not accumulate more than 7 days.
- An employee should not take more than 10 days compensatory leave in a Calendar year
- CCL can be combined with C.L. or other authorized holidays provided the total period shall not exceed 10 days.

### **Special Casual Leave**

#### Special Casual Leave for Family Planning Operations

- Male Govt. employees for Vasectomy Operation -(6 days)
- Male for Tubectomy of Wife - ( 7 days)
- Female Govt. employees for Tubectomy Operation (14 d.)
- Female - For Saplignactomy after Medical Termination of Pregnancy - (14 days)
- For Recanalisation Operations (both male & female) - 21 days

Additional Special Casual Leave beyond the limits can be sanctioned on account of post operation complications subject to production of Medical Certificate.

### **Special Casual Leave**

#### Special Casual Leave for other purposes

- When summoned to serve as junior or assessor to give evidence and to stand



as witness in civil and criminal cases - As per the attendance

- For donating blood - 1 day
- For participating in Sporting events - up to 30 days of National or International level
- Principal Office Bearers of recognised- up to 21 days Service Associations
- To participate in Rallies, Camps etc. - up to 10 days organised by AP Bharat Scouts and Guides
- For participating in cultural activities - up to 30 days selected by Govt. or cultural associations
- SCL may be prefixed or suffixed to Regular Leave or CL and not both.

The competent authority will have the discretion to withhold the Grant of SCL in exigencies of Govt. Work (**G.O. Ms. No.390 Fin,dt.26-11-64**)

- Women Govt. employees for being celebrated International Women's day on March 8<sup>th</sup> -1 day SCL on that Day (**G.O. Ms. No.433 GAD(SW-II) Dept.dt.04-08-10**)

## **Chapter - XI**

### **F.R-105: Joining time:**

Joining time may be granted to a government servant, to enable him to join a new post to which he is appointed while on duty.

- On return from E.L. of not more than four months.
- Not had sufficient notice of his appointment to the new post, on return from leave.

- When posted to a remote locality, not easy to access.
- Surplus staff transferred from one post to another.
- No joining time for temporary transfer for not exceeding 180 days. Transit is allowed.

**F.R-106:**

When appointed to a post does not involve change of residence one day Joining Time is allowed.

- No Joining Time is allowed when the transfer does not involve actual change of office.
- When holidays follows joining time, normal joining time may be extended to cover such holidays.
- Six days are allowed for preparation.
- Actual journey time is allowed in addition to joining time.
- Joining time including journey time should not exceed 30 days.

**F.R-107: Joining time shall be regarded as on duty.**

- Joining time pay is equal to the pay of old station.
- Other allowances such as H.R.A, C.C.A admissible at old station are allowed.

**F.R-108:**

If not joined the new post with in joining time, he is not entitled for pay or leave salary.

- May be treated as misbehavior.

**F.R-108-A:**

If joining to Govt. service from other than Govt., service at the interest of Govt., joining time is allowed.

- If he is on leave before joining Govt., service pay drawn before going on leave is allowed.
- If waited for posting the period is treated as compulsory wait.
- Administrative Department of Secretariat will sanction compulsory wait up to 30 days.
- For compulsory wait exceeding 30 days reference to Finance Department is necessary.

**PART V**

Fundamental Rules 109 to 127 deal with Foreign Service.

Fundamental Rules 128 to 130 deal with service under Local Funds.

*Compiled by*

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## TELANGANA TREASURY CODE

**INTRODUCTION :** The Treasury : It means the Department of the State Controlling Public Revenue in Great Britain. First Lord of the Treasury: **Prime Minister**. Treasury Bills: (G.B.) Bill of Exchange issued by the Treasury to raise money for temporary needs.  
**Treasury Code:** Controlling of Laws arranged in a system showing as to how the Government funds are to be managed.

**Parts of the Treasury Code :** Volumes I and II.

**Volume : 1 Part 1 :** Telangana Treasury Rules from 1 to 42.  
**Part II :** Subsidiary rules and Executive instructions under the Telangana Treasury Rules.  
**Part III :** Miscellaneous Statutory Rules and Executive Instructions.  
**Volume : II Part I :** Appendices from 1 to 27  
**Part II :** Forms from 1 to 109  
Form I : District Treasury cash Balance Report  
Form 109 : Office copy of the Pay bill Form

**Telangana Treasury Rules :**

### SECTION 1

**T.R. 1 :** These Rules may be called the “Telangana Treasury Rules”

### SECTION II

**T.R. 2 :** Definitions

### SECTION III

**T.R. 3 :** Location of Money standing in the Government Account.

### SECTION IV

**T.R. 4 :** General system of Control over Treasury

**DISTRICT TREASURIES :** There will be one District Treasury for each Revenue District. No portion of the responsibility for the proper management and working of Treasuries shall devolve upon the officers of the Indian Audit Department. The inspection of the Treasuries by officers of the Indian Audit Department shall not relieve the Director of Treasuries and Accounts of his responsibilities for management and inspection.

**T.R. 5 : SUB TREASURIES :** If the requirements of the Public business make necessary the establishment of one or more sub-treasuries under a District treasury, the arrangements for the administration thereof and for the proper conduct of business therein shall be such, as may be

prescribed by the Finance Minister after consultation with the Accountant-General. The accounts of receipt and payments at a Sub-treasury must be included monthly in the accounts of the District Treasury.

**T.R. 6 :** Office of the Accountant General under the control of Comptroller and Auditor General of India.

#### **SECTION V**

**T.R. 7 :** Payment of moneys into Government account.

No Department of Government may require that any moneys received by it on Government account be kept out of that account.

**EXCEPTION:** Direct appropriation of departmental receipts for departmental expenditure is authorized in certain cases only as mentioned below:

- (a) Moneys received on account of the service of summons, diet money of witnesses and similar purposes in Civil, revenue and criminal cases and in Registration Department for payment of charges for which the moneys have been received.
- (b) Maintenance charges deposited in Court under Section 488 of the Code of Criminal Procedure 1898 (V of 1898) for payment to the parties concerned.
- (c) -----to (t).

**T.R. 8 :** ----- deleted -----

**T.R. 9 :** A Government Servant may not except with the special permission of the Government deposit in a Bank, moneys withdrawn from the Government account under the provisions of Section VII of these rules.

**T.R. 10 :** Receipt of moneys by the Treasuries.

Custody of moneys Section VI relating to, or standing in the Government account.

**T.R 11: (1)** Procedure for safe custody of moneys in the hands of Government servants, or held in the Treasury shall be as prescribed by the Finance Minister in consultation with the Accountant General.

**(2)** Bank will be held responsible for the moneys deposited in the Bank.

#### **SECTION VII**

##### **WITHDRAWAL OF MONEYS FROM GOVERNMENT ACCOUNT**

- T.R. 12 :** Definitions
- T.R. 13 :** General Rules
- T.R. 14 :** The Accountant General may permit withdrawal for any purpose.
- T.R. 15 :** Powers of the Treasury Officer
- T.R. 16 :** Drawal of funds from Government Account.
- T.R. 17 :** Special instructions to the Treasury Officers.
- T.R. 18 :** Treasury Officer may refer a disputed claim to the Accountant General
- T.R. 19 :** Payment should be made in the same District when a claim Arises.
- T.R. 20 :** Drawal of leave salary of a Gazetted Government Servant.

- T.R. 21 :** pension can be paid anywhere in India.
- T.R. 22 :** Authorization of the Accountant General for drawal of salary of a gazetted Government servant.
- T.R. 23 :** Rules relating to the issue of Last Pay Certificate.
- T.R. 24 :** Treasury officer is responsible to the Accountant General for Acceptance of any claim.
- T.R. 25 :** Treasury officer should obtain sufficient information as to the Nature of every payment.
- T.R. 26 :** A Treasury officer may correct an arithmetical inaccuracy or an obvious mistake in any bill presented to him for payment; but shall intimate to the drawing officer any correction which he make.
- T.R. 27 :** Special powers of the District Collector in the event of occurrence of earth quakes, floods and like to draw moneys without a reference to the budget allotment, excluding however, all personal claims of Government servants. The Treasury officer should seek orders of the Finance Department in case claims are preferred other than the above.
- T.R. 28 :** Instructions to the drawing officer to notify to the Bank/Treasury about the number of each cheque book brought into use and the number of leaves it contains.
- T.R. 29 :** Furnishing of specimen signatures to the Treasury/Bank.

### **SECTION VIII**

- T.R. 30 :** Transfer of moneys standing in Government account between one Treasury to another or from one bank to the Treasury vice versa.

### **SECTION IX**

#### **RESPONSIBILITIES OF MONEYS WITHDRAWN**

- T.R. 31 :** Recovery of dues by the Treasury Officer on receipt of the Retrenchment slip from the Accountant General.
- T.R. 32 :** Drawing Officer's responsibilities. It is the responsibility of the drawing officer to see that payments are made to persons entitled to receive them.

### **SECTION X**

#### **INTER GOVERNMENT TRANSACTIONS**

- T.R. 33 :** Accountant General will authorize receipts/payments of other Governments adjustments against the balances of the state by debit or credit to another Government and shall be made through the Central accounts section of the Reserve Bank of India.
- T.R. 34 :** Receipts/payments of Union Government by the Treasuries
- T.R. 35 :** Same as T.R. 33.
- T.R. 36 :** Relates to the Railways

### **SECTION XI**

- T.R. 37 :** Receipts and disbursement of the State in the United Kingdom.

## SECTION XII

**T.R. 38 :** Accountant General will function under the Control of the Comptroller and Auditor General of India.

**T.R. 39 :** Powers of Comptroller and Auditor General of India.

**T.R. 40 :** Finance Minister may not exercise any power conferred upon him by these rules so as to impose on the Bank in connection with the business of the Government any responsibility not imposed upon the Bank by the terms of its agreement with the Governor.

**T.R. 41 :** All references in these rules to the Finance Minister shall during the period any proclamation issued under Art.356 of the Constitution is in operation, be construed as reference to the President of India.

**T.R. 42 :** Government may relax the provisions contained in any of rules in favour of any Government servant or class of Government servants, department or departments.

### PART II : CHAPTER I

**Instructions 2 Under T.R. 3 :** A branch of the State Bank which conducts Treasury business shall be kept open for the transaction of that business on a recognized holiday, if the collector requests the Agent/Manager to keep it open for that purpose.

State Bank of India acts as agent of the Reserve Bank of India.

### CHAPTER II

#### GENERAL SYSTEM OF CONTROL OVER TREASURY

**T.R. 4: Deals with District Treasuries**

**Subsidiary Rules 1-10 are framed under T.R. 4**

**S.R. 1-4 :** Deals with the Responsibilities of the Director of Treasuries and Accounts and District Treasury Officer.

**S.R. 5 & 6 :** Deals with the Responsibilities of the Treasury Officer.

**S.R. 7 & 10 :** Verification and Certification of Monthly Cash balances, etc.

#### T.R. 5: SUB-TREASURIES

**S.R. 1-13 :** Are framed under T.R.5

**S.R. 1 & 2 :** Allocation of Sub-Treasuries.

There shall ordinarily be a Sub-treasury at the headquarters of every Tahsildar.

**S.R. 3:** Sub-treasury Officer is the Incharge of the Sub-treasury.

**S.R. 4 :** Responsibilities of Sub-treasury Officer.

**S.R. 5 :** Deleted

**S.R. 6 :** Same as S.R. 6 under T.R.4.

**S.R. 7 :** Deleted.

**S.R. 8 :** Cash Balance in the Sub-treasury is periodically examined atleast twice in a month.

**S.R. 9 :** The verification of Sub-treasury Cash Balance shall be done as per the method prescribed under S.R. 7 of T.R. 4 and monthly Sub-treasury accounts shall be promptly dispatched to District Treasury.

**S.R. 12-15** : Inspection of Sub-treasury and collection Depots.

**T.R. 6** : The Comptroller and Auditor-General of India has given his consent to the performance by the Office of the Accountant-General, Hyderabad of the duties of a treasury in respect of claims against Government.

### **CHAPTER III**

#### **PAYMENT OF MONEYS INTO THE GOVERNMENT ACCOUNT**

**T.R. 7 ; S.R.1:** Procedure to be followed in regard to funds of Charitable Endowments.

**T.R. 7 ; S.R.2:** Appropriation of Departmental Receipts for Departmental Expenditure.

- Moneys received in Civil Courts shall be paid in full into the Treasury or the Bank.

**T.R. 9** : Investment of Moneys Withdrawn from the Government Account. Investment to be made in the Securities of the Government or of the Central Government or in fixed Deposit with the Telangana State Co-operative Bank or a Central Co-operative Bank approved by the Registrar of Co-operative Societies or the State Bank of India and not otherwise. If the government servant is empowered to invest in any such money by statutory provision or statutory rule which requires that he should invest them in a specified manner, he should invest them.

**T.R. 10** : Receipt of moneys by Government servants (Otherwise than at a Treasury)

**S.R. 1-4, 6 & 7** : Applicable to Department Generally.

**S.R. 1(a) under T.R. 10** : A Government servant can receive the following on behalf of Government (i) Legal tender coin (ii) Legal tender currency or Bank Notes (iii) Reserve Bank of India drafts drawn on the Treasury with which the Government servant deals and made payable to him (iv) The cheques should be crossed and sent to the Bank. Cheques shall not be accepted for payment of fines, compensation amount etc., and payable in criminal courts. Such payments shall be received only in legal tender coin, currency notes or bank notes.

**S.R. 2:** The Government servant who receives any money on behalf of the Government shall give payer, no receipt need to be given unless in any case the Government has by Order dispense with grant of the receipt.

Payments made on account of fines, fees etc., levied by the City Magistrate Courts in Hyderabad City in night cases, when the payer does not demand a receipt.

**S.R. 6 T.R. 10** : Preliminary acknowledgment shall be given in lieu of the cheque in T.T.C. Form 4.

No duplicate copy of receipt shall be given to the private parties free of cost. A fee of Rs.10/- (Rupees ten only) shall be levied for the purpose of granting duplicate receipt,

Memo No. 74/29/Accounts/70, Dated 20/07/1970 G.O.M.S.No 282, Finance Dated 21/11/1991.



**Note Under S.R. 7:** The following Non-Government funds administered by the Inspector General of Police shall be kept outside the public Account. (i) Widow fund (ii) Sports fund (iii) Education fund (iv) welfare fund.

**S.R. 7 (b):** Personal deposit account shall be opened for the moneys of the Society or body with the permission of Government.

**S.R. 7 (d):** A Government servant shall not place any private money in a cash chest used for keeping money received in his official capacity.

**Ins. 3 Under T.R. 10 :** In case too many cheques are received, they shall be entered in a subsidiary register in Form 14-A for watching the encashment of the cheques and only the daily total of receipts and remittances accounted for in the cash book.

**Ins. 4 Under T.R. 10 :** Moneys paid by the suitors for the service of summonses and diet money of witnesses, deposits are received direct at the Court and the parties are not required to pay the money into the Treasury or Bank.

#### **Receipt of Money by the Treasury or the Bank**

**S.R. 8(a) Under T.R. 10 :** The Treasury or Bank receives any money from a private party for credit to Government in the form of (1) Legal tender coin (2) Legal tender currency or Bank notes (3) R.B.I. drafts duly endorsed by the party concerned for credit to Government accounts (4) crossed cheques drawn on a Hyderabad Bank or a branch of such bank in Hyderabad city or any bank in India provided, the payment is to be made at SBH, Hyderabad Treasury or District treasury or Sub-treasury.

**S.R. 10 (a-e):** Challans

**S.R. 10(a) under T.R. 10:** The Challans which accompanies a payment of money into the treasury of the Bank shall contain full information as to;  
the nature of payment,  
the amount paid,  
the Government servant or other person on whose account the payment is made,  
the head of account,  
the allocation of the amount between Government and departments, and such Challans made in form No. 9 or 10.

**S.R. 10(d) under T.R. 10:** When payment is made partly in cash and partly by cheque the amounts paid in cash and cheque respectively shall not be included on the same Challan.

**S.R. 10(e) under T.R. 10 :** The Challan shall ordinarily be presented in duplicate. When a private person pays money into the Treasury or the bank to be credited to the Government under the head which concerns a Departmental Officer, the duplicate Challan shall be initialed by that

Officer if he is at same station as a treasury; otherwise, the Challan shall be presented in triplicate.

**Ins. 10 Under T.R. 10 :** No further information as to the nature of receipt is required to be furnished in respect of Local Fund Deposits and personal Deposits.

A challan issued to the party shall be valid for 14 days only or preferably a date if any, given by the departmental officer on the challan. If it is presented after the prescribed time, the money will not be accepted by the Bank until it is revalidated by the Treasury officer or by the departmental officer as the case may be.

The departments can have the receipts reconciled with the Treasury Accounts regularly to ensure that all the amounts credited are properly accounted for and that the manipulations if any, in the challans can be detected. (G.O.Ms.No.171 Finance, dt.10-05-1983).

**Amanaths:** As a general rule, no sums of money shall be kept in a Treasury strong room unless they are paid into Government account excepting certain items, viz (1) village remittance received after the close of the Treasury (2) Treasury or currency remittance received when the Treasury is not open for transactions (3) Money contained in the cash chest etc., deposited by the other offices for safe custody (4) The balances of permanent advance and imprests and un disbursed balances from the treasury or otherwise received for disbursement. Currency received should be entered in Form 18 duly taking it into account. Any deficiency noticed in the remittance shall be recovered from the shroff accompanying the remittance. Treasury Officer on 1<sup>st</sup> of the month shall send details of Forest remittances in Form TA 12 of A.P. account Code volume II to the District Forest Officers which are otherwise called C.T.Rs. The public works division shall send the particulars of remittances in Form 12 for each month and get them verified and certified by the Treasury. One Accountant shall be sitting in the Bank to verify the correctness of the classification furnished in the challan and if the challan is in order the words "Entered correct" shall be appended on the challan and it shall be initialed by him. (SR 15 under T.R. 10, SR 17 under T.R. 10, S.R. 18 under T.R.10, S.R. 19 under TR 10).

Banking Accounts of all P.D. and L.F. Accounts except village panchayats and Mandal Praja Parishads shall be kept at the Bank. The Treasury will watch the clearance of the cheques through the register maintained in T.T.C. Form14.

**Ins. 21 Under S.R. 12:** A person who wishes to pay any money into a Mufassal Civil Court with a Treasury which transacts its cash business through the bank should obtain from the Court a Challan generated through treasury website and pay the money into the Bank.

**Note:** A District Judge or a Subordinate Judge may authorize his Serishtadar to sign Challans and a District Munsiff may authorize his head clerk to do so. The Challan should be duly filled in at the Court and the particulars of the notes and coin tendered should be noted on the reverse. G.O.Ms. No. 243, Fin.(TFR) dated 30/08/2013.

**Ins. 31:** Deleted G.O.Ms. No. 243, Fin.(TFR) dated 30/08/2013.

**Ins. 34 Under T.R. 10 :** Payments for stamps sold to the public by the Ex-officio stamp vendors may be made direct to the ex-officio stamp vendors (S.T.O.'s/Sub Registrars) instead of at the Bank.

**Ins. 35:** A person who wishes to pay any money into a Mufassal Civil Court dealing with Treasury which transacts its cash business through the bank should file the same prescribed in Instruction 21. The Challan in triplicate shall be signed by the Bank authorities and the original copy shall be returned to the remitter. G.O.Ms. No. 243, Fin.(TFR) dated 30/08/2013.

**S.R. 21 under T.R. 10 :** Amanath : A District Treasury which transacts its cash business through the Bank need not maintain the Amanath Balance Register in Form 16 (see subsidiary Rule 15), but the closing balance under each of the heads mentioned in Subsidiary Rule 15 under which it is possible for the Treasury to have transactions shall be noted in the Treasurer's Daily Balance Sheet (Form 24).

#### **CHAPTER IV**

#### **CUSTODY OF MONEYS RELATING TO, OR STANDING IN THE GOVERNMENT ACCOUNT**

The departments shall have a cash chest for their offices and they shall be embedded in masonry in the walls so as to prevent their removal by thieves. Cash shall be counted on each working day at the close of the day and verification certificate appended. The chest shall have duplicate keys and they shall be deposited in the Treasury. Cash shall be verified on return from camp. Forest department shall verify the cash and append a certificate on the last day of each month in Form FA VIII in APAC volume III. The contents of the currency chest are the property of Reserve Bank but the Government is responsible for them for the R.B.I. Certificate of accept of Balances should be received by the Treasuries from the Administrators within a fortnight from the end of each quarter. The Keys of the cash chest etc., shall be exchanged once in three years. Transactions in the currency chest shall always be in multiples of five hundred rupees. Currency chest book should be retained for three complete financial years after it ceases to be in use. (S.R. 1 under T.R. 11, S.R. 2 under T.R. 11, Ins 3 under T.R.11, Ins 4 under T.R. 11, Ins 5 under T.R.11, Ins 14 under T.R. 11). The procedure of furnishing a certificate of acceptance of balance once in a quarter has been revised in G.O.Ms.No.43, Finance, and dt.22.04.2000.

**T.R. 11:** Moneys in the hands of Government Servants.

**Ins 15 Under T.R. 11 :** A special report on this in terms of the provisions laid down in Arts. 294 to 297 of the Telangana Financial Code, Vol.I, should also be sent to the Accountant-General.

**Ins 19(a) Under T.R. 11 :** The following Articles should be kept in safe custody in the Treasury when sent there for that purpose:-

(a) sealed boxes purporting to contain jewellery or other valuables brought into Courts of law under the Civil Rules of Practice, provided that a written request is received from the Presiding Officer of the Court.

**Ins 21 Under T.R. 11 :** Separate registers in T.T.C. Form 39 should be opened for each departmental cash chest. Single entry is enough in the safe custody articles register. In case the cash chest is not redeposited for one year, the entry in the safe custody articles register shall be closed duly making necessary entries in Form 39 as per the instructions of the Inspecting Officer.

Penal rent at Rs.25/- (Rupees twenty five only) per pocket for every year shall be charged in case the safe custody article is not withdrawn immediately after three years.

Pockets lying for over ten years shall be disposed for as pre the instructions contained in Note © under instructions 21 after publishing the list of defaulters in the A.P. Gazette. The pockets shall be opened in the presence of the inspecting officer.

- (i) Gold or silver to be sent to the Central Excise Department.
- (ii) Currency to be credited to Government account.
- (iii) Spoiled notes to be sent to the R.B.I. for destructions.
- (iv) Keys to be sent to the PWD workshop for destructions.

(Note 4 below Ins. 21 under T.R. 11)

## **CHAPTER V**

### **WITHDRAWAL OF MONEYS FROM THE GOVERNMENT ACCOUNT**

**S.R. 1 under T.R. 16 :** A bill or other voucher drawn by a Government servant shall be signed and, countersigned by the Government servant competent to do so under the relevant rules. The treasury shall receive and carefully scrutinize all bills and vouchers and if satisfied with it in order and that the claim is one which is authorized to pay, he shall sign the payment order on it. Payment shall then be made accordingly and entered in the accounts.

**Note 1:-** The Assistant Treasury Officer is empowered to pass bills upto Rs. 200/- for the month of march. He will be held responsible for the strict observance of the provisions laid down in T.Rs. 17 to 27 of the T.T.C., Volume I.

**Note 2 :-** The expression Treasury Office includes District Treasury Officer and Asst. Treasury Officers in respect of a District Treasury.

**S.R. 2 under T.R. 16 :** Form of Bills etc.,

**Note 1:-** The charges on account of exchange payable to the Reserve Bank should be borne by the Department or Officer concerned and treated as office contingencies.

**Note 2 :-** All payments to private parties which are payable at Treasuries or Sub-treasuries under the jurisdiction of an Accountant-general, other than the one in whose books the charges are adjustable should, as far as practicable, be made direct by the drawing officers by means of

Government drafts instead of requesting their Accounts Officers for arranging for payments through the Accountant-General concerned.

**Note 3 :-** A certificate to the effect that the payment has been made to the proper person and that proper acknowledgement has been obtained and filed in his office shall be sent to the Accountant-General by the Drawing Officer as and when payment is made to firm or private parties located in other States through Demand Drafts.

**S.R. 2(b) under T.R. 16 :** As far as possible all bills and other vouchers shall be prepared in English and is to be signed by the Drawing Officer.<sup>3</sup>

**S.R. 2 (c) under T.R. 16 :** Government Officers shall use Digital Signatures also for Electronic Service Delivery in Government transactions instead of INK signed signatures wherever necessary as per Codal Provisions G.O. Ms. No 52, Fin. (TFR) dated 22/02/2014.

**S.R. 2 (q) under T.R. 16 :** All cheques and bills, etc., preferable at a Treasury for payment being non-negotiable instruments can be endorsed only once in favour of the specific party to whom the money is to be paid provided that-

(a) When the endorsement is made on a cheque or a bill in favour of a Banker, a second endorsement can be made by the Banker in favour of a messenger of an Agent for collection only;

(b) in the case of contingent bill which has been endorsed in favour of a firm of suppliers under Art. 114 of A.P.F.C., Vol-I the firm can re-endorse to its banker or to a messenger for collection only and the Banker can in turn endorse it to a messenger of Agent for collection only. Thus, in all, three endorsement are permissible in such cases provided, that, of the three, one is to the payee's Banker and one is to a Messenger or Agent for collection only; and

(c) an agent may notwithstanding anything contained in Clauses 1 and 2 for the purpose of collecting the cheque or bill endorsed it in favour of his messenger.

**S.R. 2 (r) under T.R. 16 :** A Government servant shall not issue a copy of any bill, cheque or other voucher which has already been paid on the allegation that the payee's copy has been lost or is not available, although a certificate may, when necessary, be given that on specified day a certain sum was paid to certain person on a certain account. A fee of one rupee shall be levied for each certificate issued to a private party. This prohibition extends only to the issue of a copy on the allegation that the payee's copy has been lost or is not available, and does not apply to a copy marked "not payable at the Treasury" and tendered at the Treasury with the original in accordance with the rules.

If a bill or other voucher that has been passed for payment at the Treasury is alleged to have been lost before payment, the Government servant who drew the original bill or other voucher shall ascertain from the Treasury has not made payment on the original, he may issue a duplicate, which shall bear instantly on its face the word "duplicate" written in red ink.

**S.R. 2 (t) under T.R. 16:** Every Government servant, who is authorized to draw cheques or sign or countersign bills payable at a Treasury, shall send a specimen of his signature to the Treasury Officer through some superior or other Officer whose specimen is already with the Treasury. When such an Officer makes over charge of his office to another, he shall likewise send a specimen of the signature of the relieving officer to the Treasury Officer concerned.

Specimen signatures, when forwarded on a sheet of paper other than the forwarding letter itself, must be duly attested by the Officer signing the forwarding letter.

**S.R. 6 under T.R. 16 : Executive Instructions:-**

Maintenance of Pay bills register in lieu of office copies of pay bills; AP Treasury code Form 109 prescribed as pay bill register G.O. Ms. No. 184, Fin & Plg., Dept., Dt. 16-05-1989. It is a permanent record and it should be preserved permanently.

**S.R. 12 under T.R. 16 : First Drawal Of Pay:-**

When the name of a Government servant appointed permanently or on probation to a post in superior service appears for the first time in the pay bill of an establishment, the previous post in Government service, if any, held by him shall be stated and a last pay certificate attached showing the date of handing over charge, advances outstanding, etc should be produced. If he was not holding any post the health certificate required by Fundamental Rule 10 shall be submitted to the competent authority.

**S.R. 13 under T.R. 16 : Increment Certificate:-**

When a periodical increment is claimed, Increment certificate in Form 49 shall be attached to the bill.

**Note 2:-** It is not necessary to attach the increment certificates in respect of the last grade Government servants, Head Constables, Constables, etc., whose names are omitted from the pay bills, in Form 49 to the pay bills intended for payment and submission to audit. But for facility of test check during local audit these certificates should be attached to the office copies of the pay bills retained by the disbursing officers.

**S.R. 14 under T.R. 16 :** Arrear bills shall be drawn separately enclosing “Due, Drawn and Difference statement”. Arrear entry shall be made in the office copy of the Pay bills.

**S.R. 16 (a) under T.R. 16 : Travelling Allowances:-**

Drawing Officers shall pay special attention to the detailed instructions and the certificates printed on the Travelling Allowance bill forms.

**S.R. 18(a) under T.R. 16 :Permanent Advances:-**

Permanent Advances to meet contingent charge relating to Offices of Government servants before drawing bills for the amounts.

**S.R. 18(d) under T.R. 16 : Abstract Contingent Bills :** To be drawn in T.T.C. Form 57. Detailed bill may have to be sent to the Treasury or PAO within three months from the date of drawal of advance retaining all vouchers for verification of the A.G.'s party and the Departmental authorities. Third advance shall not be admitted unless D.C. bill is sent to the Treasury/PAO for the first advance drawn. The practice of submission of D.C. bills to the A.G./PAO by the D.D.O'S through the next higher authorities is disposed with in G.O.Ms.No.391 Finance (TFR) Department, dt.22-03-2002.

**S.R. 18(e) under T.R. 16 : Detailed contingent Bills :** To be drawn in T.T.C. Form 58. The drawing officer shall show full particulars of the charges in the bill, attach to it all sub-vouchers for individual payments exceeding Rs.1,000/- (Rupees one thousand only) and sign the certificate in regard to the other sub-vouchers. (G.O.Ms. No. 341, Fin & Plg., dept., Dt. 23-12-1983).

**S.R. 18(f) under T.R. 16 :** Claims for secret service expenditure shall be presented on A.C. bills in T.T.C. Form 57 but no detailed contingent bill need be rendered thereon.

**S.R. 20 under T.R. 16 :** Works expenditure charged as contingent expenditure : Bills for charges on account of petty works and repairs allotted to the Departments other than P.W.D. shall be drawn in Form 59.

**S.R. 22 under T.R. 16 : Recovery of Amounts attached by Courts.**

**Ins. 7 under S.R. 22 below T.R. 16 :** Rent : For every two years, the certificate from the Executive Engineer shall be obtained to the effect that suitable Government building is not available and that the rent charged is reasonable. It shall be enclosed, in original, to the bill preferred in the treasury.

**Ins. 8 under S.R. 22 below T.R. 16 :** Service Postage Stamps:-

A drawing officer should prepare a bill in a special form Form 60 when he requires service postage stamps.

**Ins. 9 under S.R. 22 : Discount on stamps :** The Treasury Officer shall get an adjustment bill prepared (not payable at the Treasury) every month for the amount of discount charged in the Treasury account and sent it to the Superintendent of Stamps along with the monthly account rendered to him for countersignature and transmission to the A.G.

**S.R. 23 under T.R. 16 :** Grants In Lieu Of Magisterial Fines:-

The Government make grants to the local funds and private bodies on account of fines that the Magisterial Courts levy under certain enactments and credit to the Government (Article 306 of the Telangana Financial Code).

**S.R. 24 under T.R. 16 :** Educational Grants-In-Aid, Scholarships, Stipends And Book Allowances.

**S.R. 26 under T.R. 16 :** Compensation Awarded By Courts Out Of Fines To Injured Parties:-

When Court orders the payment to the injured party of an amount kept in deposit in the treasury which was awarded to him as compensation out of a fine imposed in a criminal case, it shall certify on the order either-

- (1) that the sentence and award have been confirmed by the Appellate Court and no order has been received from the Court of revision reversing or modifying the order of compensation, or
- (2) when the order as to compensation has been modified in appeal or revision, that the payment ordered is in conformity with such modification, or
- (3) that the appeal time has expired and no appeal has been preferred and that no order has been received from the Court of Revision reversing or modifying the order of compensation.

**S.R. 27 under T.R. 16 :**Refunds Of Revenue

**Ins. 14 under S.R. 27:** Refunds Of Process And Poundage Fees By Court Of Law:-

The Court should make such refunds, when necessary, from its permanent advance and recoup its permanent advance by drawing a contingent bill.

**S.R. 31 under T.R. 16 :** Repayment of Deposits:-

The Order of Court for repayment of deposit and the voucher shall be in Form 64.

**Ins. 20 under T.R. 16 :** Repayment Of Civil Courts Deposits:-

Repayment Of Civil Courts Deposits should be in the Form 67.

**Ins. 21 under T.R. 16 :** Repayment Of Revenue Deposits and Criminal Court Deposits:-

An entry should be made on every order for the repayment stating that no payment will be made on it after the close of the financial year in which it is issued or three months from the date of the issue, whichever is earlier.

**Note 4 under Ins. 22 below T.R. 16 :** The bank shall send statement of the closing balances of each P.D. account to the Treasury immediately after the closure of month before 4<sup>th</sup> of the succeeding month. The treasury officer shall verify the closing balances in his books with the bank statement to find out the correctness of the accounts. In case of any difference, he shall depute a person to the bank to effect reconciliation of the accounts under consideration. The Administrator shall reconcile at least once in a quarter.

**Ins. 22 under T.R. 16 :** Repayment of Civil Court's Deposits.

**S.R. 32 – 36 under T.R. 16 :** Procedure in District Treasuries.

**Ins. 38-B under T.R. 16 :** Payment of net surcharge on stamp duty, profession Tax compensation and grants in lieu of magisterial fines

**Ins. 39-a under T.R. 16 :** Treasury Bill Book.



**S.R. 37 – 38 under T.R. 16 : Sub-Treasuries**

**S.R. 39 under T.R. 16 :** Cheque books : Separate cheque books shall be used for the District Treasury and the Sub-treasuries.

**S.R. 45(a) under T.R. 16 :** As a general rule, no cheque shall be issued for a sum less than Rs.10/- (Rupees ten only) except when it is done in order to comply with the provisions of a law or rule having the force to law.

**S.R. 45(b) under T.R. 16 :** A cheque shall be payable at any time within One month from the month of issue. Thus a cheque issued on any date in the month of January is payable at any time before One month. Now the procedure is changed Government cheque shall be payable at any time within one month from the date of issue – G.O.Ms.No.1199 Finance & Planning (FW.TFR) Department, dt.03-07-2001.

**S.R. 48 under T.R. 16**

**“Note:-** If the certificate of balances is not received from the Administrators by the Treasury Officer within the stipulated time (six months) the Treasury Officer may withhold further payment”. In respect of cheque presented direct at the Bank also the Treasury Officer can advise the Bank not to honour the cheques of the Administrators in the event of non-furnishing of certificate of balances by the Administrators by the stipulated time”.

**Note under S.R. 48 below T.R. 16 :** Certificate of Acceptance of balances shall be received in the Treasury from the Administrators within a fortnight. Otherwise the cheques presented should not be honoured.

**S.R. 49 under T.R. 16 :** Time barred/expired cheques shall not be honoured. They should be destroyed and fresh cheques issued. SR 50 under TR 16 : Lost Cheques : A board showing the particulars of all “stopped cheques” shall be hung up before the Accountant General.

**Ins. 40(a) under T.R. 16 :** All supplies of cheque book forms should be made by Treasury Officers who receive their supply from Government Press.

**Note 2 under Inst. 49 below T.R. 16 :** The treasury officer shall destroy the cheques returned to the Treasury by incineration after a period of five years from the date of issue of last cheque in a respect of partly used cheque books and after a period of five years from the date of receipt in the treasury in respect of wholly unused cheque books in a presence of the inspecting officers. Now the procedure has ben changed and the Administrators shall bring them to the D.T.O. who shall destroy them in the presence of the Administrators duly taking a note in the Register.

**S.R. 57(d) T.R. 16 :** The bank shall not disburse payments unless the bank is satisfied about the identity of the person receiving payment whose signature has been attested by the receiving payment whose signature has been attested by the drawing officer (Form 101). The bank shall also verify before making payment whether the signature of the drawing officer

attesting payee's signature tallies with that on the bill as passed by the Treasury Officer. Memo No. 39807/Accts/62-5, Dt. 21-02-1963.

**S.R. 57(e) under T.R.16 :** Payment orders issued by the Treasury shall be valid only for a period of 10 days. If presented after expiry the Bank shall refuse payment until revalidated by the Treasury Officer.

**Ins. 54 under T.R. 16 :** Bank should not make payment on any order for repayment of civil court deposits which is presented after the end of the account month in which it was issued.

**Ins. 55 under T.R. 16 :** Bank should not make payment on any order for the repayment for revenue deposit or a criminal court deposit, unless it is presented before the expiry of three months from the date of issue or before the close of the financial year in which it is issued whichever is earlier.

**Ins. 56 under T.R. 16 :** The Treasury bills book need not be presented at the bank along with any bill passed for payment at the bank. The treasury shall fill up columns 8 to 11 of the book even when the payment is made at the bank and the Government servant in the Treasury who signs column 11 of the book shall make a note of the amount passed if it differs from the amount claimed. As per the raised procedure, the Treasury bills Register shall be maintained by D.D.O. only in 21 columns and the Treasury officer need not make entries in the TBR.

**Ins. 57 under T.R. 16 :** Specimen signatures shall be sent to the bank by the drawers when the cheques are drawn on the bank. Non payment certificate shall be obtained by the drawer from the treasury in respect of cheques lost. (Ins. 58 under TR 16).

**S.R. 61 under T.R. 16 :** Cheques:-

Rules contained in Subsidiary rules 39-43 and 45-51 shall apply. By the Cheques drawn by the Government servants on the Bank except that every correction or alteration shall be attested by the full signature of the Government servant.

**S.R. 64 under T.R. 16 :** Pension Payment Orders:-

In regard to each pension [other than anticipatory pension to be drawn and disbursed by Head of the Office] sanctioned by a competent authority the Accountant-General issues a pension payment order in two halves of which one, known as the disburser's half, is kept in the Treasury at which payment is to be made and the other is delivered to the pensioner.

**S.R. 65 (a) under T.R. 16 :** Except in the case of anticipatory pension payable through the head of the Office, a pensioner shall take payment of his pension in person and the Disbursing Officer shall identify him with reference to the details available in the Pension Payment Order before making any payment. When claiming his pension for the first time, a pensioner shall also be required to produce a copy of the order communicating the sanction of his pension. (Govt. G.O.Ms. No. 29, Fin. & Plg., (A & L) Dt. 02-02-1977)

**S.R. 66 under T.R. 16 :** Payment of pension shall be made on production of life certificate signed by a gazetted officer or sarpanch of the Panchayat where the pensioner is residing and the messenger can receive payment on behalf of the pensioner.

**S.R. 70 under T.R. 16 :**

**Lepers :** The bill shall be prepared by the Treasury and the pension paid duly certifying that the pension has been paid in the presence of the pension Disbursing Officer. The leper need not sign the bill. Pensioners half as well as Disburser's half shall be retained with the pension Disbursing officer. He can send life certificate without a bill if he is not in a position to attend the treasury due to ill health. He can also ask for payment by means of money order. Life certificate shall be produced once in a year in the month of November if he is drawing pension through the Bank. Now it is mandatory to make payment of pension through the Banks as per the G.O.Ms.No. 213 Finance & planning (FW.PSC.I) Department, dt.19-12 1997 w.e.f. 01-01-1998 except in respect of Non-Banking Sub-Treasuries.

**S.R. 71 under T.R. 16 :** Each pensioner shall attend personally at the treasury for due identification at least once in a year unless he is exempted from personal appearance under S.R. 66 in which case the necessary independent proof of the pensioner's existence shall be obtained by some other suitable method. The pension Disbursing officer shall also arrange to have every such pensioner examined at least once in a year by two non-pardah female pensioners who shall check her personal marks with those recorded on disburser's half of the P.P.O.

**S.R. 74 under T.R. 16 :** A Certificate of non-employment/re-employment as printed on the pension bill shall be obtained by the disbursing officer from all pensioners and family pensioners in the month of November of each year.

**S.R. 75 under T.R. 16 :** Non-marriage certificate may have to be furnished once in a year (i.e.) in December in respect of family pensioners. This certificate may have to be signed by a responsible gazetted Government servant or well known and trustworthy person. In respect of widows above 50 years of age, the pensioner can give this certificate without its being signed by others. In respect of widows of over 60 years age, this certificate need not be furnished.

**S.R. 75 (a) under T.R. 16 :** When a pension is granted on condition that it shall be paid only so long as a specified event other than the pensioner's death has not taken place, no payment shall be made unless the pensioner furnishes a Certificate on each occasion that the event has not taken place.

**S.R. 76 under T.R. 16 :** Pension of insane person may be paid to a guardian appointed under the Indian Lunacy Act 1912. Such guardian shall furnish life certificate of the pensioner to the effect that the pensioner was alive on the last day of the period for which the pension is claimed.

**S.R. 77 under T.R. 16 :** Pensioners who are residing at places where a District Treasury or sub or sub-treasury or other office of disbursement of pension is located will not be eligible for the benefit of drawal of pension through Money Order.

**S.R. 77- A under T.R. 16 :** Scheme for payment of pensions to the State Government pensioners through the scheduled Banks and certain co-operative banks exists. In case life certificate is not received by 15<sup>th</sup> January, the payment of pension shall be dispensed with.

**S.R. 80 under T.R. 16 : Place of Payment:-**

**Place of Pension payable in India may be paid at any Treasury in India.**

**Note:-** Anticipatory Pension shall be drawn by the Head of the Office in Form T.T.C 47.

**S.R. 86 (a) under T.R. 16 :** If a pension payable in India remains undrawn for more than one year, the pension shall cease to be payable. If the pensioner appears after a lapse of one year the disbursing officer may renew his payments if no objection is found as a result of police enquiry envisaged in Instruction 60. He shall not however, pay the arrears, if the pension in arrears is to be paid for the first time, or if the amount of arrears exceeds Rs. 5,000/- (Rupees five thousand only) without the previous sanction of the authority which sanctioned the pension or when the pension was sanctioned by the Government the previous sanction of any subordinate authority to which sanctioned the pension or when the pension was sanctioned by the Government the previous sanction of any subordinate authority to which the Government have delegated the power to sanction the payment of such arrears. The disbursing officer may make the payment if the amount of arrears does not exceed Rs.2,500/- (Rupees two thousand and five hundred only) or with the previous sanction of the Collector of the District in which the pension disbursing officer is located if it exceeds Rs.2,500/- (Rupees two thousand and five hundred only) but does not exceed Rs.5,000/- (Rupees five thousand only) pension shall be payable for the day of the death of the pensioner – Art.80 of A.P.F.C. Vo.I. (SR. 88 under TR 16).

**S.R. 88-91 under T.R. 16 :** Deceased Pensioners.

**S.R. 89 (a) under T.R. 16 :** After the death of the Pensioner, the disbursing officer may pay any arrears actually due to the Pensioner's heir or heirs, provided that they apply within one year of the date of death. If the application is made later, the arrears shall not be paid without obtaining sanction of Accountant General the previous Sanction of the authority that Sanction the Pension.

**S.R. 92 (c) under T.R. 16: Gratuity :** If a gratuity order remains undrawn for more than [three years], they shall be returned to the .A.G./LFA mentioning the cause, if known of the non-appearance of the person entitled to the gratuity.

**S.R. 93 under T.R. 16 : Commutation of Pension :** It can be paid at the Bank by an express pay order of the Treasury on the original authorization issued by the A.G./LFA. The commutation of pension shall be given effect to from the date of payment or three months from the date of issue of order by the A.G./LFA whichever is earlier.

**Ins. Under T.R. 17 :** A Treasury Officer shall not refuse to pay a bill merely on the ground that the drawing officer has not complied with the financial rule requiring that the particulars of the order sanctioning a charge of certain kind shall be quoted on the bill. If the drawing officer fails to obtain sanction before concurring a charge when the rules require him to obtain sanction, he along is responsible.

**Note :** The bills of the temporary establishment upto three months after the expiry of date upto which the continuation/sanction was accorded can be admitted based on the declaration furnished by the authority competent to countersign the TA bills of those for whom salaries are claimed. (G.O.Ms.No.136 Finance dt.29-03-1976). The bill shall not contain the claims of more than one subscriber to the fund in the event of claiming final withdrawal of general and other provident funds – Finance Department Memo No.46249/864/Acct./72-4, dt.20-08-73.

**Ins. Under T.R. 18 :** Claims : A Treasury Officer should not undertake on behalf of the claimant any correspondence with any authority in regard to a claim which he considers to be disputable.

**Ins. 1 (e) under T.R. 19 :** When Government servant is transferred from one District to another within the same Audit Circle, the Last Pay Certificate granted to him should specify the last regular monthly payment and his entire pay for the month in which the transfer takes place should be paid in the new District, except as provided in Art. 72(d) of the Telangana Financial Code. Payment on account of his claims for travelling allowances arising in the old District in respect of journeys performed before the transfer may also be made in the new District, provided that the controlling officer for the old post certifies that the claims are correct.

**T.R. 27 :** Rules Regarding Last Pay Certificates:-

**Ins. 1 (e) under T.R. 27 :** The form prescribed for last pay certificates and rules, according to which they should be prepared, are contained in Appendix 18. A Treasury Officer (or the head of the office in the case of Non-gazetted Government Servant) should on no account disburse any pay or allowances to Government servant to whom he has granted a last pay certificate, unless the certificate is first surrendered.

**Drawal of Arrears :** due and drawn statement shall be prepared by the Drawing Officer and it shall be sent to the old station based on L.P.C. and Service Book to take note of arrears in the records of old station.

**T.R. 27 :** Collectors are authorized to incur expenditure for emergent purposes like earthquakes, floods etc. without waiting for budget allocation. The expenditure so incurred shall be reported to the Finance Department and the A.G. periodically and the L.F.A. shall audit the expenditure incurred in this regard. It should not include the salaries etc. of the staff and care should be taken that there is no misuse of these discretionary powers.

**Ins. 2 under T.R. 29 :** In case where the relieved officer who draws bills on the Treasury relinquishes charge before arrival of the relieving officer who is to draw bills on a Treasury, the latter shall send his specimen signatures to the Treasury/Bank/PAO duly attested by any drawing officer, not lower in rank to the officer whose signature is being attested, whose specimen signature is already recorded in the Treasury/Bank/PAO.

**Ins. 3 under T.R. 29 :** The Treasury officer should keep the specimen signature slips of the Government servants who draw on his Treasury or countersign the bills drawn on it, duly pasted in a register for reference.

## CHAPTER VI

### “Transfer of moneys standing in the government account”

**Ins. I under T.R. 30 :** Maximum normal cash balance : It will be fixed by Government in the month of January for the coming financial year for the entire district. The D.T.Os in turn shall fix it to each Non-banking sub-Treasury.

**Ins. 5 under T.R. 30 :** The currency chest maintained at sub treasuries contain rupees and notes which belong to the R.B.I. The treasury officer has the power to order the opening of a temporary currency chest at a sub-treasury in his District where necessary. He should report the opening of a temporary currency chest and the amount of the first deposit into it by a telegram to the currency Officer.

**Ins. 7 under T.R. 30 :** No money should be locked up unnecessarily and the Government balance with the Reserve Bank shall be always as high as possible.

**Ins. 8 under T.R. 30 :** The banks are expected to provide funds to meet the disbursements on account of Government transactions. The Treasury Officer shall send on each Saturday to the Bank a statement showing as accurately as possible for each of the following two weeks : (1) the probable receipts and disbursements on Government account at the District Treasury : and (ii) the probable receipts from or remittances to the sub-treasuries at the sub-treasury.

These instructions shall apply mutatis mutandis to the sub-treasuries which transact their cash business through the Bank.

**S.R. 4 under T.R. 30 :** The S.T.O. may at any time deposit surplus funds into the currency chest or shall also deposit the surplus notes and rupees whenever the sub-treasury balance is larger than is necessary by preparing a bill in Form 37-A.

**S.R. 7 under T.R. 30 :** The District Treasury Officer is authorized to order remittances within the District from and to such sub-treasuries, if any, and no such remittance within the District shall be made without his sanction.

**S.R. 13 under T.R. 30 :** The remitting officer shall prepare an invoice in triplicate in Form 84 for every remittance taking great care for its preparation correctly. He shall retain one copy of invoice for record, dispatch another by post on the same day to the receiving officer and hand over the third to the officer-in-charge of the escort.

**S.R. 16 under T.R. 30 :** All notes unfit for issue accumulated at a Treasury shall be sent to a place named by the currency officer on each occasion on which a remittance of notes or coins is sent to or received from that office.

**S.R. 32 under T.R. 30 ;** All excesses found in a remittance shall be returned to the remitting Treasury through the Attending shroff or if this is not possible by R.P. or by M.O. the cost being borne by the remitting Treasury.

**Ins. 14 under T.R. 30 :** All charges incurred in connection with the remittances of coin and notes to and from Treasuries, whether as currency remittances or as Treasury.

Remittances are borne by the R.B.I. subject to the conditions and exceptions mentioned in Instructions 15 to 17.

**Ins. 19 under T.R. 30 :** All contingent charges incurred at the station where a remittance is received, such as coolie, cart or boat hire, shall be paid by the receiving officer and charged in his accounts. The remitting officer shall not meet such charges.

## **CHAPTER VII**

### **Responsibility for the moneys withdrawn**

**T.R. 32 S.R. I :** The drawing officer is responsible for the safe custody of the money received by him from the Treasury for the expenditure on behalf of the Government and shall maintain the prescribed accounts for watching the correct disposal of money (eg. By disbursement of pay, allowances etc. among the staff) and for checking the cash balance in the office.

**S.R. 2 under T.R. 30 :** Subject to the provisions in Clause B a Government servant shall obtain, for every disbursement, a voucher with full particulars of claims and shall obtain at the time of making payment an acknowledgement signed by the Payee.

**Exception 1:-**Special procedure for obtaining acknowledgement of Pay & Allowances of Government servants.

**Exception 2 under T.R. 32 :** The facsimile signature of the executive authority of a Municipality may be accepted as the payee's signature as acknowledgement of the payment of a Municipal Tax on a Government building.

**Exception 3 under T.R. 32 :** Cash Memorandum submitted for reimbursement of medical bills need not be stamped or bear the suppliers acknowledgement.

**Exception 4 under T.R. 32 :** If the payee signs his acknowledgement in Telugu, provisions of sub-para 3 need not be followed.

“(In case the payee signs his acknowledgement in a language other than English, he shall be required to write also the amount acknowledged in words in that language in his own hand writing. His acknowledgement including the amount acknowledged and any remark made by him shall be translated into English and his signature shall be translated in Roman Characters)”.

**S.R. 3 under T.R. 32 :** No voucher shall be treated as valid voucher unless it bears a distinct pay order specifying the amount payable both in words and figures separately and signed or initialed and dated by hand and in ink by the responsible disbursing officer. Cashiers and other Government servants who are authorized to make payment on passed vouchers shall not make any payment on a voucher unless it bears pay order specifying these requirements.

**S.R. 4 under T.R. 32 :** A Government servant who is on causal leave or other leave may make a written request that any moneys due to him be paid to a specified Government servant belonging to the same office and payment can be made accordingly provided the Government servant nominated produces an acknowledgement (in token of his having received) signed by the absentee. The Government servant who receives the money shall sign on the back of the

absentees acknowledgement in token of his having received the moneys on the absentees behalf. The acknowledgement shall be attached to the office copy of the bill or the acquittance roll as the case may be and the remark” separate receipt attached” shall be entered in the appropriate place in the office copy of the bill or in the receipt column of the roll. The moneys drawn shall be retained for a period of three months only.

**S.R. 4(b) under T.R. 32 :** As far as possible, a clerk who has helped to prepare a bill for establishment pay etc. shall not be allowed to have anything to do with the disbursement of the pay.

**S.R. (5) under T.R. 32 :** Disbursements out of the Permanent Advance:-

Every Government servant who has been granted a permanent advance shall regularly check the correctness of the balance with the help of his contingent register of if the advance is used for other purposes besides meeting contingent expenditure with the help of a register in Form 89 which he shall maintain for the purpose.

**Ins. 2 under T.R. 32 :** Cancellation and destruction of sub-vouchers to contingent bills :- (a) Sub-vouchers to contingent bills should be “cancelled” in such manner that they cannot subsequently be used fraudulently to claim or support a further payment.

**Ins. 2(d) under T.R. 32 :** No sub-voucher shall be destroyed until three years have elapsed from the date of payment – Also see Art.326 of the A.P. Financial Code.

## **CHAPTER VIII**

### **Inter Government Transactions**

**Ins. 1-2 under T.R. 32 :** Procedure for making adjustment between the Telangana Government and other Governments.

**Ins. 1 under T.R. 35 & 36 :** The A.P. Account Code and volume IV of the Comptroller and Auditor Generals Account Code contain full instructions regarding the procedure prescribed for making the necessary adjustments on account of transactions which were carried out in the Treasuries of the state but relate to another state.

**Ins. under T.R.34:** Receipt and Disbursement of Moneys relating to the Union Government in the Treasuries of the State of Telangana.

**Ins. under T.R. 35 & 36 :** Receipt and Disbursement of Moneys relating to Other State Governments in the Treasuries of the State of Telangana.

## **PART III – MISCELLANEOUS MATTERS**

### **Statutory Rules and Executive Instructions**

**Chapter I :** The Indian Coinage Rules

**Chapter II :** Kinds of coins and legal tender

**Chapter III :** Currency and Bank Notes :



**Ins. I in chapter III :** Under the provisions of the Reserve Bank of India Act (India Act 11 of 1934), the sole right to issue Bank Notes in India has been vested in the Reserve Bank with effect from the 1<sup>st</sup> April, 1935 and the government of India have ceased to issue currency notes. The Reserve Bank has taken over the liability for the currency notes issued by the Central Government.

**Ins . 13 :** Notes unfit for issue should be kept separately in the currency chest balance pending remittance to an issue department of the Reserve Bank in accordance with SR 16 under TR 30.

**Ins. 14 :** Forged, defective and lost notes : In the event of a forged note being presented, the note and the presenter should be made over to the Police, if the Treasury Officer considers it advisable to do so. If, however, the Treasury Officer is convinced that the presenter has presented the forged note in good faith, believing that it was genuine, he should impound the note and take the name and address of the presenter and his statement regarding the person from whom he received the note. The forged note and the presenter's statement should be sent to the police for further enquiry. After the completion of the enquiry, the police will forward the note to the issue department of the Reserve Bank along with a report.

**Note :** When the forged note is impounded, it should be stamped with the word, "forge" or the word "forged" should be written on it in red ink in large letters before it is sent to the police for enquiry.

**Note 1 under Inst. 16 :** Notes with only slight mutilation which do not interfere with identification or suggest fraud may be received at the Treasury and dealt with under SR 16 under T.R. 30. The features necessary for the identification of a note are besides the number which must, including serial letters, be all in tact, the denomination the place of issue where indicated the signature and the water mark.

#### CHAPTER IV

**Local Funds :** Zilla Praja Parishad Funds, Mandal Praja Parishad funds, Municipal Funds, Village Panchayat Funds, Education Funds, Post and Marine Funds Market Committee funds, Central Fund, Library Funds, Funds of Telangana Road Transport Corporation.

The Administrators of Local Funds and Personal Deposit Accounts should send their pass books to the Treasury or Subs-treasury as the case may be, regularly once in a week or ten days to be written up. The Treasury Officer should see that the pass book is promptly returned to the Administrator concerned after the entries have been brought up-to-date – (Instruction 3).

The general rules regarding the destruction of records pertaining to the accounts audited by the Indian Audit Department are contained in Art.326 of the APFC. The preservation and destruction of Treasury records are regulated by the rules in paragraph 6 of standing order No.169 of the Board of Revenue and Appendices VIII and IX to chapter XV of the Boards standing orders. No deviation from the periods laid down in these rules for the preservation of Treasury records is permissible without the concurrence of the A.G. and no alteration should be made in these rules without his concurrence.

## TREASURY CODE VOLUME II

### PART I

**Appendix I :** Agreement between the Governor of the State of Telangana and Reserve Bank of India.

**Appendix 2 :** List of R.B.I., S.B.I. and S.B.H.

**Appendix 3 :** Instructions regarding the training of Assistant Collectors, Probation Dy.Collectors, Section Officers of the Finance Department and Officers of the Treasuries and Accounts Department in training work.

Asst. Collectors etc. : Two weeks training.

Officers of the T. & A Service : Six weeks – Four weeks in the District Treasury and two weeks in the Non-Banking Sub-Treasury.

A.T.Os will hold charge of the Dist. Treasury whenever D.T.Os go on leave and camp.

**Appendix 4 :** Instructions regarding the inspection of the Treasuries :

Entire responsibility of Sub-treasury rests on the D.T.O alone.

Section 1: District Treasuries to be inspected by Gazetted Officer of Indian Audit Department.

**Appendix 5 :** List of the sub-treasuries in the State.

**Appendix 6 :** List of the Collecting depots in the State.

**Appendix 8 :** List of Banks which are members of the clearing house in Hyderabad city.

**Appendix 10 :** Currency chests : Instructions regarding currency chest transactions and currency chest slips :

**Appendix : 11 :** Rules regarding the stamping of receipts :

Every receipt for sum exceeding Rs.20/- should be stamped unless it falls within a class of receipts specifically exempted. The following are exempt.

- 1) Receipts given by or on behalf of the Government
- 2) Receipts on cheques.
- 3) Receipts for interest on Government securities
- 4) Receipts on postal money orders.
- 5) Receipts give by local bodies for adjustment of Government funds etc.

**Appendix 13 :** List of Non-gazetted Government servants who draw bills on Treasuries with the permission of the Government.

Only gazetted officers are authorized to draw bills on Treasuries as a general rule – SR 7 TR 16.

**Appendix 14 :** List of classes of menial servants whose pay should be drawn on contingent bills.

**Appendix 15:** List of classes of payment which may be made at sub-treasuries without the express pay order of the Treasury officers.

**Appendix 16 :** List of classes of bills or cheques payable or adjustable at the Head quarters sub-treasuries.

**Appendix 17 :** Instructions for payment of pension to leper pensioners through the agency of the village officers. Signature or the thumb impression of the pensioner should never be taken for the payment.

**Appendix 18 :** Rules regulating the preparation of L.P.Cs in case of transfers.

**Appendix 22 :** R.B.I. Remittances – Remittances on Government Account.

Two forms of Government drafts will be issued.

(i) R.B.I. Government drafts : To be drawn by or on places where the Reserve Bank is represented by its Treasury Agencies and the drafts to be drawn by the Reserve Bank on its own offices and the branches of the S.B.I. or S.B.H.

(ii) S.B.I. or S.B.H. Government drafts : To be drawn on its own offices and branches.

(iii) Drafts will be issued for a minimum amount of rs.50/- except in special circumstances such as family remittances in the case of officers and men of the Police Department or for payments in connection with securities deposited with the Reserve Bank of India for and on behalf of Government. The limit of “Government” draft obtainable for private purposes of a Government officer is, in all cases, the amount of month’s pay and allowance of the remitter./

[Govt. Memo/Accts/ No. 780281/1265/Accts/73-4, Dt. 28-1-1974]

- The maximum drawings on any one day for each class of remittances which may not be exceeded without the express sanctions of the currency officers will be as follows :

At or on a sub-treasury \_\_\_\_\_ Rs. 5,000/-

At or on a Treasury (not being a Sub-treasury)

Except on the Reserve bank Rs.25,000/-

At a treasury on the Reserve Bank Without limit.

By and on Offices of the Reserve Bank Do.

By and on offices & branches of the State Bank of India or the State Bank of Hyderabad mentioned in Schedule to this Appendix Do.

**Appendix 24 :** Hints on detecting counterfeit coins.

**Appendix 26** : R.B.I. (Note refund) Rules 1935.

**Appendix 27** : Form of reconveyance of the property.

## TELANGANA TREASURY CODE VOLUME II

### PART II FORMS

T.T.C. 4 : Preliminary acknowledgement for receipts of the cheque received on Government account

T.T.C. 5 : Cash book in Departmental offices.

T.T.C. 5A : Temporary receipts for money received by a Government servant in all departments excepting PWD or by the Administrator General and Official trustee.

T.T.C. 7 : Receipt For Money Received By Government Servant.

T.T.C. 10 : Standard challan from

T.T.C. 13 : Head Accountant's number book

T.T.C. 14 : Register of cheques

T.T.C. 16 : Treasurers/shroffs Amanath balance Register.

T.T.C. 17 : Register of unshroffs village remittances received at the Sub-Treasury

T.T.C. 18 : Register of unshroffed Treasury and Currency remittances.

T.T.C. 19 : Safe Custody Register.

T.T.C. 20 : Register of undisbursed pay etc.

T.T.C. 21 : Receipt For Sums Realized By Cash Or By Cheque For Service Postage Stamps Issued By Treasury.

T.T.C. 22 : Consolidated Treasury receipt for PWD Remittances (C.T.Rs.)

T.T.C. 24 : Treasuries daily balance sheet for Treasuries the transactions of which are conducted through the Bank.

T.T.C. 26 : Register of locks and duplicate keys

T.T.C. 28 : Shroff's slip to be placed on each bundle of notes.

T.T.C. 36 : Currency chest book.

T.T.C. 37 : A Bill for withdrawal from the Treasury cash balance for deposit into currency chest.

T.T.C. 38 : Verification statement of currency chest balance.

T.T.C. 39 : Register of receipt and return of departmental cash chest and for the safe custody in the treasury.

T.T.C. 40 : Bill For Withdrawal From GPF/GIS/FBF/EWF/LOANS AND ADVANCES

T.T.C. 40 A Bill for with drawl from General and other Provident Fund.

T.T.C. 41 B Certificate of deduction of tax from income chargeable under the head  
“Salaries”

T.T.C. 41 C Register/schedule of recovery of court attachment of payee etc.

T.T.C. 47 Pay bill form

T.T.C. 49 Periodical increment certificate

T.T.C. 52 T.A. bill form

T.T.C. 57 Abstract Contingent bill

T.T.C. 58 Fully vouched Contingent bill

T.T.C. 62 Refund Bill

T.T.C. 64 Deposit Repayment bill

T.T.C. 65 Refund of lapsed deposit

T.T.C. 66 Voucher for transfer of deposit

T.T.C. 69 Objections Raised On Pre-Audit Of Bills By The Treasury.

T.T.C. 70 Treasury bills book

T.T.C.70A Register of bills

T.T.C. 73 Pass book or list of cheques cashed against the account of.....

T.T.C. 74 Certificate relating to the specimen signature of a person taking charge of an office by virtue of which he will have power to sign cheques on behalf of local body.

T.T.C. 75/76 Pensioner’s bill

T.T.C. 76 A Bill for withdrawing Death-Cum-Retirement Gratuity.

T.T.C. 76B Form of intimation regarding the death of the pensioner who elected the A.P. Government servants (F.P.) Rules 1964.

T.T.C. 78 Schedule of Pension paid by Money Order.

T.T.C. 81 Register of Pension Payment Orders.

T.T.C. 88 Acquisition Roll of Permanent (or Temporary) Establishment of for or T.A. for the month.

T.T.C. 89 Permanent Advance Disbursement Register.

T.T.C. 101 Letter of authority to be sent to the Treasury/Bank.

- T.T.C. 102 Grant-in-aid bill from
- T.T.C. 103 Bill for scholarships and stipends
- T.T.C. 104 Receipts for acknowledgement of sealed cash chests, pocket etc. deposit for safe custody in treasuries.
- T.T.C. 105 Register of payment orders issued on the branch of the Bank
- T.T.C. 106 Increment Watch Register
- T.T.C. 107 Indemnity Bond
- T.T.C. 108 Loan Bill
- T.T.C. 109 Pay Bill Form.

[G.O.Ms. No. 184, Fin. & Plg., Dt. 16-5-1989]

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*Compiled by*

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## **VARIOUS KINDS OF LEAVE, ENTITLEMENT & LIMITATION**

A Government Employee is an Employee round the clock, Under Rule 11 of the FRs employee are whole time Government employees and their services can be utilized by the executive (Government) in any manner without asking for any additional remuneration. Under Rule 18 of the FRs any absence period from service without any authority shall amount to dies non resulting adversely in one's service matters like increments, pension etc. From this it is clear that no employee can be an absentee from service without the authority spelt out in the Leave Rules.

The leave rules are therefore framed under which the employees can get their absence period regularized as leave provided for in the leave rules. The different kinds of leave benefits to which an employee is entitled are detailed in the enclosed Annexure.

As a result of this, there are certain rules prescribed in following the procedure for getting the leave sanctioned:

- a) Leave cannot be claimed as of right – FR 67. Due to the exigencies of office sanction of leave can be refused and the leave already sanctioned can be altered and the employee can be called back for duty.
- b) While it is the prerogative of an employee to apply any kind of leave subject to the restrictions prescribed irrespective of the leave amount outstanding in ones leave account, it is equally the prerogative of the Government to refuse the leave due to the exigencies of office – FR 67(2) and ruling issued by Government there under.
- c) Any kind of leave should be got sanctioned before utilizing the sanctioned leave but the practice of sanctioning the leave after availing the same should be discouraged to avoid dislocation of Government work.
- d) Any public holidays and optional holidays can be availed with specific permission of the sanctioning authority provided the same is prefixed and suffixed to the normal leave (not extraordinary leave) but such permission cannot be entertained when such holidays are sandwiched in between the commencement and ending of normal leave. The permission to avail the public and optional holidays shall not affect the leave account except in the case of optional holidays which shall be reduced to the extend of availment.
- e) The leave salary in the case of earned/privilege/subsidiary/reserved/commuted leave shall be the last pay drawn as enunciated under rule 4(d) of the APLRs 1933.
- f) When the leave period is continuous for more than 180 days or 6 months, the restriction imposed under FR 44 shall apply in regulating the compensatory allowances like HRA and CCA. (Enhanced from 120 days vide GO.MS NO.165, Fin., Dt. 17-08-1967)
- g) While availing HPL for persons drawing in the time scale of Rs.3110-6380 (RPS 1993 – corresponding RPS 1999 Rs.5980 – 12100) and below shall be allowed full HRA and DA with effect from 19.01.1994 and for others drawing in higher scales on prorata basis – vide G.O. (P) No.21 (FW-PC I) Department dt: 19.01.1994. Also refer G.O.Ms.No.166 F&P (FW-PC I) Department, dt: 23.09.1992; G.O.Ms.No. 131 F&P (FW-PC I) Department, dt: 03.04.1993; G.O.Ms.No. 7 F&P (FW-PC II).Dept dt : 11-01-1994
- h) Any allowances attached to the post held by an officer cannot be permitted to be drawn with the leave salary unless the allowance is attached to the person.

- i) Casual leave/ special casual leave/optional holidays/ compensatory leave during the absence period while availing the above leaves, the absence is treated as duty and there will be no change in the salary.

## **1. ANNEXURE**

I. Leave Rules applicable :- 1) F.R. Rule (leave) and 2) in Andhra Pradesh Leave Rules 1933 (adopted from the Andhra State and 3) Hyderabad Civil services Rules (leave Rules) Vol.I existed in the erstwhile Nizam's state.

II. Different kinds of leaves to which the employees are entitled:

A. (a) Eadrned leave and (b) Reserved leave contained in the FR and A.P.L.Rules 1933

(b) Previlge leave contained in the H.C.S.R. leave rules and

(c) Subsidiary leave – earned during the period of deputation to any projects like Nizam Sagar etc., as laid down in the A.P. Accounts Code – Chapter IV of volume I.

B. Half pay leave which can be availed on

(i) private affairs;

(ii) on Medical certificate for any disease – 240 days can be availed throughout the entire service – for accounting purpose the leave availed will be doubled and balance arrived – while regulating the compensatory allowances during the leave period the provisions in FR 44 shall apply when the leave period exceeds more than 120 days or four months.

(iii) on medical grounds in addition to (ii) above for identified diseases viz., when the employee in afflicted with T.B., cancer, Nephrology, (kidney) Neurology (nervous) and Cardiology diseases provided that the employee should not have any leave title in his account and one can avail 180 days throughout ones tenure of office with full salary without any restriction laid down in FR 44. Leave account shall be debited with the actual number of days of leave availed.

Leprosy and AIDS diseases are also included on this category.

1. G.O. Ms. No.268, F&P (FW FR 1) Department, Dt. 29.10.1991
2. G.O. Ms. No.386, F&P (FW FR1) Department, Dt.06.09.1976.
3. G.O. Ms. No.20, F&P (FW FR1) Department, Dt.25.01.1977.
4. From the Director of Medical Education, Hyderabad.  
Lr. No.56494/M.A.B/88, dated. 01.05.1990.

(iv) HPL balance in the account at the time of retirement can also be encashed provided a) one has not availed the encashment of 240 days of earned leave;

(v) para 9(ii) (a) of G.O.Ms.No.342 F&P (FW-FRI) Department dt: 30.09.1994 – Formula for the calculation of cash equivalent of L.S. on A/c of encashment of leave on HPL on retirement is :

A	Cash payment in	L.S. on HP (plus)	No. of days of
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lieu of leave on = D.A. thereon if admissible leave on HP due  
 HPL encashed (MINUS) pension, on the retirement  
 Pension equal to gratuity subject to the  
 & DR on pension limits prescribed  
 in the Rules.

**G.O.Ms.No.234 F&P (FW-FRI) Department, dt: 27.10.1998**

(Para 8) The pension Eq. Gratuity has to be arrived at basing on the formula indicated below:

$$\text{PEG} = \frac{\text{Amount of Ret. Gratuity}}{12 \times \text{commutation factor}}$$

Note: Commutation factor is to be adopted from the table prescribed under Rule 10 of the A.P. Civil Pension (Commutation) Rules 1944

Para 9: the entire HPL at their credit may be permitted to be encashed as per the formula at A above, in so far as cases relating to the employees net is in far superannuation.

Para 10: It is entered that in so far as encashment of H.P. on retirement relates, D.A. is NOT admissible beyond a period of 300 days of leave (EL – leave on HP put together) in the case of the State Government Employees. Therefore where calculating the cash equivalent of leave on HPL, this aspect is to be kept in view.

Para 11: For purposes of encashment of leave on HP only proportionate DA admissible to the leave salary on HP has to be taken into account to all the categories of employees of State Government and orders in G.O.Ms.No.21 F&P (FW – PCI) Department, dt: 19.01.1994 is not applicable.

Para 12: On death while in service entire HPL in credit may be permitted to the encashed. For the purposes of calculating the cash value of encashment of LHP on the date of death, the amount of family pension may be taken into account in place of pension in the formula at A above. This benefit will come into force w.e.f. 27.10.1998.

Para 13: The restrictions contained in para 9(ii) of G.O.342 F&P (FW-FRI) Department, dt: 30.9.1994 in the above case of State Government employees retiring on Retiring Pension and on invalid pension will continue to apply, similarly the orders in para 9(b), (c), (d) and para 10 of the above G.O. will continue to be inforce.

**C. Study leave** – to be sanctioned by Government only normally not exceeding 24 months during ones tenure of office – The person sanctioned study leave is entitled to draw the leave salary equivalent to HPL subject to FR 44 restrictions – not debitale to any leave account and a mere entry in the service book is sufficient.

**D. Special disability leave** – An employee receiving an injury caused while actually rendering the official duty (not self inflicted) can normally be entitled for a period of not more than 24 months in the entire service. Leave salary will be the same as last pay drawn – no leave account is debitable.

**E. Maternity leave** – can be availed both by probationer, approved probationers including temporary married employees only with one living child for the second conception. This can be availed for 180 days and for abortion one can avail 45 days and this leave is not debitable against any leave account and a mere entry in the service book is sufficient.

**F.** Leave not due is admissible on medical grounds in addition to the commuted leave as at B(ii) above provided a) no leave tile is at credit; sanctioning authority to ensure that the employee who availed this kind of leave earns back the HPL to the extent of leave not due availed. Leave salary is admissible subject to the provisions in FR 44; Leave salary drawn by an employee need not be recovered when he dies. But when an employee availing leave not due and resigns his post the resignation will come into operation from the date of commencement of the leave not due and any leave salary disbursed should be recovered from the amounts, if any, due to his and in the event that no amounts are due from Government, a report should be sent to the District Collector giving detailed particulars with a request to recover the amounts due from the resigned employees and remitted into the State Funds under intimation to the department.

**G. Casual Leave and Optional Holidays:** 15 days of CL and 5 days of OH can be availed during a calendar year. When an employee reports for duty in the middle of a year the casual leave and OH can be proportionately reduced. Purely temporary employees appointed under Rule 10(a) (i), whose services are terminable without giving a notice or reasons can be allowed casual leave at the rate of one day for every completed period of service of one month. Any leaves not availed shall lapse. CLs in combination of public holidays or optional holidays continuously availed shall not exceed more than ten days. Optional Holidays can be prefixed and suffixed to normal leave.

**H. Special Casual Leave:**

- i) for undergoing family planning operation can be availed – For tubectomy and for vasectomy only seven days can be availed. The spouse of the person undergoing operation can be permitted to avail 6 working days. This operation can be availed for recannalisation operation also with the above limitations
- ii) for participation in the sports events on the requisition from a recognized bodies like A.P. Sports Authority, AP foot ball Federation etc., 21 days of special CL can be allowed. Under special circumstances not more than 30 days of special casual leave can be sanctioned.
- iii) for the Joint Staff Council Meetings convened, the office bearers of the recognized unions of the employees can be sanctioned special casual leave covering the journey and actual meeting days.

**H. Special Compensatory Leave** can be sanctioned to the employees who are Senior Assistants and below in rank for the days of public holidays on which they were asked to attend the office in public interest. The total accumulation of S.C.L. should not be more than 10 days at any give time. The SCL accrued shall be availed within six months from the date of such accrual to avoid lapse.

**I. Earned Leave/Privilege Leave – Enhancement of ceiling from 240 days to 300 days.**

[G.O. Ms. No. 232, Finance (F.R.1) Dept. Dt. 16.09.2005]

Order:- Government have accepted the above recommendation of Pay Revision Commission, 2005 and accordingly hereby order as follows:-

- (i) to allow all regular Government employees to accumulate earned/ privilege leave upto a maximum limit of 300 days,
- (ii) the maximum limit of encashment of Earned Leave at the credit of a Government Servant on the date of retirement shall be enhanced from 240 days to 300 days.

**J. Paternity Leave to Male Government Employees**

**Recommendations of Pay Revision Commission, 2005**

(G.O. Ms. No. 231, Finance (FR.1) Dept., Dt. 16.09.2005)

Ref:-G.O. Ms. No. 734, G.A. (Spl.A), Department, dated 17.02.2004.

**Order:-** In the reference read above, Government have constituted Pay Revision Commission. Among other things, the Pay Revision Commission, 2005 has recommended for sanction of 15 days Paternity Leave to all the eligible persons and this have to be restricted to two children for a family.

2. Government have accepted the above recommendations of the Pay Revision Commission, 2005 and accordingly hereby order that the competent authority may grant paternity leave on full pay to married male Government employees, temporary or permanent, for a period of 15 days subject to the condition that it shall be granted to those with less than two surviving children.

3. These orders shall come into force with immediate effect.

4. Necessary amendments to the relevant rules will be issued separately.

**K. Earned Leave/Privilege leave – Enhancement of ceiling from 240 days to 300 days – Extension to the Government Servants who die while in service.**

[G.O.Ms. No. 234, Finance (F.R.1) Dept, dated 11.08.2006]

Ref:- G.O.Ms. No. 232, Finance (F.R.1) Department, dated 16.09.2005.

**Order:-** In the G.O., read above, orders were issued enhancing the maximum limit of enhancement of Earned Leave / Privilege Leave at the credit of a Government Servant on the date of retirement from 240 days to 300 days with effect from 16.09.2005.

Government have received a few cases, wherein a clarification was sought as to whether the same facility of encashment of Earned Leave/ Privilege Leave on retirement from service to 300 days may also be allowed in the cases of Government employees who die while in service.

Government after carefully consideration, hereby order that the orders issued in the G.O. read above are equally applicable to the case of death while in service.

Necessary amendments to the relevant rules will be issued separately.

These orders shall come into force with effect from 16.09.2005.

**L. Special Leave to Women Government employees who undergo Hysterectomy operation for a period of 45 days as recommended by Civil Surgeon – Sanction – Orders – Issued.**

[G.O. Ms. No. 52, Finance (FR.1) Dept. dated 04.01.2011]

**Order:-** In the reference 1<sup>st</sup> read above, The Secretariat Women Employees' Association in their representation have stated that there is no specific provision for sanction of special medical leave to the women employees who undergo hysterectomy operation in the existing Telangana Leave Rules, 1933 and Fundamental Rules. This operation is done only to women employees and there is no such specific provision for sanction to women employees. But there is provision for the govt. employees who undergo treatment for decease like TB/ Cancer/Mental Illness/Heart deceases/Kidney failure cases under G.O. Ms. No.268, Finance (FR.1) Dept. dated 29.10.1991 as extended from time to time by availing leave on Half Pay on Medical grounds subject to receipt of pay and allowances in full. The above Association have requested to permit the Women Govt. Employees to avail the said concession of receiving full pay and allowances in respect of hysterectomy operation also.

Government in pursuance of the above agreement, hereby order for sanction of Special Leave as recommended by Civil Surgeon upto a maximum of 45 days for Women Employees who undergo Hysterectomy operation, without debiting the same to the regular leave account of the individual and on payment of full pay and allowances.

Calculate the pensionary benefits to which a Government employee will be entitled with the following service particulars:

- a) Date of birth : October 1942
- b) Retired on superannuation : 31.10.2000
- c) First appointment day : 07.07.1964
- d) The following leaves were availed by the employee during his tenure of office:
  - i) Earned leave for a period of 1 year 9 months
  - ii) HPL: (i) on private affairs for 150 days  
ii) commuted leave for 240 days  
iii) Leave on M.C. for 160 days due to his cardiac problems  
iv) encashment of HPL for 60 days and got a cash of Rs.12,000/- on his retirement
  - iii) EOL on
    - i) Private affairs for 1 year 6 months
    - ii) M.C. for 2 years.
    - iii) for prosecuting higher studies in commerce for 24 months
    - iv) for being appointed outside Indian Union 3 years for which period he paid pension and leave salary contributions.
- e) Suspended and the suspension periods are treated as (a) Not duty for 1 year and (b) as duty for a period of 2 years.
- f) He drew his pay in a post having a time scale of Rs.5980-170-6150-200-7150-250-8400-300-9900350-11650-450-12100 at Rs.7150 as on 01.11.1999. His increment date is 1<sup>st</sup>

November every year. He is promoted in a leave vacancy of a post with a time scale of Rs.6350-200-7150-250-8400-300-9900-350-11650-450-13000 on 01.09.2000 and his pay under FR 22-B is fixed on promotion at Rs.7650/-.

g) He died on 16.1.2001 leaving behind his widow, son of 26 years who is married a daughter of 20 years and married and a mentally retorted daughter of 28 years old.

**SOLUTION**

I.	Gross Service	:	DOR (minus) date of first appointment 31.10.2000 - 07.07.1964 24 days 7 months 35 years
II.	Net service	:	Gross service (deduct) Non qualifying service :Non Q.S. EOL commerce for study
			0-0-2 suspension not 0-0-1 duty ----- 0-0-3
			24-7-35 - 0-0-3 - ----- - 24-7-32 (R.29 of the RPRs.1980)
	Service weightage		07-4-00 years or 66 half yearly service) ----- 0-0-33

III. Average emolument:

Period 10 months (Rule 32 of the RPRs.1980)	=	1.1.2000 to 31.10.2000
promoted in a leave vacancy and pay fixed in the higher post on 01.09.2000		Pay from 01.01.2000 to Rs. 7650 31.08.2000 = Rs.7150
	=	8 months at 7150 = 57,200.00 2 months at 7650 = 15,300.00 ----- Rs.72,500 /10= 7250

Note: In case promotion is in a clear vacancy, the last pay drawn is to be taken (G.O.Ms.No.87 F&P (FW – Pension I Dept., dt: 25.05.1998) otherwise average emoluments is to be calculated for giving the pension, but for arriving the quantum of gratuity LPD is only to be taken – R. 45 of the RPRs.1980.

IV. Pension = completed period of net Q.S. x AE in this case

		66	
	=		33/66 x 7250 = Rs.3625/ p.m. + dearness relief thereon
Gratuity	=	1. ¼ x E (LPD) x for every completed	
		period of 6 months net Q.S.	



b) Normal 30% LPD

**Gratuity:**

¼ of emoluments for every completed six months net Q.S. or 16 ½ times of emoluments or Rs.12,00,000/- whichever is less (Previously Rs.2,50,000/- upper limit as per G.O.Ms.No.157 F&P (FW . Pen.I) Dept., dt: 16.09.1999.) vide G.O.Ms.No.99, Finance (Pension) Department; dated.21/07/2015 and G.O.Ms.No.6, Finance (HRM.Y. Pension), Department, dated.11/01/2016.

**Payment of Gratuity (Amendment) Act, 2018 brought in force on 29th March, 2018 (For Central Government Employees)**

**Decision:** The Payment of Gratuity (Amendment) Bill, 2018 has been passed by Lok Sabha on 15<sup>th</sup> March, 2018 and by the Rajya Sabha on 22<sup>nd</sup> March, 2018, has been brought in force on 29<sup>th</sup> March, 2018.

**Background:** The Payment of Gratuity Act, 1972 applies to establishments employing 10 or more persons. The main purpose for enacting this Act is to provide social security to workman after retirement, whether retirement is a result of superannuation, or physical disablement or impairment of vital part of the body. Therefore, the Payment of Gratuity Act, 1972 is an important social security legislation to wage earning population in industries, factories and establishments.

2. The present upper ceiling on gratuity amount under the Act is Rs. 10 Lakh. The provisions for Central Government employees under Central Civil Services (Pension) Rules, 1972 with regard to gratuity are also similar. Before implementation of 7th Central Pay Commission, the ceiling under CCS (Pension) Rules, 1972 was Rs. 10 Lakh. However, with implementation of 7th Central Pay Commission, in case of Government servants, the ceiling has been raised to Rs. 20 Lakhs.

3. Therefore, considering the inflation and wage increase even in case of employees engaged in private sector, this Government decided that the entitlement of gratuity should also be revised in respect of employees who are covered under the Payment of Gratuity Act, 1972. Accordingly, the Government initiated the process for amendment to Payment of Gratuity Act, 1972 to increase the maximum limit of gratuity to such amount as may be notified by the Central Government from time to time. Now, the Government has issued the notification specifying the maximum limit to Rs. 20 Lakh.

4. In addition, the Bill also envisages to amend the provisions relating to calculation of continuous service for the purpose of gratuity in case of female employees who are on maternity leave from 'twelve weeks' to 'such period as may be notified by the Central Government from time to time'. This period has also been notified as twenty six weeks.

**Major Impact:** The Bill as passed by both the Houses of Parliament, and assented to by the Hon'ble President and notified by the Government. This will ensure harmony amongst employees in the private sector and in Public Sector Undertakings/ Autonomous Organizations

under Government who are not covered under CCS (Pension) Rules. These employees will be entitled to receive higher amount of gratuity at par with their counterparts in Government sector.

### **“Pre-Retirement Counseling”.**

Points to be covered:

1. Various financial benefits due on retirement to Government employees – pension – Commutation – Gratuity, SOL, APGLI, GPF, GIS etc.
2. Preparation of pension papers
3. Processing of pension papers

....

#### **1. Various Financial Reliefs to a retiring Government employee:**

##### **A: Pension**

Superannuation Pension

(Rule 45 of RPRs 1980)

Retiring Pension

(a) Voluntary retirement

(Rule 43(1) read with Rule 45 of the RPRs.1980)

(b) Retirement after rendering 33 years of service before reaching the age of superannuation.

(Rule 44 read with Rule 45 of RPRs.1980)

Compensation Pension:

(Rule 38 read with rule 45 of RPRs 1980)

Invalid Pension

(Rule 37 read with Rule 45 of RPRs.1980)

Compulsory retiring pension

(Rule 39 read with Rule 45 of RPRs.1980)

##### **B. Gratuity: (Rule 46 of RPRs.1980)**

$\frac{1}{4}$  x emoluments x for every completed period of six months net qualifying service

(Rule 46 A (1) of RPRs.1980)

OR

16.5 x emoluments for a completed period of 33 years of net qualifying service

- Service less than 33 years on prorata basis.

OR

Rs.12,00,000lakhs whichever is less.

##### **C. Commutation of pension : A.P.Civil Pension ( Commutation) Rules 1944**

a. Can commute not exceeding 40% of pension admissible either in one lumpsum or in instalments- (Rule 2(a))

b. When the application for commutation is after a period of one year from the date on which the Government employee retired on superannuation, such a retired officer is subjected to medical examination.

(G.O.Ms.No.67 F&P (FW-Pen-I) Dept., dt: 28.2.1978)

c. Commutation of pension is not admissible to pensioners who retire other than on superannuation pension & retiring pension



(G.O.Ms.No.239 F&P (FW-Pen-I) Dept., dt: 13.9.1982)

d. As the age advances the commutation value one gets is geometrically reduced

**Table prescribed under Rule 10 of the Commutation Rules:**

58/59	125.52	for every rupee commuted
59/60	121.56	-do-
60/61	117.72	-do-
61/62	113.36	-do-
62/63	109.80	-do-
63/64	105.84	-do-
64/65	102.00	-do-
65/66	98.04	-do-

e. Commutation application once filed cannot be withdrawn. Unless his age is loaded on medical examination (within 14 days) in the event of death of the pensioner, legal heirs are entitled for the CVP without any reduction from their family pension)

f. Date from which reduction of pension becomes operative.

i) From the date of receipt of authorization of C.V. of pension

ii) Or 3 months from the date of receipt of authorization.

(Rule 7(2) of Andhra Pradesh Civil Pensions (commutation) Rules 1944 as amended in G.O.Ms.No.121, F&P (FW-P1)Dept., dt: 20.4.1979 read with G.O.(P) No.7 F&P (FW-Pen-I) Dept., dt: 7.1.1980.

g. Sanctioning Authorities:

i. All Gos - HOD

ii. HOD – Secretariat, Head of concerned Department

iii. Gos in Secretariat – Cs to Government excepting F&P & Law Departments

iv. NGO's Class IV- Authority competent to fill up the post  
(G.O.Ms.No.67 F&P (FW-Pen-I) Dept., dt: 25.2.1978)

h. Restoration of commuted portion of pension:

15 years from the date of drawal of commuted value of pension.

(G.O.Ms.No.44 F&P (FW-Pen.I) Dept. dt:19.2.1991) applying for C.V.P is not permissible again.

**2. APGLI:**

formal application by G.S.Release by the Dr.APGLI

**3. GIS (1.11.1984): (G.O.Ms.No.293 Fin. Dt: 8.10.1984)**

Sanction to be accorded ensuring no EOL was availed by the G.S. during his office. When EOL availed ensuring that the subscription is subsequently recovered covering the EOL period 2/3<sup>rd</sup> subscription plus interest there on as per the given rate of interest in the schedule is refundable. 1/3<sup>rd</sup> subscription is retained by Government having insured the life of G.S.

**4. GPF:**

One may opt to stop subscribing to GPF 4 months earlier to the date of retirement on superannuation.

(Rule 9(4) of APGPF Rules)

Delay in payment of GPF accumulation beyond six months from the date of retirement is compensated by allowing interest by AG as prescribed under Rules.

**5. FBF:**

The H.O.O. can sanction refund of accumulation under the scheme plus accrued interest thereon as prescribed under the scheme. The HOO should exclude the EOL periods if any during which period no subscription is realized from the G.S.

**6. SLV:**

- i) To the maximum extent of 300 days of accumulated EL/PL can be permitted to be encashed as terminal benefit.
- ii) HPL accumulation can also be encashed PROVIDED the sum thus encashed is adjusted subsequently from the amount due to the G.S. as Gratuity – subject to other conditions prescribed under Rules.

**7. G.S.'s Welfare Fund:**

Annual subscription towards A.P. Government. Employees Welfare Fund is not refundable at the time of retirement.

Plan in advance how to invest the accrued financial benefits. Do not invest in private enterprises unless you propose to take risk.

....

*Compiled by*

**Smt. A. Kanchana Reddy,  
Senior Civil Judge,  
Jangaon, Warangal District.  
Former Administrative Officer  
Telangana State Judicial Academy**

## **VARIOUS KINDS OF ADVANCES TO THE GOVERNMENT EMPLOYEES AND SALIENT FEATURES**

Government employees may be sanctioned the following kinds of Advances to be recovered from them.

- (1) Advance for acquiring house (including repairs etc. )
- (2) Advance for the purchase of conveyances
- (3) Advance for the celebration of marriages
- (4) Advance for the purchase of personal computers
- (5) Advance on the eve of festivals
- (6) Special Advance on the eve of festivals for the purchase of A.P. CO. Clothes
- (7) Advance for the education of children;
- (8) Advance of pay ; and
- (9) Advance of travelling allowance

2. The advances referred to in items (1) to (4) of the above para are interest bearing advances, while the other advances referred to in the above para are non-interest bearing advances.

### **3. ADVANCES FOR ACQUIRING HOUSE (INCLUDING REPAIRS ETC:)**

- (a) Rules relating to the grant of this advance were reissued through G.O.Ms.No.311, Finance & Planning (F.W.A.& L) Dept., dt: 6.11.1996.
- (b) Advance may be granted for the following purposes:-
  - (i) For the purchase of a house-site alone
  - (ii) For the purchase of a ready built House/Flat
  - (iii) For the purchase of a house site-cum-construction of a house/flat thereon
  - (iv) For the construction of a house/flat, on the site already owned by the applicant/spouse/minor child ; and
  - (v) For undertaking repairs, extensions, enlargements, additions or improvements to the house already owned by the applicant/spouse/minor child.
- (c) (i) All permanent employees or such of the regular employees who have completed **eight years** of continuous service, if they are likely to continue in service till the house/house site is mortgaged in favour of Government are eligible for this advance [Rule 2(a) &(b)]

- (ii) Advance may be granted for acquiring a house/flat, either at the place of duty or at the place where the Government employee proposes to settle after retirement, anywhere in India {Rule 1 }
- (iii) The acquiring of house shall be intended for the bonafide personal use and not to be let out on rent (Rule 1)
- (iv) In cases where both wife and husband are Government employees and are eligible for the advance, the advance has to be sanctioned to only one of them; [Rule 2 (e)]
- (v) Either the applicant or the spouse/minor child should not have possessed a house already [Rule 3(b)]

However Government may relax this condition in exceptional cases

For Eg: (a) If the house is situated in a village and the applicant desires to settle down in a town; and

(b) If the applicant/spouse/minor child, is a owner of a joint house with other relations etc.,

- (vi) Advance shall not be sanctioned for repayment of any loan obtained for that purpose or for completion of the house the construction of which has already been started [Rule 3(e)]
  - (vii) Advance may be sanctioned to construct a house/flat on the site owned by the spouse or minor child of the applicant. Similarly advance may be sanctioned for undertaking repairs, extensions etc., to a house owned by the spouse/minor child of the applicant [Rule 3(b) (i) &(iii)]
  - (viii) Advance shall not be sanctioned if the applicant was already sanctioned an advance for acquiring a house earlier [Rule3(a)]
  - (ix) Advance required for undertaking repairs etc. may be sanctioned twice in the entire service. [Rule 4(d)]
- (d)** A statement showing the amount of advance, rate of interest, maximum number of monthly instalments in which the Principal and interest is recoverable, mode of disbursement, period allowed to utilize the advance, month from which the recovery of advance has to be started and the documents to be enclosed to the application for advance is appended.

**(e) Amount of Advance: (Rule 4)**

- (i) The maximum amount of advance for the various purposes is indicated in the statement appended.
- (ii) The amount of advance should in no case exceed the probable amount the applicant is likely to incur on acquiring the house or to undertake repairs etc. with reference to the sale agreements, detailed estimates etc.

- (iii) The crucial date for the pay to be taken into account for fixation of the quantum of advance shall be the date of sanction. (Note (2) under rule 4)
- (iv) In case an advance was sanctioned for the purchase of a house-site earlier, and if advance is to be sanctioned for the construction of a house on that site, the advance granted earlier for purchase of house site, should also be taken into account for purposes of arriving at the maximum amount of advance permissible for the construction of the house. (Note (1) under Rule 4)

**(f) Sanctions:**

(i) The following are the authorities competent to sanction all the advance based on the budget allotted to them.

- (a) To all the employees working under the head of the office -Head of office
- (b) To the Heads of Offices -Next Superior Officer
- (c) To the Regional Officers -Head of the Department
- (d) To the Heads of the Department -Government

(G.O.Ms.No.131,Fin.&Plg. (FW.A&L)Dept., Dt:19.8.97)

(ii) (a) The applications shall be submitted in the form prescribed in the Rules, in duplicate duly enclosing the documents required. [Rule 5 (a)]

(b) The sanctioning authorities should satisfy themselves that the information furnished in the application is correct duly examining the title deeds etc., if necessary in consultation with Law, Revenue and Registration authorities. [Rule 5 (b)]

(iii) Surety, in the prescribed form, shall be furnished along with the applications by the following three categories of employees.

- (a) Non-permanent employees;
- (b) Employees who are due to retire within a period of 18 months following the date of application; and
- (c) All employees who seek advance for the purchase of a ready built house/flat. (Rule 6)

**(g) Disbursement:** (Rule 7)

(i) Soon after the issue of orders of sanction, the employee should execute an agreement in the prescribed form. After the receipt of agreement bond, the drawing officer should take action to draw and disburse the amount either in one lump-sum or in instalments as indicated in the statement appended.

- (ii) In the case of advance sanctioned for purchase of only house-site, or ready built house/flat, or for purchase of house in the case of advance for purchase of house site-cum-construction of house thereon, the payment of advance shall be in the form of a crossed cheque/demand draft drawn in favour of the vendor and it shall be delivered before the Sub-Registrar at the time of registration of the house site or ready built house, as the case may be. In other cases the amount can be paid to the applicant.

**(h) Utilization:** (Rule 8)

The time limits within which the advance sanctioned has to be utilized are indicated in the statement appended. Any extension of time may be allowed by the Government in Finance Department. After utilizing the advance, the certificate of utilization has to be furnished by the applicant. In the case of advance sanctioned for construction of house or for undertaking repairs etc., completion report from an engineer not below the rank of a Deputy Executive Engineer (Civil) working in the Government Departments has to be furnished. Any amount drawn but not utilized has to be refunded to Government in lump sum.

**(i) Mortgage:** (Rule 8)

Immediately after the purchase of the house site, ready built house/flat. or after the completion of construction of the house, as the case may be, the property shall be mortgaged in favour of the Government, at the cost of the employee and the Mortgage deed shall be submitted to the authority who sanctioned the advance.

**(j) Insurance :** (Rule 8)

The employee shall insure the property at his own cost, for a sum not less than the amount of outstanding advance together with interest thereon and shall keep it so insured till the advance with interest thereon is fully repaid. The insurance policy shall be deposited with the office.

**(k) Repayment of the advance:** (Rule 9)

- (i) The maximum number of monthly instalments in which the advance and interest is to be repaid are indicated in the statement appended. The sanctioning authorities should fix the number of instalments of recovery in such a way that the entire amount of advance and interest thereon is recovered before the date of retirement of the employee. However, it is open to the employees to repay the advance and/or interest in lesser number of instalments, if they choose to do so. The amount to be recovered shall be in whole rupees only.
- (ii) The recovery of the first instalment of advance shall be started from the month as indicated in the statement appended for various purposes of advance. When an advance for construction of a house/flat is sanctioned to an employee to whom an advance for the purchase of house site was earlier sanctioned, the recovery of the latter advance should be independent of the recovery of the former advance.

(iii) If, in any case, the recovery of advance with interest could not be made before the quitting of service by the employee, the un-recovered amounts have to be recovered from the retirement gratuity, in terms of the agreement bond executed by the employee before the drawal of the advance.

**(l) Interest:** (Rule 10)

- (i) The rates of interest on these advances are indicated in the statement appended.
- (ii) In the orders sanctioning the advance, the rate of advance, should be specifically indicated with reference to the rates in force at the time of sanction. It should not be stated in the order as” the rate of interest is provisional” or as “ subject to variation from time to time”.

**(m) Penal Interest:** (Rule 11)

- (i) Penal interest at 1 ½ times more than the normal rate of interest shall be collected in the following types of cases.
- (a) Misuse of the loan amount;
- (b) Wilful delay in completing various formalities like mortgage, insurance etc.,
- (c) Non-observance of the rules in any other manner;
- (d) On over due monthly instalments
- (e) Failure to utilize the advance within the time limits.
- (f) If the house/flat is either partly or wholly rented out for residential purposes (Except in cases of transfer and also in cases where the employee is residing in one portion and the other portion is let out) ,
- (ii) Penal interest at double the rates shall be collected if the house is either partly or wholly let out for non-residential purposes such as shops etc.

**Note:** The penal interest shall be recovered along with the recovery of the principal amount of advance.

**Disciplinary Action Under CC&A Rules:** The proved cases of above violations the penalty of Censure for any misuse may be imposed.

Summary recovery of loans by applying provisions of Revenue Recovery Act. (U.O.Note 24842/C.P.&L162-7 Finance dt.30-7-1993.

**MAINTENANCE OF ACCOUNTS:**

1. The drawing officer has to be maintained the respective accounts and ledgers indicating the sanction order details and recovery from time to time up to end of the recovery of Principle together with interest if any.

2. In terms of Govt. Memo No.7298-A/89/A&L/2003 Dt.28.03.2003 the sanction order should be invariably indicated the Period, Amount, Number of instalment, Rate of each Instalment and budget order Number and date.

3. In terms of Govt. Memo No.7298-A/89/A&L/2003 Dt.28.03.2003 the recovery schedule which is enclosed to the bill every month, should be indicated the Period, Amount, Number of instalment, Rate of each Instalment and Loan Sanction order Number and date.
4. The details of dues under each loan and advances must be mentioned in the Last pay Certificate in case of Transferred employee.
5. In case of employees whose LPC has been received in the office. The details of dues mentioned in the LPC should be recorded in the concerned Loan ledgers to effect recoveries and recording in the ledgers.
6. The confirmation of outstanding balance shall be obtained from the Government Servant every year.
7. In case of Long term loans after repayment of Principle and the interest there for the final report with details of recoveries to the Accountant General for issue a clearance certificate, after final checking.
8. In case of long term loans the sanctions and the recoveries made together with interest there for a final entry has to be made in the Service Register of the individual before finalisation of the pension.

**(n) Duties of the sanctioning authority :** (Rule 12)

It shall be the duty of the sanctioning authority to see that the acquisition of the property is made within the time limits, that the mortgage deed is submitted, and that the property is insured. In cases of failure, the sanctioning authority has to take disciplinary action against the employee besides ordering for the summary recovery of the amount failing which the Government shall initiate action against the sanctioning authority.

**(o) Re-conveyance:** (Rule 13)

The property mortgaged to Government shall be re-conveyed to the employee, (through the form prescribed in the rules) after the advance and interest is fully recovered.

**(p) Waiver of the recovery of balance of advance and interest in the case of employees who die while in service:** (Rule 14)

The Head of the Department may waive the recovery of the outstanding balance of advance and the interest thereon, in the case of employees died while in service, provided, he is satisfied that either the loan amount was utilised for the purpose for which it was sanctioned or that substantial effort was made by the employee to utilize the amount for the purpose for which it was sanctioned, irrespective whether the death took place within a period of one year from the date of sanction of advance and irrespective of the age of the employee at the time of sanction of advance.

**(q) Check list:** (Rule 15)



For the benefit of the sanctioning authorities a check list is given in the Appendix to the HBA Rules.

**(r) Relaxation:** (Rule 16) ,

The Government, in Finance Department is competent to relax any rule, subject to such terms and conditions as they may specify .

**(s) Miscellaneous instructions :**

- (i) In case the employee wants to sell the house acquired from HBA and wants to acquire another house, permission can be granted by Govt. subject to the condition that the employee discharges the outstanding advance with interest completely.
- (iii) The employees may be permitted to create a second mortgage on the same property provided they obtained prior permission of the Head of the Department and for completion of the construction of the house/flat as per the detailed procedure specified in G.O.Ms.No.59 Fin.& PIg. (F.W.A.& L) Department, dt: 16.4.1998.
- (iv) Whenever an advance is sanctioned under these rules, it shall be recorded in the Service Register of the employee and shall be attested by the Head of the Office. The interest in the insurance cover and /or savings fund accumulations under the A.P. State employees group insurance scheme have to be assigned in favour of the Housing Financial Institutions.
- (vi) Employees are permitted to obtain Housing loans from the following banks in which case the State Government will meet the difference between the Government rate of interest and that of Bank rate of interest, as per the detailed procedure was outlined in G O Ms No 828 Fin (TFR) Dept. dt 30.09.2002.
  - (a) UTI Bank ltd ---- G O Ms No 828 Fin dt.30.9.02
  - (b) State Bank of Hyderabad --- G O Ms No 905 Fin dt.24.10.02
  - (c) Global Trust Bank --- G O Ms No 828 Fin dt.9.11.02
  - (d) Union Bank of India --- G O Ms No 828 Fin dt.19.11.02
  - (e) Indian overseas Bank --- G O Ms No 828 Fin dt.2.12.02.

**STATEMENT SHOWING THE AMOUNT OF ADVANCE AND OTHER CONDITIONS  
AS PER H.B.A RULES**

**G.O.Ms.No.37 Fin(HRM-IV)Dept.10.04.2015**

Sl No	Pay Range PRC 2015	Maximum ceiling	Eligible amount	Rate of Interest
1	Employees drawing Basic pay up to 26600/- per month	Rs.10 Lakhs	72 times of Basic Pay or 10 Lakhs whichever is	For Class IV employees @5% p.a.

			less	For others 5.50% p.a.
2	Employees drawing Basic pay above 26600/- p.m. and up to 42490/- p.m.	12.30 Lakhs	72 times of Basic Pay or Rs.12.30 Lakhs, whichever is less	-do-
3	Employees drawing Basic pay above 42490/- p.m. and up to 61450/- p.m.	Rs.15 Lakhs	72 times of Basic Pay or Rs.15 Lakhs, whichever is less	-do-
4	Employees drawing Basic pay above 61450/- p.m.	Rs.20 Lakhs	72 times of Basic Pay or Rs.20 Lakhs, whichever is less	-do-
5	All India Services Officers working in the State (All India Services Officers working in the State may be given the option to choose either the state Government ceiling or to adopt Govt. of India Rules)	Rs.25 Lakhs	50 times of Basic Pay or Rs.25 Lakhs, whichever is less	-do-
6	For repairs and Extension etc.	4 Lakhs	20 times of basic pay or 4 Lakhs whichever is less	For Class IV employees @5% p.a. For others 5.50% p.a.
7	For purchase of House Site	2 Lakhs	10 times of basic Pay or 2 Lakhs Whichever is less	For Class IV employees @5% p.a. For others 5.50% p.a.

8	Recovery of House Building Advance	Maximum 300 Instalments	240 Principle+ 60 Interest	-
9	Recovery of Repair Advance	Maximum 90 Instalments	75 Principle+ 15 Interest	-
10	House Site Advance	Maximum 72 Instalments	60 Principle+ 12 Interest	-
11	Penal Interest	-	-	1 1/2 times on the normal rates
12	All other existing Rules are continued			
13	With effect from	01.05.2015		

[G.O.(P) No.122 Finance and planning (F.W.A & L) Department dt.20.8.1999 W.e.f.20.8.1999

Disbursement	LUMPSUM  In the shape of crossed cheque/DD to the vendor at the time of registration	a) 10% in cash to the employee for entering into agreement, if required  b) 90% through crossed cheque to the vendor at the time of registration before the Sub-Registrar	a) 25% for purchase of land to the vendor, through crossed cheque  b)50% on mortgaging the site along with the house to be built thereon  c)25% after the construction reached up to roof level	a) 1/3 after mortgaging the site along with house to be built there on  b) 1/3 after the construction reached lintel level  c)1/3 after the construction reached roof level	LUMPSUM
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1	2	3	4	5	6
Time allowed for utilising the advance	For purchase of house site Two months	For purchase of ready built house Three months	For site cum construction; a) Two months for purchase of site  b) 18 months in all for the construction of the house/flat from the date of payment of 1 <sup>st</sup> instalment	For construction new house:  18 months from the date of drawl of first instalment	Repairs, Extension, enlargement & Improvements:  6 months from the date of payment
Recovery to be started from	3 <sup>rd</sup> month following the drawal of advance.....	4 <sup>th</sup> month after the drawal of 100% or 90% of the amount as the case may be	19 <sup>th</sup> month after the drawal of first instalment or from the month in which the house is completed whichever is earlier.	6 <sup>th</sup> month following the drawa of advance	
Documents to be enclosed to the application	Sale Agreement	a) Valuation Certificate of the Local Body;  b) Sale Agreement;  c) Plan of the House and  d) Declaration regarding non-owing of house by self/spouse/minor child	a) Agreement with the owner of the site  a) Ownership Deed for site b) Plan of the house duly signed by the Owner and D.E.E., with the approval of the Local Body. c) Detailed estimates of the house attested by the D.E.E.	a) Certificate from D.E.E. about the need for repairs  b) Detailed plans and estimates approved by the D.E.E.(Civil)  c) Approved plan of the house	

**4. ADVANCE FOR THE PURCHASE OF CONVEYANCES OF THE FOLLOWING TYPES**

G.O.Ms.No.39 Finance (HRM-IV)DEPARTMENT DATED 15.04.2015  
(MOTOR CAR, MOTOR CYCLE/SCOOTER ,MOPED AND BICYCLE)

Sl No.	Nature of Loan	Employee Pay Range in PRC 2015	Enhanced ceiling amount	Eligibility	Maximum monthly Instalments	Rate of Interest
1	Motor Car	Drawing basic Pay of Rs.37,100/- p. m and above	6,00,000	15 months basic pay or actual cost of vehicle or Rs. 6 lakhs, whichever is less	Principle: 135 and Interest: 65	For Class IV @5% , for others 5.50% p.a.
2	Moto cycle/ Scooter	Drawing basic Pay of Rs.22,460/-p.m. and above	80,000	7 times basic pay or actual cost of vehicle or Rs. 80,000 whichever is less	Prl: 80 Int: 16	For Class IV @5% , for others 5.50% p.a.
3	Moped	Drawing basic Pay of Rs.16,400/-p.m. and above and for all Drivers who have completed 2 years of Service irrespective of their pay as above	35,000	7 times basic pay or actual cost of vehicle or Rs. 35,000 whichever is less	Prl: 60 Int: 16	For Class IV @5% , for others 5.50% p.a.
4	Bicycle	----	10,000	Actual Cost of Bicycle or 10,000/- whichever is less(All employees including Class-IV except to those for whom advance for purchase of Motor Car/Motor Cycle/Moped was sanctioned earlier)	Prl: 26 Int: 4	For Class IV @5% , for others 5.50% p.a.
5	Marriage Advance	-----	<u>15 months pay or 75,000 whichever is</u>	<u>For Marriage of Male Employees themselves or for Marriage of Sons of</u>	Prl: 70 Int: 10	For Class IV @5% , for others 5.50%

			<u>less for Class IV</u>  <i>and</i> <i>Rs.1,25,000</i> <i>or 15 months</i> <i>pay which</i>  <i>ever is less</i> <i>for others.</i>  -----  15 months pay or 1 lakh whichever is less for class- IV employees. 15 months pay or 2 lakhs whichever is less for others.	<u>Male/Female</u> <u>employees.</u>  -----  For the marriage of female employees themselves or for Marriage of Daughters of the male/Female employees		p.a.
6	Personal Computer	Drawing basic Pay of Rs.16,400/-p.m. and above (Judicial Officers are not eligible)	50,000	Actual Cost of Computer or 50,000/- whichever is less	Prl: 135  Int: 65	For Class IV @5% , for others 5.50% p.a.
7	Festival	Class-IV	5,000/-	Once in a Financial Year	10 Equal	Nil
		For other than Class-IV employees drawing the Scale: 26600- 77030 or below	7,500/-	-do-	-do-	-do-
8	Special Festival	Gazetted Officers	7,500/-	-do-	-do-	-do-
	-do-	Non-Gazetted Officers	6,000/-	-do-	-do-	-do-
	-do-	Class-IV	4,500/-	-do-	-do-	-do-
9	Education	Non-Gazetted	7,500/-	-do-	-do-	-do-

		and Class IV employees				
10	The penal interest for all the loans	For misuse/non compliance of formalities.	---	---	---	1 & 1/2 times in addition to normal interest.

**OTHER POINTS:**

- e) All permanent employees and approved probationers are eligible for this advance. But the approved probationers have to submit surety bond.
- f) The advance should be utilised within one month from the date of drawal of the advance.
- g) The recovery of the advance should be commenced from the pay of the month following the month in which the advance is drawn.
- h) In the case of advance for the second time for the purchase of Motor Car, Motor Cycle or Scooter and Moped , there should be a gap of 5 years from the date of last sanction and in the case of purchase of bicycle for the second time the gap should be 3 years. But in the case of Drivers, only one advance is permissible in the entire service. The advance for purchase of bicycle has to be sanctioned only thrice in the entire service. However, further advance should be sanctioned only after the earlier advance together with the interest is fully repaid in all cases.
- i) In the case of purchase of second hand Motor Car/Motor cycle, repair charges up to Rs.500/Rs.200, may also be included in the actual cost. (Art 230(c)(3) of APFC vol I)
- j) If earlier conveyance is disposed off/ gifted, only the difference is to be sanctioned.(G O MS No 247 Fin (C.p&L) Dept dt 8-12-1967)
- k) In respect of advance for purchase of Motor Car, Motor cycle/scooter and Moped the property has to be mortgaged and the mortgage deed should be furnished.
- l) In the case of motor car, motor cycle/scooter, moped they should be insured comprehensively and the policy should be kept alive till the amount of advance and interest is repaid in full.(Art 230(c) (4) of APFC Vol I)
- m) The utilization certificates have to be furnished together with the original receipts and R.C. book in support of the purchase of the Vehicle within one month.
- n) (i) In the case of employees dying while in service the recovery of outstanding balance of Bicycle advance if any together with interest thereon shall be waived by the authority competent to sanction the advance (G.O.Ms.No.388 F & p dated 27.11.93).  
(ii) In the case of advance sanctioned for the purchase of motor car, motor cycle/scooter and moped outstanding balance of principal and the interest shall be waived in the case of employees who die while in service. (G.O.Ms.No.167 Fin &Plg (FW &AL) Dept dt.4-10-1999 and GOMs No.154 Fin and plg (FW&A&L) dept dt 9.11.2000
- o) Penal interest at 1 ½ times of normal rate has to be levied for non-utilisation of advance within time or for failure to complete the formalities GO Ms No 42 Fin dt.19.2.82.

**5. ADVANCES FOR CELEBRATING OF MARRIAGES**

(iii) In the case of marriage of the male/female employees themselves, the advance is admissible provided the father/mother of the employee is not a Govt employee or they are not eligible for the advance

(iv) In the case of marriage of the sons/daughters of the employees, it is admissible only for two members.

- a) Minimum service of 5 years for other than permanent employees is necessary to sanction this advance.
- b) The advance can be sanctioned even after the marriage is performed provided the application is submitted before the date of marriage.
- c) The advance should be utilized either within 3 months from the date of drawal of advance or within one month from the date of marriage whichever is earlier and the utilization certificate has to be furnished.
- d) In the case of application for sanction of advance for the marriage of Daughter/son a declaration to the effect that the age of daughter/son is more than 18/21 years respectively has to be furnished along with the application.
- e) The recovery of advance should be started from the month of celebration of marriage or from the 3<sup>rd</sup> month subsequent to the date of drawal of advance whichever is earlier.
- f) Advance for the celebration of marriage to other child should be sanctioned only after the advance sanctioned earlier, is fully repaid with interest.
- g) In respect of advance for celebrating the marriage for adopted child, it should be as per the declaration in terms of L.T.C. and F.B.F. Rules.
- h) It should not be sanctioned before six months to the proposed date of marriage (Gm. No.40023-c/940/BG/A1/94, dated 13<sup>th</sup> December, 1994.)
- i) If the total deductions including this advance.(if sanctioned) works out to 75% of the gross salary, this advance should not be sanctioned.
- j) In the case of employees who die while in service the recovery of the outstanding advance, if any, together with interest thereon, may be waived by the authority competent to sanction the advance provided it is satisfied that the advance was utilized before the date of marriage for the purpose for which it was sanctioned. (G.O.Ms.No.388 Fin & Plg (FW A&L) Department dt. 27.11.93.)

The recovery of the out standing balances of these advances if any, may be waived by the sanctioning authority in the case of employees who die while in service. (vide G.O.Ms.No. 388 Fin. & PIg. (FW A&L) Department dt. 27.11.93).

#### **8. ADVANCE OF PAY::**

An advance not exceeding one month's basic pay may be granted to the employees who were transferred from one post to another involving change of headquarters. This advance is to be recovered in three equal monthly instalments commencing from the drawal of full pay for the month after joining the new post.



## 9. ADVANCE OF T.A./D.A.

a) In connection with official tours, the employees may be granted advance of travelling allowance not exceeding the amount admissible as per rules. Similarly, consequent on the transfer of an employee from one post to another post involving change of headquarters, the employee may be paid advance of transfer travelling allowance, not exceeding the amount admissible as per rules. But in the case of transfers made at the request of the employee, no advance is payable as the employee is not eligible for any travelling allowance.

b) If permission to avail leave travel concession is granted under L.T.C. Rules, 80% of the T.A. admissible as per L.T.C. Rules, may be sanctioned as advance

c) The advance of T.A. (on account of tour, transfer and LTC) shall be adjusted in the TA bill

## 10. MAINTENANCE OF ACCOUNTS :

It is the responsibility of the drawing officer to watch the prompt recovery of the various types of advances sanctioned to the employees. Advance registers have to be maintained duly posting the entries of advance as and when they are drawn or as and when communicated through LPC (in the case of employees transferred) and the recoveries have to be posted as and when they are recovered in the pay/T.A.bills. In the case of defaulters, action has to be taken by the drawing officer to recover the amounts.

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*Compiled by*

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# IMPORTANT PROVISIONS OF TELANGANA CIVIL SERVICES

## (TRAVELLING ALLOWANCE) RULES, 1996

[G.O.Ms.No.226 Finance & Planning (FW-TA) Department dt. 21.9.96 as amended in G.o.Ms.No.43 Finance & Planning (FW-TA) Department dt. 8.1.99

G.o.Ms.No.124 Finance & Planning (FW-TA) Department dt. 21.8.99

G.o.Ms.No.24 Finance & Planning (FW-TA) Department dt. 28.3.2000]

G.o.Ms.No. 128, Finance (TA) Dept., 17.04.2010

G.o. Ms.No.90 Finance (HRM.IV) Department Dt.12.06.2015

(Recommendation of Pay Revision Commission, 2015)

G.o.Ms.No.25, Finance (HRM.IV) Dept, Dt.18.03.2015.

### (1) **Definitions:**

- (a) (i) **“Travelling allowance”** means an allowance granted to a Government employee to cover the expenses which he incurs in travelling in the interest of public service (Rule 2(i))
- (ii) It is not a source of profit
- (b) (i) **“Day”** means continuous absence of 24 hours from headquarters at whatever hour the period begins and ends (Rule 2 (ii))
- (ii) **“Family”** includes the following if they are residing with Government employees and are wholly dependant on a Government Employee:
- (a) Wife/Husband, as the case may be;
  - (b) Children, including step children;
  - (c) Adopted child, if such adoption is legally recognised as conferring the status of a natural child under the personal law applicable to the Govt. Servant;
  - (d) Married daughter till she is placed under her husband’s protection;
  - (e) Widowed daughter; and
  - (f) Father and Mother (excluding step/adopted father and mother) (Rule 2 (iii))
- (c) (i) **‘Pay’** means the actual basic pay as per F.R.9 (6)(21) (a) (i);and personal pay if any granted to protect the loss of emoluments (Rule 2 (vi)).
- (ii) In the case of retired and re-employed persons pay is inclusive of the pension sanctioned to him (Note (i) under rule 2 (vi) .
- (iii) Persons appointed on contract basis -their pay & grade shall be decided by Government (Note (2) under rule 2 (vii) ). "

- (d) **"Public conveyance"** means a train or other conveyance which plies regularly for the conveyance of passengers. Any other conveyance which is hired is not a public conveyance (Rule 2 (vii) ).
- (e) **"Head quarters"** means 'duty point' as defined in rule 22
- (f) **'Duty point'** means the place/office where a Government employee remains on duty (explanation under rule 22) for other than transfer and in the case of transfer duty point is residence.
- (2) Travelling Allowance is admissible for the journeys on :-
- (a) Official Tours
  - (b) Transfer
  - (c) Leave Travel Concession
  - ( d) Other purposes
- (3) In cases where the Government employees are required to tour for a minimum period in a month within the specified area, Government may sanction a fixed travelling allowance to them. (Rule 12).
- (4) The controlling officer shall be the head of the office. If the Head of the office is a NGO then the next superior Gazetted Officer shall be the controlling officer. In the case of Heads of offices themselves, the next superior officer shall be the controlling officer. (Rule 4).
- (5) T.A. bills (other than F.T.A.) shall be drawn only after it is countersigned by the controlling officer (Rule 3).

However, the T.A. bills of the following officers do not require the counter-signature (Rule 5).

- (i) Chief Justice of High Court and Judges of High Court
- (ii) Ministers
- (iii) Heads of Departments
- (iv) Advocate-General
- (v) Government Pleaders and Assistant Government Pleaders
- (vi) Public Prosecutors
- (vii) Secretaries to Government (including Secretary, Legislature )
- (viii) District Collectors and all officers who hold the posts in the rank of District Collectors
- (ix) District and Sessions Judges and Officers holding the posts in the rank of District & Sessions Judges

(x) Chief Judge, City Small Causes Court or City Civil Court

(xi) Official Receiver

(xii) Administrator-General and Official Trustee

(xiii) Superintending Engineers

(xiv) Additional Inspector General of Police

(xv) Deputy Inspector General of Police

(xvi) Chief Executive Officer of Zilla Parishad ;

(xvii) Conservators of Forests

**(6)** (i) Before countersigning a T .A. bill, the countrolling officer shall -

(a) Scrutinize the necessity, frequency and duration of journeys and halts;-

(b) Scrutinize carefully the distances, rates and calculations

(Rule 7). -

(ii) The Controlling Officer may disallow the whole or any part of the amount claimed if he considers that -

(a) A journey was unnecessarily or unduly protracted; or

(b) A halt was of excessive duration (Rule 7).

(iii)The controlling officers have no discretion to restrict the T .A for journeys on transfer to T .A. for journey on tour [Rule 7(2)].

(iv)The Head of the Department may take along with him one Senior Assistant/Senior Steno or Junior Asst./Steno-typist and Attender [Rule 7(3) (a)].

The Head of the Department may permit the subordinate officers to take Senior Asst./Junior Asst. and Attender along with them on tour.

[Rule 7(3) (b)].

(vi) More than the above the approval of Government is necessary

[Rule 7(3) (c)]

**(7)** (i) The T.A.claims of Government employees should be regulated by the rules in force at the time of performing the journeys. [R.8(2)].

(ii) Revision of T .A. claim is not permissible in cases where the employees are promoted/reverted or due to allowing of revised scale of pay, with retrospective effect [Rule 8(3)]

- (8) The controlling officer may permit the Government employees working under his control to proceed on duty within his jurisdiction. Similarly Heads of Department may permit the Government employees to proceed on tour to any place within the State (Rule 7).
- (9) All Heads of Departments are empowered to, permit their subordinates to proceed on tour to any place outside the State but within India [Rule 47(3)]

**(10) T.A.FOR JOURNEYS ON TOUR:**

The following are the various kinds of charges admissible for journeys on tour.

(i)charges for travelling between places

(ii)Mileage allowance

**11. TOUR T.A.:**

(a) T.A is admissible only in cases where the journeys were performed from head quarters to a place which is outside a radius of 8 kms. from head quarters (Rules 51).

(b) In cases where a place is situated within a distance of 8 kms from headquarters, but more than 8 kms by the only practicable route to reach that place, T .A. may be allowed by that practicable route [Rule 39(2)]

(c) T.A. is not admissible to visit several places none of which was situated at a distance of more than 8 kms from head quarters by the ordinary direct route, though the total distance travelled exceeds 8 kms. [Rule 39(2)]

( d) In cases where the Government employee comes to a halt without reaching a distance exceeding 8 kms from head quarters, T .A. is not admissible. However, if the journey is continued without interruption to a place which is more than 8 kms distance from headquarters T.A. is admissible [Rule 39(3)]

(e) Several short journeys made to a number of places all of which are situated within a radius of 8 kms from head quarters are not to be added to separate journeys made on the same day to a place which is beyond 8 kms from head quarters/camp for purposes of claiming T.A. (Rule 39(5) ).

(f) T.A. is not admissible to go to a town in cases where the employees are drawing H.R.A. at their place of duty which is within 8 kms from that town, at the rates applicable to that town, (G.M.No. B-89-01-098/1672/PC.I/92-1, dated 21-11-92 of Finance Department). (Note 4 under Rule 39).

(g) According to Rule 51 of Civil Services (Travelling Allowance) Rules, 1996 “No journey is reckoned as a journey on tour that does not reach a point outside a radius of more than eight kilometres from headquarters. But a Government employee travelling on duty within eight kilometers of his headquarters, is entitled to recover the actual amounts which he may spend in payment of ferry and other tolls and fares for journeys by railway or other public conveyance.”

**Note:** (i) When a journey by public conveyance is not possible within the twin cities of Hyderabad and Secunderabad, Government employee may claim actual charges incurred subject to the limit of Rs.1.00 per kilometer and Rs.6.25 ps each way. However, in the case of journeys by Government employees to go the High Court, the Administrative Tribunal and other Courts and also to the Government Pleaders offices, the maximum amount permissible is rs.20/- per day.

(ii) The payment of Conveyance charges is not admissible for attending office early and staying late and also for attending office on holidays.

2. Based on the recommendations of Tenth Pay Revision Commission, orders were issued implementing the Revised Pay Scales 2015 to the State Government Employees vide Government order second read above.

3. The Tenth Pay Revision Commission, has reviewed the payment of conveyance chargers to the Government Servants for the journeys performed by them in the twin cities of Hyderabad and Secunderabad on official duty and for visiting the Hon'ble High Court of Judicature at Hyderabad and the Administrative Tribunal and other Courts and the offices of the Government Pleaders for official purposes. The PRC recommended for enhancement of the present ceiling in respect of journeys to High Court of Judicature at Hyderabad/APAT/Government Pleaders office from Rs.50/- to Rs.75/- for each trip and from Rs.25/- to Rs.40/- each way in respect of other journeys made in Hyderabad and Secunderabad.

4. After careful examination of the matter, Government having accepted the recommendations of Tenth Pay Revision Commission, hereby order that:

(i) When a journey by public conveyance is not possible within the twin cities of Hyderabad and Secunderabad, Government employee may claim actual charges incurred subject to the limit at **Rs.2.25 per kilometer subject to maximum of Rs.40/- each way.**

(ii) In the case of journeys by Government employees to go to the High Court of Judicature at Hyderabad, APAT and other Courts and to the Government Pleaders Offices, the maximum amount permissible **shall be Rs.75/- per each trip subject to a ceiling of 20 trips per month or a maximum of Rs.1500/- per month.**

5. In respect of the Court Masters/ Personal Secretaries to the Hon'ble Judges of High Court of Judicature at Hyderabad, Hon'ble Chairman / Vice Chairman and Members of APAT for their visits made to the residences of Hon'ble Judges, Hon'ble Chairman and Members on official work they are eligible to be paid at **the rate of Rs.110/- for each trip with an outer limit of Rs.4400/- per month.**

6. The rates prescribed in this Order will be effective from 01.05.2015 i.e. for the journeys performed on or after 01.05.2015

As per G.O.Ms.No.78, Finance (HRM.IV) Department Dated.14.05.2015

[Referred G.O.Ms. No.107, Finance (TA), Department, Dt.07.04.2010

and G.O.Ms. No.25, Finance (HRM.IV) Department, Dt.18.03.2015]

## **12. JOURNEY BETWEEN PLACES CONNECTED BY TRAIN.**

(a) All Government employees who are drawing pay in the APRPs 1999 scale of pay of Rs.5000 -10,600 and above (not automatic advancement scheme scale) are entitled to travel by first class in train. They may also travel either in A.C. Chair Car or in A.C. II Tier or in AC III Tier while on official tour. All others are entitled to travel in Second Class. Those who are entitled to travel in second class may also travel in sleeper class while on official tour. The Railway fares includes reservation charges actually paid for. (Rule 27) (G.O.Ms.No.43, Finance and Planning, Dt.08.01.1999)

(b) If the Government employee performs journey by road either in a public conveyance or in a hired conveyance between the places connected by train, either the actual expenses incurred by him or the amount admissible had he performed the journey in the entitled class by train, whichever is less, is admissible. (Rule 23 (1)).

## **13. Journey between places not connected by train but connected by public conveyance by road:**

The employees are eligible for the payment of actual bus fares paid by them. The journeys have to be performed only by recognized public conveyance, by road. (Rule 23(2)). The journeys may be made by ordinary, express, deluxe buses but not by A.C. bus. (under Rule 23(2)).

## **14. Journeys between places not connected either by train or by a public conveyance by road:**

In such cases the employees are eligible for mileage allowance at the rates indicated in the statement appended provided the distance travelled exceed 8 kms. (Rule 8).

## **15. Journeys by Air:**

Officers drawing a pay of Rs.12,550/- p.m. and above in A.P.RP.S. 1999 are eligible to travel by air. They may also travel by A.C. I class in train (Rule 34(2)). (G.O.Ms.No.113, Finance, (TA), Dt.10.06.2011).

## **16. Journey in own Motor cars and Motor cycles/Scooters (Rule 24):**

(a) The categories of officers who are eligible to maintain and use their own conveyances for official tours are detailed in Annexure IV to the rules.

(b) The rates of mileage allowance admissible for journeys by officers on tour in their own Motor cars and Motor cycles/scooters are as follows provided the place visited is situated at a distance of more than 8 kms radius from headquarters:

The rate of mileage allowance as per Rule 24 (2) is as follows:

(i) Motor Car ... Rs. 3.50 per K.m.

(ii) Motor Cycle/Scooter ... Rs. 1.00 per k.m.

- (c) The mileage allowance at the above rates is admissible for the first 80 kms and for the remaining distance the rate shall be 2/3rd of the above rate. The mileage allowance is admissible for a maximum distance of 125 kms per day in the case of officers whose jurisdiction is a district and up to a maximum of 250 kms per day in the case of officers whose jurisdiction is more than a District. (Rule 24 (4)).
- (d) When mileage allowance is claimed at the above rates Daily allowance is not admissible (Rule 24(2)).
- (e) If the distance travelled exceeds 8 kms but does not exceed 32 kms the amount of mileage allowance shall be limited to one full D.A. at ordinary rates. (Rule 24(3)).
- (f) Mopeds like Luna, TVS etc. do not come under Motor cycle/Scooter, (G.M.No.26832/662ffA/65 dt. 9.9.95 Fin. Dept.)
- (g) When a Government employee who is entitled to maintain his own conveyance, travel in a hired/borrowed conveyance by meeting the cost of the running of the vehicle he shall be entitled to the actual charges spend by him limited to the amount of mileage allowance admissible. When two or more Government employees, who are entitled to maintain their own conveyance, travel in a hired/borrowed conveyance by meeting the cost of the running the vehicle, only of them as arranged between themselves shall be entitled to the actual charges spent, limited to the amount of mileage allowance admissible and the others are entitled only for daily allowance. (Rule 24 (6)). Substituted by G.O.Ms.No.43, Finance and Planning, Dt.08.01.1999.
- (h) Officers who are entitled to use motor car may also travel by motor cycle/scooter and claim mileage allowance admissible for motor cycle/scooter. (Rule 24 (7)).

**17. Journey in Government Vehicle (Rule 42):**

If the Government employees perform journey in a Government vehicle in connection with their official tour no charges are payable for the journey.

- 18.** A statement showing the grades of Government employees, rates of D.A admissible, maximum rates of reimbursement of lodging charges and the rates of mileage allowance is appended.

**19. Daily Allowance:**



- (a) Daily allowance is intended to meet not only the cost on account of boarding over and above, what an officer would have incurred if he had remained at headquarters and the cost of accommodation in camp, but also the cost of hiring a conveyance for journeys for which no mileage allowance is admissible under the rules [Note under R.36 (2)].
- (b) Daily allowance is admissible only in cases where journeys are performed to any place situated outside a radius of 8 kms. from headquarters. D.A.is admissible for each day of absence from headquarters. A 'Day' should be reckoned to cover 24 hours of absence from headquarters, commencing from the time of leaving the headquarters and ending at the time of reaching the headquarters after completion of tour. The D.A. shall be regulated as follows:
- (i) For every completed 24 hours of absence One D.A.
- (ii) For the remaining fraction of the absence
- (a) If the fraction is 12 hours or more One D.A
- (b) If the fraction is 6 hours or more but less than 12 hours Half D.A
- (c) If the fraction is less than 6 hours No D.A.
- This is applicable for all modes of journey i.e. journey by air, train, bus and by Government vehicle. (Rules 37 & 38).
- (c) Only the scheduled timings of arrival and departures of the mode of transport have to be taken into account. [Note under R. 40( I)]
- (d) D.A. is not admissible if the journeys do not extend to a place which is situated outside a radius of 8 kms from headquarters [Rule 39(1)]
- (e) D.A. is not admissible for the number of days for which casual leave or holidays/optional holidays availed while on tour [Rule 40(2)1.].
- (f) If a Government servant returns to headquarters without resuming duty at camp place after availing casual leave/optional holiday/public holiday, T.A. for the return journey is not ordinarily admissible. However, if the return journey is made while on casual leave/public holiday/optional holiday availed on account of illness the controlling officers may allow the T. A. for return journey .[Rule 48(4)].
- (g) If boarding and lodging charges are allowed free of cost only 1/4th rate of D.A. is admissible. If either boarding or lodging charge is allowed free of cost only 1/2 the rate of D.A. is admissible. [Rule 40 (5)].
- (h) Daily allowance is not admissible where mileage allowance is claimed for journeys performed by own Motor Car and Motor Cycle/Scooter. [Rule 24 (2)].

**20. REIMBURSEMENT OF LODGING CHARGES:**

- (a) (i) Employees visiting Hyderabad, Visakhapatnam, Vijayawada, Tirupati and Warangal are eligible for the reimbursement of lodging charges actually spent by them subject to the maximum limits indicated in the statement appended .[Rule 41(1)].  
 (ii) The reimbursement of lodging charges at Visakhapatnam, Vijayawada, Tirupati and Warangal is admissible to such of the employees who perform the journey from outside the district. [Rule 41(1)].
- (b) (i) Employees visiting any place outside the State are eligible for reimbursement of the lodging charges actually spent by them subject to the maximum limits indicated in the statement appended. [Rule 41(2)].  
 (ii) The classification of cities as 'A', 'B' & 'C' shall be as laid down by Government of India.
- (c) The reimbursement of lodging charges is permissible on production of original receipts of lodging houses (including T.T.D .Guest Houses) and subject to furnishing a certificate by concerned officer, to the effect that Government accommodation was not available. [Rule 41(3)].
- (d) In cases where lodging charges are reimbursed, the normal daily allowance shall be reduced by 25% [Rule 41(4)].

## **21. PAYMENT OF CONVEYANCE CHARGES:**

- (a) In the cases of journeys to Delhi and other places outside the State, actual taxi/auto charges can be paid from the arrival point to the place of stay and vice-versa [Rule 40(6)].
- (b) In addition to the above, actual taxi/auto charges spent at places outside the state, subject to a maximum of *Rs.60/-* per day, are also admissible, for visiting the offices of Government of India and Ministries or any other place on official work. [Rule 40 (7)].
- (c) The payment of conveyance charges shall be made based on the original receipts or on furnishing a certificate of payment.
- (d) (i) In respect of officers of the rank of Secretary to Government and above, the A.P .Bhavan at New Delhi has to keep a vehicle at the disposal of the officer. If no vehicle is available, a taxi should be obtained on hire and placed at the disposal of the officer and the hire charges should be got reimbursed from the budget of the department to which the officer belongs [Note (ii) under Rule 40(7)].  
 (ii) The above concession is extended in the case of visits to Bombay and Calcutta also by the officers of the rank of Secretary to Government and above.

## **22. JOURNEYS ON TRANSFER:**

- I. (a) T.A. on transfer is admissible only in cases where there is change of headquarters consequent on transfer [Rule 55(1)].

(b) It is not admissible if the transfer is at the request of the employee [Rule 55(1)].

(c) In addition to the claim for self, claims relating to family, personal effects and conveyances (Motor Car including Driver/Cleaner) are also permissible.

(d) 'Family' for purposes of transfer T.A. means-wife/husband, children including step children, adopted child, widowed daughter, married daughter until she was placed under her husband's protection and parents provided all the above are residing with and are wholly dependent on the employee [Rule 2(iii)].

(e) If both husband and wife are State Government employees and if they are transferred either at the same time or within 6 months from the same old station to the same new station, only one of them is entitled to claim T.T.A. and the other being treated as a member of the family. [Under Rule 55 (3)]. Recommend by Pay Revision Commission 2015 G.O.Ms.No.90, Finance (HRM.IV) Department, Dated.12.06.2015.

## II. Claims admissible in respect of journeys by Government employee and family

	For Government Employee	For the members of the family
<b>(a) If both the places are connected by train:</b>		
(i) If travelled in the entitled class	Two fares [Rule 56(1)(i)]	One Extra Fare for each adult member and one half fare for each child (Rule 57 (1)(i))
(ii) If travelled in a class lower than the entitled class	One actual fare paid and one fare of the entitled class [Rule56(1)(i)]	Actual fares paid [Rule 57(1)((i)]
(iii) If travelled in a class higher than the entitled class	Two fares of the entitled class [Rule 56(1)(iii)]	Fares admissible by the entitled class
(iv) If travelled by bus or Motor car (between the places connected by train)	Either actual charge or the amount admissible had he travelled by rail whichever is less [Rule 56(1)(iv)]	<u>By Bus:</u> Actual bus fare limited to the rail fare of the entitled class [Rule 57(1)(iii)] <u>By Car:</u> Actual charges or two fares

		of the entitled class in train [Rule 57(1)(iv)]
<b>(b) If both the places are not connected by train</b>	2 mileages [Rule 56(2)(i)]	One mileage if 3 members accompany him and one extra mileage if more than 3 members accompany him [Rule 57(2)]
<b>(c) If the places are partly connected by train and partly not connected by train</b>		
(i) If actually travelled in rail for the rail portion	2 fares of the entitled class for the rail portion and 2 mileages for the road portion [Rule 56(3)]	<u>For Rail portion:</u> Actual fare paid by the entitled class [Rule 57(3)] <u>For Road portion:</u> One or two mileages as indicated against (b) above
(ii) If not travelled in train for rail portion but travelled otherwise	Actual charge limited to the amount admissible against item(i) above [Rule 56(3)(iii)]	Actual charges limited to the amount admissible against item(i) above.

- (d) If the Government employee and members of his family travel by air, consequent on transfer, he may draw the travelling allowance to which he would have been entitled if the journeys are performed by rail, or road. [Rule 56(4) and Rule 57(4)].

### **III. Claim for the transport of personal effects (Rule 58)**

- (a) The maximum quantity of personal effects for which the claim admissible is as shown below:

Grade-I	50 Quintals	< = >	5000 Kilograms
Grade -II	40 Quintals	< = >	4000 Kilograms
Grade -III	30 Quintals	< = >	3000 Kilograms

(b) Between two places connected by railway:

- (i) If the personal effects are transported by goods train between the two places connected by rail the actual charges paid (not exceeding up to the maximum quantity specified in item (a) above) are reimbursable. (Rule 58(1)).
- (ii) If the personal effects are transported either by air, or by passenger train or by road in a lorry, either the actual expenses spent or the amount admissible had the maximum quantity of personal effects been transported by goods train whichever is less; are reimbursable. (Rule 58(1) (ii) & (iv)).
- (iii) If transported by "quick transit service" rates the actual charge may be allowed on furnishing a certificate to the effect that they were actually transported by "Quick transit service" and that they reached the destination within the specified period. (Rule 58(1)(iii)).

(f) Between two places not connected by railway:

The charge actually spent or the amount equal to three mileages whichever is less, is admissible [Rule 58 (2)].

(g) Between the places partly connected by railway and partly not connected by railway:

- (i) For the rail portion Admissible as at (b) above
  - (ii) For the road portion (Rule 58(3)). Two mileages (Not 3 mileages)
- (g) Receipts in support of actual expenses should be produced

**IV. Packing and unpacking charges: (Rule 59)**

Recommend by Pay Revision Commission 2015 G.O.Ms.No.90, Finance (HRM.IV) Department, Dated.12.06.2015. In addition to the payment of charges towards the cost of transport of personal effect, Government employees are allowed actual charges towards packing/loading and unloading/ unpacking of personal effects to the maximum limits in view of the general increase of charges.

They are admissible as shown below:

	If transferred		
Grade of Employee	Within the zone	Outside the zone but within the state	Outside the state
I	Rs.1000 at each end	Rs.2000 at each end	Rs. 7000(Lump Sum)(but it is Rs.9000 for those drawing pay in the

			scale of pay of Rs.56,870-105810 and above)
II	Rs.600 at each end	Rs.1200 at each end	Rs.5500 (Lump Sum)
III	Rs. 400 at each end	Rs. 800 at each end	Rs.4500 (Lump Sum)

**V. Disturbance allowance/lump sum transfer grant: (Rule 63)**

If the employees are transferred to Delhi and places outside the State and transferred from Delhi and places outside the State to places within the State, the following amounts are also payable in lump sum.

Grade- I                      Rs.15000/-

Grade –II                      Rs.12000/-

Grade –III                      Rs 8000/-

**VI. Claim in respect of transport of conveyance:**

(i) Officers who are entitled to transport a conveyance (motor car or motor cycle) as per annexure IV of the rules, may claim the actual cost of transport by passenger train, subject to the condition that the distance travelled exceeds 150 kms. (Rule 60(1)).

(ii) If the car/Motorcycle is transported under its own power or by lorry, between places connected by train one road mileage as on tour. (Rule 60(2))

(iii) If the car/motor cycle is transported by lorry between two places either not connected by rail or partly connected by rail and partly by road, one mileage at the rate appropriate to his grade as per Annexure I may be allowed (Rule 60(6))

**VII. Claim in respect of Driver/Cleaner**

If the claim for transporting a motor car is admissible as per the rules and if the car is not taken by its own power, the cost of transporting a driver/cleaner, by the lowest class may be permitted. (Rule 61(1)).

**VIII. Claim in respect of Personal Servants**

(a) The number of personal servants for which claim is permissible is indicated below:

(i) Gazetted officers belonging to Grade-I ----- Two

(ii) Other Gazetted Officers belonging to Grade –II----- One

- (b) If the personal servants travel by train the claim is admissible by the lowest class.
  - (c) If the journeys are performed by bus between two places not connected by train, actual fare of the bus paid is admissible. ,
  - (d) If the places are partly connected by train and partly by road the train fare of the lowest class and bus fare is admissible..
  - (e) If the places are not connected by train or bus, the personal servants shall be included in the list of family members for claiming mileage.
- IX.** If handing over or taking over charge takes place at a place other than the old or new headquarters, T.A. as on tour, is admissible in respect of the journey from headquarters to the place of handing over charge or taking over charge. In respect of the journey from old to the new headquarters T .A. as on transfer is admissible (Rule 64).
- X.** If family members travel to a station other than the new station or travel from other than the old station to the new station, either the actual fares or the fares admissible from old to the new headquarters whichever is less is permissible. In the case of transport of the personal effects either the amount admissible from the old to the new headquarters or the actual expenses spent, whichever is less, are reimbursable. (Rule 65).
- XI.** (a) A member of the family of the employee may follow the employee within six months from the date of joining at the new station or may precede him by not more than one month from the date of relief at old station. In such cases, the journey by family members may be treated as having accompanied the employee (Rule 66).
- XII.** If a Government employee is appointed to a new post while in transit, he is entitled to draw T.A. for so much of the journey on transfer as has been completed and also to the new station from the place at which he received the revised transfer orders (Rule 61)
- XIII.** (a) Transfer T.A. is admissible in the case of transfer after return from leave of any kind for a period not exceeding four months(including the period of vacation, if any). [Rule 68(1)]
- (b) If the leave is in excess of 4 months and is on medical certificate, T.T.A is admissible (Rule 69)
- (c ) If the period of leave is more than four months and is not on medical certificate, the employee may claim the charges admissible for the transport of personal effects, conveyances and driver/cleaner (Rule 70).

**(23) T .A. FOR OTHER PURPOSES**

- (i)If passing of an examination is obligatory, T.A. (except D.A.) can be paid for the journeys. But this should not be allowed more than twice for the same examination. (Rule 73).
- (ii)If an employee is compulsorily recalled to duty before the expiry of leave thereby if leave is curtailed by not less than one month, T .A. as on tour may be allowed for the

journey from the place at which the order of recall reached him, to his headquarters. (Rule 77).

**(iii) On retirement (Rule 79)**

(a) After retirement, the employees may be allowed T.A. as on transfer from the headquarters to the Home town i.e. self (only one fare), family and personal effects.

(b) If the Home town is outside the State, T.A. is admissible upto the State limits.

(c) The journey should be performed within 6 months from the date of retirement.

(d) If "Home town" is not declared by the employee as per L TC rules before the date of retirement, this is not admissible.

**(iv) In case of death while in service (Rule 89)**

The family members are entitled for T .A. to go to home town of the deceased employee or to any other place where they wish to reside provided that the amount shall not exceed the amount what would be admissible for journey from the headquarters of the deceased employee to his home town.

**(v) To give evidence etc. (Rule 82)**

(a) If an employee is summoned to give evidence in a court of law or in a departmental enquiry he is eligible for T .A. as on tour.

(b) If an employee who is under suspension is summoned to attend any departmental enquiry, he may be paid T.A. as on tour.

(c) An employee who performs journey to peruse any official records relating to the charges pending against him is eligible for T.A if he is honourably acquitted of the charge.

(d) No T .A. is admissible if the enquiry at an outstation is at the request of the employee.

(e) T.A. as on tour is admissible in cases where the employee performs journey to appear in a court of law wherein he was involved in legal proceedings provided the legal expenses for defence of the case are reimbursed to him either in full or in part.

**(vi) Journeys for Medical purposes (Rule 83)**

(a) T.A (except D.A.) is admissible in the following cases: -

(i) For consultation elsewhere if there is no medical officer at the place of duty of the employee and on the advise of the authorised medical attendant.

(ii) For the journeys to another place to undergo treatment if the local doctor certifies that necessary treatment cannot be provided locally.

**(vii) To attend training courses(Rule 86)**



(a) If the employee is deputed to undergo training and if the period of training does not exceed 90 days he may draw T.A. as on tour. If the period of training at a place exceeds 90 days he may draw T .A. as on transfer.

(b) T.A is not admissible for onward journey to the training centre in the case of induction training courses. But T .A. as on tour for the journeys from one place of training centre to another place of training and also for return journey to join his post is admissible. [Rule 86(4)].

(viii) For the employees selected to participate in cultural events of National or International importance T.A. as on tour, may be allowed from the budget of the concerned Department.[ Rule 10 G. of the rules relating to grant of special casual leave contained in Annexure VII of Fundamental Rules]

(24) Special rules for high officials i.e. Governor, Ministers and Chief Secretary are contained in Rule 91 and Annexure – VI (Rule 91).

**(25) Time limit for preferring T.A. claims-(Rule 72)**

The T.A. bills shall be preferred within 3 months from the date of completion of journey. In the case of transfer, if journeys are made by self and family separately the limit of 3 months apply to each journey separately(Article 54 of A.P. Fin. Code Vol I)

(26) The rules and regulations issued from time to time by the Government of India, regarding payment of T.A. & D.A. etc. in connection with the tours abroad by the State Government officials and others working in State Government, Public sector enterprises/undertakings/Institutions/Boards/Organisations etc., shall be followed, 'mutatis-mutandis' except otherwise specifically sanctioned by the Government in any case in special circumstances.

(Rule 95 introduced through G.O.Ms.No. 124 Fin. & P.Ig. (FW. TA) Department dated 31.8.2000)

**27. STATEMENT SHOWING THE RATES OF D.A., REIMBURSEMENT OF LODGING CHARGES AND MILEAGE ALLOWANCE W.E.F. 1.4.1999**

**G.O.Ms.No. 124 Finance & Planning (FW.TA) Dept. dt. 21.8.99**

Rate of daily allowance		Maximum limits of reimbursement of lodging charges		Rate of mileage as per G.O.Ms.No.24 F & P (FW.TA) dt.28.03.2000	
Grade	Within State	<u>For Tour</u> Outside State	Within the State at Hyderabad, Visakhapatnam,	Out side the State A-Class B-Class and C- Class Cities	

			Vijayawada, Tirupati and Warangal				
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
				<b>A</b>	<b>B</b>	<b>C</b>	
<u>Grade I</u>  Those working in the Posts carrying scale of Pay of Rs.9600- Rs.10,525 and above	80	120	120	200	160	140	2.25 Per Kms.
<u>Grade II</u>  Those working in the posts carrying scale of Pay of Rs.5000- Rs.10,600 and above upto and inclusive of the scale of pay of Rs.9000- Rs.16,525/-	60	90	80	140	120	100	1.75 per Kms.
<u>Grade III</u>  Rest of the Employees	40	60	40	80	60	50	1.50 per kms

The Grades and Rates in the above annexure require amendment in view of the orders of PRC 2015 vide G.O.Ms.No.90, Finance (HRM.IV) Department Dated.12.06.2015

**28. FIXED TRAVELLING ALLOWANCE (F.T.A.)**

- (a) F.T.A. is admissible to the persons holding the category of posts specified in Annexure II to the T.A. rules, who are required to tour every month for the specified number of days within their jurisdiction. (Rule 12 (1))
- (b) The monthly rates of F.T.A and the minimum number of days to be toured are detailed in Annexure III of the T.A. Rules (Rule12 (2)).
- (c) The F.T.A should be drawn monthly in a separate bill in APTC form No.52, along with the salary bill so that both can be drawn at one point of time (Cir.Memo No16240/642/BG/A1/2002 dt. 9.9.2002 of Finance Department.)
- (d) F.T.A. should not be drawn if the employee is on leave (other than casual leave) and for the period of joining time. (Rule 13 (2)).
- (e) For purposes of arriving at the total number of days toured in a month, a portion of a calendar day (on tour) shall be treated as one day. (Rule 17 (5)).
- (f) After expiry of the month, the tour journal has to be approved by the controlling officer. If there is any short tour, the F .T .A., already paid, for the number of days short toured shall be recovered from his F .T .A. claim for the subsequent month. (Rule 17 (3) ).
- (g) The amount of F .T .A. for each day of short tour shall be arrived at as shown below.

$$\text{Day's F.T.A} = \frac{\text{Total amount of F.T.A for the month}}{\text{Minimum number of tour days.}}$$

- (h) If a Government vehicle was used while on tour, the F.T.A. shall be reduced by 25% proportionately for the number of days on which the Government vehicle was used, if such number of days go to make up the minimum period of touring. If all or any of such days do not go to make up the period of minimum touring, no deduction need be made.(Rule15(1)).
- (i) In the case of tours outside the jurisdiction of the employee, F .T .A. can be exchanged to regular T .A., for the journeys involved. No D.A. is admissible. (Rule 50).
- (j) While deducting proportionate F .T .A. for exchange, the deduction shall be at the rate of 1/28,1/29,1/30 or 1/31 as the case may be, of the monthly rate of F.T.A. (Rule 17 (6)).
- (K) If the rate of F.T.A., admissible in a specified period differ, each part of the period should be considered separately and the eligibility for full F .T .A. for each period of duty

with reference to the actual number of days toured in that period determined separately. (Rule 14 (2) ).

(l) If an employee holding two or more posts in the same place and if F.T.A is admissible for all the posts, he may draw the largest amount of the F.T.A. If he is holding additional charge of another post with a different head quarters, then the additional charge post shall be treated as outside his jurisdiction, and T.A. for the journeys (without D.A.) in such additional charge post jurisdiction is admissible in exchange of F.T.A (Rule 16).

(m) The exchange of F.T.A (in the case of journeys outside the jurisdiction ) is for the entire journey including such part of it as is within the specified area (Rule 50).

(n) Exchange of F .T .A. is not applicable in cases where journeys had to be performed to a place outside the specified area to reach a place situated within the specified area. (Exception under Rule 50).

### **29 LEAVE TRAVEL CONCESSION :(Rule 92 & Annexure VII)**

(A) It is a concession allowed by the Government to claim reimbursement of the expenditure incurred by the Government employee and family members in connection with their journeys from headquarter to Home town/any place within the State performed while on leave in their own interest.

(B) (i) This concession is admissible to all employees (including temporary employees) who have put in a continuous service of five or more years. This is not admissible to the following categories of employees.

(a) Who are not whole time employees.

(b) Who are paid from contingencies.

(c) Who are borne on work charged establishment &

(d) Who are industrial employees.

(ii) This concession is not admissible if a Government employee proceeded on leave and resigns the post after going to Home town/any place with in the State.

(C) (1) Family for purposes of this concession shall be the same as admissible in the case of transfer T.A.

### **Exceptions**

(i) The parents of all Gazetted Officers will not be treated as family members.

(ii) Even in the case of the parents of N.G.Os, they are not treated as family members, if either of them is a pensioner; (G.O.Ms.No.43, Finance & Planning (FW- TA) Department dt. 8-1-99)

- (iii) The children born on or after 1-4-96, will not be treated as family members, if the children born prior to 1-4-96 are two or more and are alive on the date of availing this concession (G.O.Ms.No.140, Finance & Planning (FW. TA) Department dt. 3-4- 96 and G.O.Ms.No.43 Finance & Planning (FW.TA) Department, dt.8-1-99)
  - (2) In the case of married female employees (N.G.G.OS) her parents will be treated as members of family provided they are dependent on them (para 7).
  - (3) Every Government employee should furnish a list of family members who are actually dependent on him and the same has to be recorded in the S.R. As and when there is any change of family members, the employee is expected to furnish a revised list, explaining the reasons therefore, and it should also be recorded in the S.R. At the time of applying for this concession, the employee should furnish the list of family members for whom this concession is going to be utilised. The authority competent to permit the employee to avail this concession should verify the correctness of the family members with reference to the entries recorded in the S.R., and after satisfying that it is correct, he shall permit the employee to avail this concession.
- D. (i) This concession can be availed once in every block of two consecutive calendar years. In the first block, this concession is admissible to go to HomeTown and in the second block to visit any place within the State.

Illustration:

2009/2010	---	To go to Home Town
2011/2012	---	To visit any place in the State
2013/2014	---	To go to Home Town
2015/2016	---	To visit any place in the State, and so on for every block of two consecutive calendar years.

(ii) During the block in which they may avail the concession to visit any place within the State, they may go to Home Town (instead of visiting any place within the State).

(iii) If the concession is not availed in any block, it will lapse

(iv) Only after obtaining the written orders permitting the employees to avail the concession, the journeys should be performed i.e., in anticipation of the orders, journeys should not be performed.

(v) In the second block, permission should be given to visit any place within the State only. In other words, it should not be stated in the orders that the employee is permitted to visit any place outside the State, but the claim should be limited up to the last point within the State in that direction.

(vi) If the family members of a Government employee are living away from the Government employee and this concession is not being availed by the family members in any block period, the Government employee is eligible for this concession to go to

"Home Town" once in every calendar year. But in the case of Government employee who has no family this concession is not admissible once in every calendar year

(E) The journeys have to be performed during the period of leave (including casual leave) plus public holidays, but not during the period of public holidays alone. Therefore, the employees have to apply for leave at least for one day leave. In the case of an employee belonging to vacation Department this can be availed during the period of vacation. It is for the sanctioning authority to satisfy that the leave and public holidays put together is sufficient to cover the to and fro journeys.

(F) The authority competent to sanction earned leave to the employee is the authority competent to permit the employee to avail this concession (G)

(i) Every employee has to give a declaration in the prescribed form of his 'Home Town' at any time before availing this concession to go to "Home Town" for the first time.

(ii) Even if the Home Town is not declared by any employee, the concession to visit any place within the State admissible during the second block, can be permitted.

(iii) The "Home Town" shall be the place duly supported by reasons such as native place, being the permanent residence of parents/grand parents (either paternal or maternal) or owning any immovable property.

(iv) In exceptional circumstances, the employees are permitted to submit revised declaration, changing the "Home Town" once in the entire service, if any of the following criteria is satisfied.

1.The place declared should be the one to which the employee has been visiting frequently.

2.The employee should own a residential property.

3.The near relations are residing permanently at that place.

4.The employee lived there prior to joining the Government service.

(ii)The "Home Town" or "Revised Home Town" declaration should be submitted to the controlling officer, who after satisfying himself, has to approve it and communicate the approval to the Head of the office where the employee is working. It shall be recorded in the service book of the employee and attested by the Head of the office.

## **H. JOURNEYS**

### **(i) If the places are connected by train:**

a) The employee & family members may travel in the entitled class and claim the actual fares paid duly enclosing the ticket in original with the T.A., bill.

b) If they perform journey in other than the entitled class the employee can claim. Either actual railway fare paid by producing original ticket or the railway fare admissible by the entitled class whichever is less.

c) If the employee and or family members perform journey by regular public motor service (between places connected by train), the employee can claim either the actual bus fare paid or the amount of railway fare admissible by the entitled class which ever is less. For this purpose, the actual bus tickets have to be enclosed to the T.A. bill.

**(ii) If the places are connected only by Public Motor Service:**

The employee and family members may perform journey by any type of bus, i.e., ordinary, express, semi luxury and deluxe bus (not by A/C buses) and claim the amount paid by producing the original bus tickets.

[G.M.No.11818/48/A2/TA/2001 dt 07.03.2002 of Finance Department]

**(iii) IF THE PLACES ARE NOT CONNECTED EITHER BY TRAIN OR BY PUBLIC MOTOR SERVICE:**

One mileage at the rates specified in Annexure I to the T.A. rules appropriate to the Grade, is admissible for a group not exceeding two. If the group exceeds two persons, two mileages are admissible. The maximum number of mileages admissible is only two, irrespective of the number of family members.

**NOTE:** Journeys made through Andhra Pradesh Tourism Development Corporation buses are recognised as journeys made by regular public motor service.

- I) If the bus tickets are not enclosed in support of the journeys performed between the following places, the claims can be admitted, to the extent upto which the proof of incurring expenditure was furnished.
- a) Between Srikakulam Road Railway Station and Srikakulam Town.
  - b) Between Nuzvid Railway Station and Nuzvid Town.
  - c) Between Madanapalli Railway Station and Madanapalli Town.
  - d) Between Nellore and Rehamatabad.
  - e) Between Tirupati and Tirumala.
  - f) Between Visakahapatnam and Simhachalam.
  - g) Between Bhadrachalam Road Railway Station and Bhadrachalam Town
- J) The journeys by Air are not permitted while availing this concession. If any employee and or family members actually perform the journey by Air, the claim shall be limited to the amount admissible had the journey been made by train/bus or mileage, as the case may be, on production of the Air ticket
- K) The employees who are entitled to maintain a Motor Car, or Motor cycle/Scooter, (vide annexure IV to T.A., Rules) and who actually perform the journey by own conveyance, the actual cost of propulsion i.e., cost of fuel and lubricants (excluding repairs,

depreciation or driver's wage) as per sub vouchers may be reimbursed limiting the amount admissible had the journey been performed by train/bus, or mileage, as the case may be.

- L) If the "Home Town" is situated outside the State, the claim is admissible to the last point within the State in that direction
- M) If the journey is performed by a longer route, partly by the eligible class and partly by the lower class in train, the claim by the entitled class shall be for the corresponding portion of the shortest route and for the balance of the distance by the shortest route at the lower class rate.
- N) The journeys may be performed by any route with or without halts on the way. But, it is necessary that the employee and family members shall touch the place permitted i.e., either "Home Town" or "any place within the State". In such cases the claim shall be allowed on the basis of distance by the shortest route between the Head quarters and the place to which permitted.
- O) i) It is open to the employee to perform the journey along with all the family members at one time or they may perform the journey independently. The claim is not admissible only for the family members i.e., it is necessary that the Government employee should avail the concession, if he has to claim for family members also.

(ii) If the journeys are performed in separate groups, the claims also may be preferred separately. But the journeys (either onward or return) of the last group shall be within a period of six months from the date of performing the journey by the first group. This condition of performing journey within six months by the last group, may be relaxed by the Head of the Department, in special cases.

This concession can be availed while undergoing training. In such cases the claim of the Government employee shall be from the place of training to the Home Town/any place within the state, as the case may be. But in respect of family members, the claim shall be from the head quarters of the employee

- P) In cases where the employee wants to avail the concession in combination with a journey on transfer, the employee & family members may avail the concession, with the prior permission of the competent authority to do so and after applying for the necessary leave to avail this concession after relief from old station. In such cases, the claim shall be made from the old Head quarters to the Home town/any place within the state, as the case may be and from that place to the new Headquarters, subject to deduction of the distance for which the T.T.A. is admissible from the old station to the new station direct.
- Q) i) If both husband and wife are state Government employees only one of them is eligible to avail this concession while the other may be treated as family member. However, if they wish to avail the concession independently, they should not claim as one of the family members in respect of the claim of the other spouse and the claim for the remaining family members shall be made only with either of them but not with both the employees.



(ii) If one of the spouse is a State Government employee while the other is a non State Government employee where a similar concession is not admissible, the spouse working in state government may avail this concession treating the other spouse as a family member provided a certificate is furnished by the Government employee to the effect that the other spouse is not eligible for a similar concession.

(iii) If one of the spouse is working in A.P.S.R.T.C where the free bus pass facility is available, the government employee is not entitled to claim this concession on behalf of the spouse working in A.P.S.R.T.C . The claim for the remaining family members is admissible on furnishing a certificate to the effect that they did not/are not going to avail the bus pass facility along with the spouse working in A.P.S.R.T.C

S) (i) In the following cases, the concession is admissible for the onward journey only. (i.e. from Headquarters to "Home town") but not for return journey.

(a) Government employee going to Home town while on leave preparatory to retirement or on refused leave or on terminal leave (since there is no question of retuning to duty after expiry of such leave.)

(b) Family members after going to Home town have no intention to return to Headquarters or return after the expiry of six months from the date of performing onward journey.

(c) If the dependent son got employed after reaching Home town or if the dependent daughter gets married after going to Home town.

(ii) In the following cases, the concession is admissible only for the return journey, (not admissible for onward journey).

(a) After going to Home town, if the employee marries, the spouse is eligible for return journey.

(b) A child legally adopted at Home town after performing journey to go to Home town.

(c) Any other member of the family of the Government employee living for long time at the Home town or when this concession for onward journey was not claimed.

**T) Penalties for misuse of the concession:**

(a) If it is established that this concession was not actually availed (without performing the journey as per the claim) the following action has to be taken:

(i) The entire amount paid, has to be ordered to be recovered in one lump sum

(ii) The right of the employee to avail this concession shall be forfeited for the rest of the service: and

(iii) Disciplinary action has to be taken against the employee as per C.C.A Rules.

All the above three actions have to be taken (but not only one or two of them) (Para 14)

- (b) (i) If a decision has been taken by the Disciplinary authority to initiate disciplinary action against a Government employee on the charge of fraudulent claim of L.T.C such a Government servant shall not be allowed the L.T.C till the finalisation of such disciplinary proceedings; and

(ii) If the Government employee is fully exonerated of the charge of fraudulent claim of LTC on finalisation of the disciplinary proceedings he/she shall be allowed to avail of the LTC with held earlier as additional sets in future block years, but before the normal date of his/her superannuation.

[GO.MS 746 Fin (TA) Dept dt 12.12.2001.]

**U). Advances:**

i) An advance not exceeding 80% of the amount of T.A. admissible can be sanctioned simultaneously on issuing orders permitting the employee to avail this concession. This advance has to be sanctioned by the authority competent to sanction advance of tour T.A. Advance can be sanctioned separately for onward journey & for return journey. Similarly separate advance can be sanctioned for Government employee and family members.

ii) If advance sanctioned is not utilised within 30 days from the date of drawal. the entire amount has to be refunded.

iii) If the return journey is not performed within six months from the date of onward journey, 50% of the advance shall be refunded.

iv) If the journey could not be performed due to the death of the employee after drawing the advance, the entire amount shall be recoverable from the family members. If the employee dies after actually performing the journeys but before submitting the T.A. claim the family members may claim the T.A.

**v) NON USE OF THE ADVANCE**

If it is established that the journeys were not actually performed after drawing the advance, and if the drawn is not refunded the following action has to be taken against the Government employee:

- i) The entire amount of unutilized advance along with penal interest at the rate of 18% per annum shall be ordered to be recovered in one lump-sum.
- ii) The right of Government employee for this concession shall be forfeited for the rest of the service.
- iii) Disciplinary action has to be taken as per C.C.A. Rules.

All the above three actions have to be taken, but not only one or two of them.

**W) The following, certificates have to be furnished**

**(i) By the Government employee:**

- a) Certified that for the block period of. .... I have not submitted any claim so far for leave travel concession in respect of the persons for whom travelling allowance is claimed in this bill.
- b) Certified that the advance of travelling allowance for the leave travel concession has been fully adjusted in this bill.
- c) Certified that the persons for whose journeys the claim is preferred in this bill performed the journeys to and from
- d) Certified that my wife/husband is not a Government employee/is an employee of..... and that the concession has not been availed of by her/him separately for herself/himself or for any of the family members covered by this claim for the block period.....
- e) Certified that the family members for whom claim has been made in this bill are wholly dependent on me.

**ii) By the Controlling Officer/Drawing Officer**

- a) Certified that the claim was preferred in time by the claimant and that the delay in presentation at the Treasury is due to administrative reasons.
  - b) Certified that the claim was not preferred and paid previously.
  - c) Certified that necessary entries were made in the service register of the individual regarding the availment of leave travel concession during the block period.
  - d) Certified that, apart from normal checks, I have verified the claim after obtaining all the required details, as to the actual travel, correctness of number of family members) distance travelled, fares and mileage claimed and I am satisfied that the claim is in order.
- X) A record of all concessions sanctioned under these rules shall be made in the S.R. of the employee indicating the dates of journeys, and the amount of T .A. paid.

**BROCHURE ON THE MAINTENANCE OF CASH ACCOUNTS**

**1. RESPONSIBILITIES TOWARDS MAINTENANCE OF ACCOUNTS:**

- i) Every Government servant should see that proper accounts are maintained for all Government financial transactions with which he is concerned and render accurately and promptly all such accounts and returns relating to them as are prescribed. (Art.5 of APFC.I)
- ii) It is the duty of every government servant not merely to observe complete integrity in financial matters but also to be constantly watchful to see that best possible value is obtained for all the funds spent by him or under his control and to guard scrupulously against every kind of wasteful expenditure from public funds. (Art.4 APFC)
- iii) Every drawing officer is primarily responsible for the correctness of the amount for which each bill is drawn. If any amount is drawn in excess of what is due, he will be required to make good the excess amount so drawn. If the excess amount cannot for

any reason be recovered from him, the Government servant, if any, who countersigned the bill will be liable to make good the loss arising from culpable negligence on his part. (Art. 56 APFC)

- iv) Recoveries may not ordinarily be made at a rate exceeding one third of pay – unless the Government servant effected has :
- a) in receiving or drawing the excess, acted contrary to orders or without due justification;
  - b) taken an advance for a specific purpose and failed to utilize it for the purpose for which advance was sanctioned within the specified period and failed to refund the outstanding amount within the stipulated time. (Art.58 APFC)

**Government servant** means any person serving in connection with the affairs of the State, whether remunerated by salary or not, and includes every person who is authorized to receive, keep, carry or spend moneys on behalf of the Government. (Art.6 APFC)

## **2. RECEIPTS:**

### **2. (A) Responsibilities Towards Realisation of Receipts:**

- a) To assess the demands accurately, in advance;
- b) To take steps to realize the demands promptly;
- c) To maintain proper account of collections;
- d) To watch the progress of collections against the demand by reviewing the demand, collection and balance statements
- e) To take prompt steps to collect all arrears;
- f) To consolidate the figures in a register to show the total receipts for each month classified as per the budget estimates
- g) To compare the figures compiled in the register with
  - i) computer figures received from the Finance Department; and
  - ii) those booked in the Accountant General's records and reconcile the differences if any;
- h) to effect necessary corrections before the accounts of the year are closed;
- i) to take steps to apply to the competent authority for writing off the irrecoverable arrears; (Art.2, 7 to 11 of APFC Vol.I)

### **2. (B) Accounting and Payment of Government revenues into Treasury :**

- i) Moneys received by Government servants in their official capacity should not be kept out of Government account. They should be remitted into Government account in Treasury Bank as soon as possible or at periodical intervals or when the balance on hand reaches a certain amount, in accordance with the instructions of superior authority.
- ii) The revenues should not be appropriated to meet departmental expenditure excepting those cases specified in T.R.7 (a) to (v)
- iii) A Government servant may not except with special permission of the Government deposit/invest moneys withdrawn from Government account in a Bank.

### **2 (C) Procedure for acceptance of Government dues (T.Rs 7, 9 & 10):**

i) **CASH RECEIPTS:**

TR 10 – SRs 2(a); 2(b); 3(a)

G.O.Ms.No.247 F&P (FW-TFR), dt: 25.7.1989

Government Memo No.31925-C/305/TFR/89, F&P(FW TFR), dt: 7.2.1990

- a) Amounts payable to Government account which are below Rs.50/- should ordinarily be received in cash by the concerned departmental officers and a receipt in APTC form 7 issued to the party.
- b) The receipt shall be signed by the Head of office or any gazette officer. or non-gazetted Government servant duly authorized by the Head of the Office;
- c) At the time of signing the receipt the Head of the Office shall satisfy himself that the amount has been properly entered in the cash book on the receipts side;
- d) Receipts should be written in figures and words and signed in full;
- e) Receipt books should be machine numbered;
- f) The receipt should be in triplicate – original copy to be given to the payer; duplicate to be retained in the office for checking the entries; triplicate copy will be retained in the receipt book itself;
- g) Blank receipt books must be kept under lock and key in the personal custody of the officer authorized to sign receipts;
- h) Before a receipt book is taken for use, the number of forms contained therein shall be counted and the results recorded in a conspicuous place in the book over the signature of the Head of the Office on the outer cover of the receipt book.
- i) Record of receipt books received from the district Treasury, issued to subordinates, used and unused should be maintained.
- j) The departmental officers should send their requisitions for receipt books to the District Treasury Officers who will obtain the same from the Commissioner of Printing and Stationery and supply to the departmental officers.
- k) Where it is not possible to collect the amount below Rs.50/- in cash by the departmental officers concerned at the place where he is stationed, the amount can be realized by way of demand drafts, drawn in favour of the departmental officers payable at any bank at the place where the departmental officer is stationed.
- l) The amounts deducted on account of APGLI, General Provident Fund, Group Insurance etc., in respect of employees who are on deputation etc., may be paid through challan even though the amount is below Rs.50/-
- m) Amounts less than Rs.50/- also can be remitted by Government departmental officers by way of challans.
- n) The amounts deducted on account of APGLI, GPF and Group Insurance etc., in respect of employees who are on deputation are to be realized through bank drafts and remitted to Government account through challans enclosing the bank draft.

ii) **DEMAND DRAFTS AND CHEQUES:**

TR 10(iii) SRS 1(b) and 2(c) and Inst.17 & 32 G.O.Ms.No.251 F&P (FW A&L), dt: 6.8.1980.

Whenever a demand draft/cheque is received in favour of a departmental officer towards the Government dues, it should be entered in security register. It shall be treated as final payment, only after it has been met and the amount has been actually credited to the Government account. Hence a temporary receipt in APTC Form No.4 should be

issued by the departmental officer for the draft/cheque. It should be recorded as a receipt in the cash book immediately on receipt. Final receipt should be given only after the value of the cheque/D.D. is realized at the bank.

If the cheque is not honoured by the bank payment in cash shall be demanded and the dishonoured cheque returned to the person and the preliminary acknowledgment should be taken back from him. The challan presented with the cheque shall be retained by the bank and destroyed in due course.

iii) **PROCEDURE WITH REGARD TO POSTAL ORDERS:**

The Procedure as in the case of D.Ds/Cheques may be followed.

iv) **PROCEDURE WITH REGARD TO MONEY ORDERS :**

Immediately on receipt of money orders/cash an entry should be taken on receipts side of the Cash book.

**2(D) PROCEDURE FOR CREDITING BANK DRAFTS/CHEQUES RECEIVED FROM AUTONOMOUS BODIES LIKE LIC, NCDC, GIC Etc.,**

(Government U.O.Note No.10136-A/175/W&M 1/87 Finance and Planning (FW W&M 1), dt: 9.4.87

The bank draft/cheque received should be credited to Government account by way of remittance into the bank on the same day or the next working day.

Any delay should be viewed seriously and the question of recovery of interest for delayed period from the persons responsible should be considered.

A register of valuables should be maintained in which the details of cheques/bank drafts (the number and date of draft, date of its receipt, the amount, the purpose for which received, the date of remittance with challan number) should be recorded.

This register should be reviewed fortnightly to ensure that the drafts received are promptly credited to Government account .

A Government servant who receives an uncrossed cheque should immediately cross it and endorse the words “received payment by transfer credit to the head of account.....on the documents and sign the endorsement. (TR 10- SR 1(a) and 9 ).

The amounts released by the Government of India and other Central autonomous bodies through cheques, by debiting the expenditure to the respective functional major head of accounts, have to be credited to the State Government ‘s account under the respective corresponding departmental receipt head of account.

The amounts released by the Government of India directly to the department through a cheque by debiting the expenditure to the Major head “0601 Grants-in-aid to State Government accounts” have to be credited to the State Government account under “Major Head 1601 Grants – in-aid from Central Government”.

(Government Circular Memo No.19186-G/614/A1/91, F&P (FW. Board of Governors), dt: 9.10.1991)

**2(E) ISSUE OF DUPLICATE RECEIPTS :**

(G.O.Ms.No. 95, Fin. & Plg. (FW.Admn.I),dt: 27.3.1980)

(T.R.10- S.R. 6 and Inst.28)

No Government servant may issue a duplicate or copy of receipt granted for money received by him on the allegation that the original receipt has been lost or is not available.

Requisition for certificate of credit in respect of refunds of deposits etc., should be entertained only when they are preferred by the departmental officers. The Certificates of credit issued by S.T.Os based on such requisitions should be countersigned by the D.T.Os. Where the original challan is lost and the amount of refund is more than Rs.1,000/- the departmental officers should obtain an indemnity bond from the party concerned before requisitioning a certificate of credit.

**2(F) REMITTANCE OF MONEY INTO GOVERNMENT ACCOUNT:**

(G.O.MS.NO.195, FIN. & PLG. (FW.TFR), DT: 24.5.89)

TR 10 (i), (ii) and SRs 8(c) and 10(a) (c) and (e)

a) Responsibility of Departmental officers:

Once in a week or at lesser intervals, challans should be prepared for the cash received at the departmental counters; through money orders; cash realized by cashing the postal orders; demand drafts; cheques and the amount remitted into bank duly making an entry on the payments side of the cash book.

After remittance in the bank, the Government servant who remitted the money shall compare the challan received from the Bank with the entry in the Cash Book and satisfy himself that the amount has been actually credited into the Treasury Bank.

The challan number and date should be noted against the relevant debit entry in the cash book and also in the Security Register maintained in the case of cheques and demand drafts. He has to get the remittances made reconciled with Treasury Accounts regularly to ensure that all the challans deposited are properly credited and there are no fictitious challans.

b) Procedure for remittance:

Every payment into the Treasury or bank for credit to the Government shall be accompanied by a challan in triplicate in Form 10, supplied free of cost by the Treasury, containing complete classification, the amount paid, remitter's name and address, purpose of payment, officer at whose instance the amount is deposited and the dated signature of the remitter.

If any further details are required in particular by any department, they should be got printed on the reverse side of the challan in Form 10 (newly introduced).

Every challan before it is presented to the bank/non-banking sub-treasury, should be got verified and endorsed by the Treasury Officer/STO/or the departmental officer authorized to do so, as to the correctness of the head of account and the amount as well as other particulars given in the challan. After such certification, the challan should be presented by the remitter in triplicate to the bank which will be sent to the treasury along with the bank scroll.

A challan checked and initialed by the Treasury Officer is an order to the bank to receive the payment and it is valid for 14 days only and thereafter it should be revalidated by the Treasury (TR 10-SR 19).

Amounts creditable to different heads of account shall be paid through different challans. {TR 10 – SR 10(b)}.

**2(G) NON-GOVERNMENT CASH:**

(Government Circular Memo No.17393-D/1364/A & L/82-3, Finance and Planning (FW A&L), dt: 2.5.83 and TR 10 – SR 7 a, b, and c)

A Government servant who is permitted to handle any money in his official capacity without including it in the Government account, should take care to see that such money is kept separate and not mixed up with moneys forming part of the revenue of the State. Such amounts shall be accounted for separately by maintaining a non-Government cash book.

In order to have effective control over handling and accounting of non-Government cash, the following instructions have been issued by the Government.

1. In addition to the normal procedure followed for the maintenance of non-Government cash book, the balance of non-Government cash should be exhibited distinctly in the details of cash balance maintained in the Government cash book and cash balance verified during the course of physical verification of cash;
2. The amounts recovered under different non-Government recoveries shall be remitted within a period of 7 days from the date of recovery of such amount;
3. During the periodical verification of Government cash balance, the non-Government cash balance also shall be verified in order to ensure that the instructions are followed.

A Government servant shall not place any private money in a Government cash chest. {TR 10 SR 7(d)}.

### **3. EXPENDITURE**

#### **A. Responsibilities towards incurring of expenditure:**

- i) Every head of the office should on no account incur any item of expenditure from public funds unless the following conditions are satisfied:
  - a) The expenditure must have been sanctioned by a general or special order of the authority competent to sanction such expenditure;
  - b) Sufficient funds must have been provided for expenditure in the budget of the financial year or by way of re-appropriation of funds sanctioned by competent authority and should have been released and placed at his disposal by the competent authority.
  - c) The fact that no budget has been provided for a particular item of expenditure is not a valid excuse for delaying payment of any amount indisputably due.
  - d) For want of sanction of the competent authority a particular payment actually made should not be delayed in entering the accounts. Under no circumstances, any payment actually made should be kept out of Government account a day longer than is absolutely necessary;
  - e) All appropriations lapse at the end of the financial year. On no account should funds be reserved or appropriated by transfer to a deposit head or kept in the cash chest to prevent lapse of appropriation. There should be no undue rush of expenditure during March. Drawal of funds in advance of requirements when they are not required for immediate disbursement – just to avoid lapse of grant – is irregular;
- ii) Further every Government servant should strictly adhere to the following principles known as the STANDARDS OF FINANCIAL PROPRIETY:
  - a) The expenditure should not be prima facie more than the occasion demands. He should exercise the same diligence and care in respect of all expenditure from public moneys under his control as a person of ordinary prudence would exercise in respect of expenditure of his own money.



- b) He should not pass any order directly or indirectly to his own advantage.
- c) Public money should not be utilized for the benefit of a particular person or section or community unless –
  - i) the amount of expenditure involved is insignificant; or
  - ii) a claim for the amount would be enforced in a court of law; or
  - iii) the expenditure is in pursuance of a recognized policy or custom;
- d) The amount of any allowance such as T.A. granted to meet the expenditure of a particular type should be so regulated that it is not, on the whole, a source of profit to the recipient.

**B. Responsibilities of Heads of Offices/drawing officers for moneys drawn (T.R.32):**

1. A Government servant is responsible for:
  - a) the safe custody of the moneys received by him from the treasury bank/and other sources;
  - b) for the maintenance of prescribed accounts;
  - c) for watching the correct disposal of the money;
  - d) for checking the cash balance in the office (SR.1)
2. For ensuring the above he should:
  - a) obtain, for every disbursement which he makes a voucher setting forth full and clear particulars of the claim in the form prescribed at the time of making payment;
  - b) obtain an acknowledgment either on the voucher or on a separate sheet signed by the payee by hand and in ink.
  - c) he shall require the payees to note the actual date of payment in his acknowledgment.
  - d) if the payee is not able to write his signature on the acknowledgment, his thumb impression may be obtained, which should be attested by some known person;
3. A cash memorandum shall not be treated as a proper voucher unless it contains a specific signed acknowledgement of the receipt of the money by the signatory from the Government servant concerned and is duly stamped with one rupee revenue stamp if the amount paid exceeds Rs.5000/-.
4. If, in very exceptional circumstances, it is not possible to furnish a proper voucher with the payees acknowledgment, a certificate of payment showing the particulars of the claim, signed by the drawing officer and endorsed by his immediate superior, shall be placed on record. {S.R. 2(b)}.
5. Whenever a payment is made by remittance, a note of the date and mode of remittance shall be made on the bill or voucher at the time of remittance. If the remittance is by money order, its purpose shall be clearly stated in the acknowledgment portion in continuation of the entry 'Received the sum specified above on .....' and sufficient space shall be left below the manuscript addition for the signature or thumb impression of the payee {SR2(c)}.
6. When an article is obtained by V.P.P. its cover together with the invoice of bill showing full details of the item paid for shall be treated as a voucher and the disbursing officer shall note on the cover that the payment was made through the post office and includes the postal commission. {S.R. 2(d)}.
7. No voucher shall be treated as a valid voucher unless it bears a distinct pay order, specifying the amount payable both in words and in figures separately and signed or initiated and dated by hand and in ink by the disbursing officer.

#### **4. CUSTODY OF CASH**

- i) The office cash balance should be kept in the iron cash chest having double lock arrangements. The cash chest shall, if practicable be embedded in masonry so as to prevent removal by thieves. One key of the cash chest should be held by the head of the office and the other by the superintendent or any other senior-most Government servant of the office. They should personally hold the keys of the chest and the keys should never leave the possession of the Government servants concerned. The cash chest should be opened and closed personally by them and should not be entrusted to the attenders. Whenever any Government servant holding the key of the cash chest happens to be on camp or go on C.L. he should personally handover the key to any other Government servant who is authorized to hold the same during the absence. It should not be sent through any other messenger who may unscrupulously prepare a duplicate key for its use at a later date without the notice of the head of the office and other Government servant holding the keys.

(S.Rs. 1 & 2 of T.R.II of APTC Vol.I)

- ii) Whenever there is change in the incumbent of the Government servant holding the key of the cash chest due to any kind of leave or transfer, the incoming Government servant should personally verify the cash and record a certificate of verification in the cash book under his own hand and affix his dated signature.
- iii) The duplicate keys of cash chest should be kept in a small packet, and the packet sealed and sent to the nearest treasury for safe custody. The receipt granted by the T.O. should be carefully filed. Thereafter once in three years, the sealed packet should be obtained from the treasury duly surrendering the receipt obtained at the time of deposit, the contents of the sealed packet checked up and the duplicate keys again deposited in the treasury for safe custody.

(Instrn.19 of T.R. 11 of APTC Vol.I)

- v) When leaving the office every day, after locking the cash chest, a paper seal duly signed by the head of the office should be pasted to the cash chest and the sealed cash chest shall be handed over to the night watchman under his acknowledgment. On the next day when the office is opened, the cash chest should be taken over by the Head of the Office by furnishing the acknowledgment. A register should be maintained for this purpose. The night watchman is expected to be awake during the nights and guard the office and cash chest. He should be provided with a torch light and stick. Once in a fortnight the head of the office should make surprise visit to the office to find out whether the night watchman is performing the duties or not and record the result in the register. If the night watchman is found sleeping or in drunken state deterrent action should be taken against him.

#### **5. CASH ACCOUNTS TO BE MAINTAINED BY THE HEAD OF THE OFFICE:**

- i) Cash book for Government transactions  
ii) Cash book for non –Government transactions  
iii) Register of cheques  
iv) Undisbursed Pay Register  
vi) Acquittance Register  
vii) Permanent advance register

- viii) Pay Bill Register
- ix) T.A. Bill Register
- x) Miscellaneous Bill Register
- xi) Treasury Bills Register/Register of bills
- xii) Register of contingent charges
- xiii) Register of recoveries of advances like G.P.F., A.P.G.L.I., P.L.I., Festival Advance , Medical Advance, Bicycles, House building, marriage, motor cycle loans etc.
- xiv) Register of recoveries of advance on transfer;
- xv) Tour advance register
- xvi) Office copy of LPC register (issued)
- xvii) Increment watch register (Gazetted & non-gazetted separately)
- xviii) Register showing the service books received from other offices and sent to other offices
- xix) Register showing the temporary establishment of the office and their continuance;
- xx) File containing the original challans for the amounts remitted into the treasury
- xxi) Register of actual expenditure incurred with progressive totals as prescribed in budget manual.
- xxii) Register showing the account of printed receipt books for the issue of receipts for the amounts received from the parties;
- xxiii) Register of valuables
- xxiv) Register of securities
- xxv) Register of duplicate keys

All the registers should be neatly bound up and kept as they are very important in nature. The following instructions should be followed for their maintenance;

- i) All the pages of the register should be numbered and certificates appended on the front page under attestation of the head of the office showing the number of pages, the register contained;
- ii) If the register is opened in manuscript for want of printed copy, the headings of the register should be typed and neatly pasted;
- iii) There should be no register without proper headings
- iv) A register once exhausted should be withdrawn from the clerk concerned and sent to the record room for safe custody under proper acknowledgment;
- v) In case of cash book, permanent advance register and Undisbursed Pay register, the closing balance as appearing on the last page of the old register and a certificate to the effect should be appended in the new register under the attestation of the head of the office.

### **5. 1. CASH BOOK:**

The following instructions should be followed in the maintenance of cash book.

- a) Every Government Office should maintain a cash book in APTC Form No.5 with the following columns:
  - i) Date of receipt      ii) Particulars      iii) Amount      iv) Date of disposal or remittance to treasury
  - v) particulars      vi) Amount      vii) Remarks

- b) There should be one cash book for Government transactions and another for non-Government transactions if the Government servant is permitted to handle in his official capacity moneys received not on behalf of the Government directly but in connection with affairs of a Government institution. The cash balance relating to Government transactions and non-Government transactions should be kept separately in the cash chest. (S.R. 7(c)T.R. 10 of A.P.T.C. Vol.I
- c) It is not correct to multiply cash books and as far as possible only one cash book should be maintained for all Government transactions. Subsidiary registers may however be opened, if need be, taking their totals to the cash book
- d) Money received on behalf of the Government (with the exception of moneys withdrawn from treasuries on bills for pay, contingencies etc. with are accounted for and watched in other ways) should immediately be accounted for in the cash book. (S.R. 3 – T.R. 10)
- e) For each entry on the receipts side of the cash book there should be a counterfoil of printed receipt and the receipt number noted against each entry. (S.R.2 – T.R.10)
- f) Before an officer signs a receipt he should see that the receipt of the money has been duly recorded in the cash book and in token of his check he should initial with date the relevant entry in the cash book;
- g) When money is sent to the Treasury/Bank for remittance, entry should be made in the Cash Book while signing the challan. It should be attested only on receipt of the challan after remittance.
- h) In respect of amounts received on account of encashment of bills and cheques at Treasury or Bank, they should be supported by relevant entries in the Treasury Bills, Register, or U.D.P. or Permanent Advance Register etc.
- i) After totaling the receipts recorded in the cash book the opening balance of the cash book should be added and grand total struck;
- j) For every item of disposal on the charges side of the cash book, UDP/PA register there should be acquittance or payment receipt in proof of having disbursed the amount;
- k) At the close of business on each working day, the cash book should be closed duly verifying the cash on hand and the closing balance arrived at.
- l) A memorandum of verification should be recorded in the cash book duly counting the cash and verified with the book balance as shown in the cash book and other registers after they have been closed for the day and then signed by the drawing officer as below:
 

a) Balance as per cash book	:	.....
Balance as per U.D.P. Register	:	.....
Balance as per P.A. Register	:	.....
Total book balance	:	-----
b) Amount held in cash	:	.....
Amount held in the shape of	:	.....
Cheques and drafts		
		-----
Total:		.....
		-----
- c) Cash balance ascertained by counting:

- m) If there is difference between the book balance and the physical balance, the same should be reconciled. If it could not be reconciled, action should be taken under Art.294 of A.P.F.C. Vol.I and S.R.2 of T.R.11 of APTC Vol.I
- n) If the concerned officer happens to be in camp or leave the officer who looks after his work or the ministerial head should check the cash book as above and the D.O. should as soon as he returns verify the entries in the cash book and attest the same duly satisfying himself about the correctness of the transactions and entries.

#### **5. 2. TREASURY BILLS REGISTERS:**

1. (Instructions 33, 56 and 57 of T.R. 16)
2. G.O.Ms.No.325 Finance and Planning, dt: 9.11.74
3. G.O.Ms.No.172 Finance and Planning, dt: 06.06.79

Every office presenting bills at Treasuries shall enter the particulars of all the bills in a Treasury Bill Register in APTC Form 70.

The responsibility of the maintenance of the Treasury Bills Book rests with the Drawing Officer only and the Treasury Officer need not fill up any column in the Treasury Bills Book. Now the columns in the Treasury Bills Book are changed to 21 columns and the Drawing Officer alone shall fill in the columns in this book.

After scrutiny and passing of the bills, they will be sent to the bank in a locked box in convenient batches with a list of bills in duplicate. The Bank will return one copy of the list to the Treasury duly acknowledging the receipt of the passed bills.

The list of passed and returned bills will be exhibited on the notice board of the Treasury to enable the messenger to know the bills sent to the Bank and the bills returned. In respect of bills passed, the messenger will surrender the paper token issued by the Treasury, at the Treasury and receive two covers addressed to the Notified Link Bank and Notified Pay Bank for having one copy each in these banks and for obtaining acknowledgments in Annexure-I and Annexure-II. In respect of returned bills, the paper token should be surrendered at the returned bills counter of the Treasury and the bills received back for further disposal. When they are represented fresh entry should be made in the Treasury bill register.

If the bills are pending with the Treasury for more than 3 days, the matter should be taken up with the Treasury Officer for their expeditious disposal.

If the Treasury passes any bill for a less amount disallowing certain amount according to the entry recorded by it in the Treasury bills register, a memorandum of deductions from bills should be obtained from the Treasury in A.P.T.C. Form 71 inst.34.

A Treasury Officer may correct any arithmetical inaccuracy or an obvious mistake in any bill presented to him duly intimating the drawing officer any correction which he makes. (TR 26)

In respect of passed bills sent to the Bank, the Bank shall make payment strictly in accordance with the pay order of the Treasury Officer, to the payee or a messenger duly authorized by the payee after satisfactory identification. The Bank shall also verify before making the payment that the signature of the drawing officer attesting the payee's signature tallies with that on the bill as passed by the Treasury Officer. In respect of the claims of the employees, the Government Bank shall credit the money to the D.D.Os account enabling him to draw the money by presenting a cheque. In respect of the cases where the employees have opted to receive their salaries etc. through the banks, the Government Bank will transfer credit to the Notified Link Bank which will pass on the credit to the Notified pay Bank for crediting to the SB A/cs of the employees concerned – G.O.Ms.No.90 Fin. (TFR) Dept., dt: 31.1.2002.

Payment orders issued by the Treasury are valid for five working days only and Bank requires revalidation of the pass orders by the Treasury for making payment of the bill beyond that period.

#### **RECONCILIATION OF FIGURES BY DRAWING OFFICERS :**

The departmental officers should reconcile their receipts and expenditure before 4<sup>th</sup> of every month. Otherwise, the bills presented in the Treasury after 10<sup>th</sup> will not be accepted – G.O.Ms.No.507 Finance (TFR) Dept., dt: 10.04.2002. It was ordered in G.O.Ms.No.277 Fin. (A/cs), dt: 6.6.1990, the salary bill of the Drawing and Disbursing Officer should not be admitted for payment if there is failure to attend to the monthly reconciliation work.

#### **5. 3. REGISTER OF BILLS :**

In twin cities, where the bills are presented at P.A.O. a register of bills in APTC 70-A should be maintained.

Precautions should be taken to ensure that parallel treasury bills registers are not maintained.

#### **5. 4. DISBURSEMENT OF PAY AND ALLOWANCES :**

- i) The head of an office is personally responsible for all moneys drawn as pay, leave salary, allowances, etc., on an establishment bill signed by him or on his behalf until he has paid them to the persons who are entitled to receive them and has obtained their dated acknowledgements, duly stamped when necessary. These acknowledgements shall be taken as a rule on the office copy of the bill or on the separate acquittance roll.
- ii) In cases where a non-gazetted Government servant is on tour and payment has to be made to him at the station where he is on tour the D.D.O. shall remit the amount to him by a bank draft at par by registered post at Government cost. In case where a class IV Government servant proceeds on leave for a period exceeding one month, the net leave salary due to him, on his express request may be remitted to him by means of a bank draft at par by registered post at Government cost.  
( G.O.Ms.No. 224 Finance Wing Accounts II, dt: 6.8.1983)

- iii) When a Government servant is on leave or camp, any money due to him may be remitted to him by postal money order at his expense, if he has made a written request for this to be done. If he requests in writing that the amount be paid to specified Government servant belonging to the same office, payment shall then be made accordingly, provided that the Government servant nominated produces an acknowledgment signed by the absentee (and stamped when the amount exceeds Rs.500/-). The Government servant who received the money shall sign on the back of the absentees – acknowledgment and acknowledgement shall be attached to the office copy of the bill or to the acquittance roll and the remark ‘separate receipt attached’ shall be entered in the appropriate place.
- iv) If a Government servant fails to claim payment before the end of the month, the moneys drawn for him shall ordinarily be refunded by short drawal in the next bill and drawn afresh when he claims them, if the rules regarding arrear claims permit it. When the drawing officer considers that the earlier refunding of any such moneys would cause undue inconvenience, he may retain them for any period not exceeding 3 months, but he will continue to be held personally responsible for them and must make satisfactory arrangement for keeping them safely. Undisbursed pay, allowances and leave salary shall not, under any circumstances, be placed in deposit.
- v) The Drawing Officer shall either check the acquittance roll himself or have it so checked by a responsible Government servant and sign the statement ‘checked in accordance with SR 4(d) under TR 32’ at the foot.
- vi) A Disbursing Officer shall not make the last payment of pay allowances etc. to Government servant who is finally leaving the service or is placed under suspension or to the heirs of the deceased Government servant until he has satisfied himself that no amount is due to the Government from the Government servant. (SR 4 TR 32)
- vii) Undisbursed pay register T.R. 32 APTC Vol.I SR 4
- i) To watch the disposal of undisbursed pay and allowances a Register is to be maintained in APTC form No.20 with the following columns.
- |                       |                                    |                        |                         |            |
|-----------------------|------------------------------------|------------------------|-------------------------|------------|
| 1) Date               | 2) Annual Sl. No.                  | 3) Description of bill | 4) Amount               |            |
| 5) Amount undisbursed | 6) Date of subsequent disbursement |                        |                         | 7)         |
| Amount disbursed      | 8) Balance                         | 9) Date                | 10) No. of receipt item | from which |
| disbursed             | 11) Particulars of payment         | 12) Amount             |                         |            |
- ii) The serial numbers in this register should be assigned consecutively for each financial year. The serial number against each item should be rounded off when the complete amount drawn under particular item is disbursed leaving no balance.
- iii) On each date of transaction, the totals under receipts and disbursements should be worked out and the balances struck. The undisbursed balance verified from the acquittance roll should be entered in Col.5 and subsequent disbursement noted in Col.6 to 8 till the entire amount is disbursed and the item is finally rounded off.
- iv) The closing balance of U.D.P. Register should be taken to the cash book

- v) The U.D.P. Register should be signed every day by the head of the office.

**5.5. PERMANENT ADVANCE : ART.94-98: 106-107 OF APFC VOL.I:**

As a general rule, drawal of money from the Treasury is only by presenting a proper voucher prepared in accordance with the rules and no money should be drawn until it is required for immediate disbursement. The Permanent Advance system is an exception to general rules.

- a) The Permanent Advance is primarily intended for meeting emergent contingent expenditure. However, it may be utilized to meet any other bonafide expenditure on Government account except for grant of advance of pay.
- b) The accountability for the advance and its utilization on bonafide Government account in accordance with these rules and regulations shall rest wholly on the holder.
- c) Copies of sanctions along with monthly statements of expenditure showing the amount of contingent bills cashed with classified details of items of expenditure should be furnished to the sanctioning authority in the following months.
- d) The quantum of permanent advance for any organization should not as a rule exceed the monthly average of contingent expenditure for the preceding twelve months. The application for the advance by the office/organization should be accompanied by a statement showing month wise contingent expenditure for the preceding twelve months. In case of a new organization the amount of advance should be fixed on a conservative basis subject to review after six months.
- e) The advance should be recouped at least twice a month so that the amount sanctioned does not exceed half the amount of the average monthly contingent expenditure. Calculated as in (d) above.
- f) As these advances involve the permanent retention of money outside the treasury, the amount of such an advance must not be larger than is absolutely necessary.
- g) These advances should not be multiplied unnecessarily.
- h) For the sanction of Permanent Advance initially or for revision of the existing Permanent Advance application should be submitted by the Head of Department in respect of a Government servant serving under him to the administrative department of Secretariat to sanction it with the concurrence of Finance and Planning (FW) Department.
- i) It should be initially drawn after sanction on abstract contingent bill form 57 debatable to MH 8672 – Permanent cash imprest – 01 – Civil.
- j) The amount of Permanent Advance sanctioned, the order in which sanctioned and the amount drawn should be noted on the front page of the register and attested by the head of the office.
- k) An acknowledgment should be sent to the sanctioning authority:
  - i) When the P.A. is sanctioned for the first time;
  - ii) When there is revision in the quantum of Permanent Advance
  - iii) On 15<sup>th</sup> April every year showing the position as on 31<sup>st</sup> March
  - iv) Whenever there is a change in the incumbent of the post
  - v) It should be in the form prescribed under Article 98
  - vi) The acknowledgment should always be for the full amount sanctioned



- vii) The drawing officer should enclose a true copy of the Permanent Advance acknowledgment sent to the sanctioning authority, to his own pay bill for April each year. Otherwise, the PAO/TO are empowered to return the bill.
- l) Advance to peons for railway fares and advances for office expenses in camp can be made from Permanent Advance.
- m) The Permanent Advance register should be maintained in Form 89 of APTC. Each voucher for the expenditure incurred from Permanent Advance should be entered in this register and its recoupment watched. The register should be closed every day of transactions with the following abstract.
- 1) Opening balance    2) Receipts    3) Total    4) Deduct charges  
5) Closing balance    6) Add unrecouped expenditure    7) Total Permanent Advance
- The columns 7 to 10 showing the receipts should be filled up whenever the contingent bills are encashed to recoup the Permanent Advance and whenever cash is recovered from the persons concerned. Simultaneously column 5 showing the mode of recoupment (by cash or by cashed contingent bill) and column 6 showing the date of recoupment should be filled up under the attestation of head of the office.
- n) Monthly serial numbers should be assigned to the vouchers for the amounts spent from Permanent Advance and that number should find place both in the register and on the voucher.
- o) When the contingent bill is prepared to recoup the Permanent Advance with reference to paid vouchers, the vouchers should be cancelled to avoid the possibility of double drawal at a later date.
- p) The unrecouped vouchers and cancelled vouchers should be preserved carefully serially arranged in the personal custody of the Head of the Office for production before the inspection parties. If any voucher is not produced the Head of the Office will have to make the good the amount covered by vouchers so lost and not produced.
- q) The closing balance of P.A. register should be taken to the cash book
- r) Whenever there is change in the incumbency of head of the office due to C.L./E.L. or transfer, the closing balance of Permanent Advance register including unrecouped vouchers should be verified by the incoming Government servant and the result of verification recorded in the register under his full signature.

#### **6. PROCEDURE FOR DRAWAL OF MONEYS (T.Rs.16, 24 AND 25):**

- i) **COMMON TO ALL TYPES OF BILLS:** A claim against the Government shall be made by presenting at the Treasury – A bill in the form prescribed (printed/typed/stenciled) duly receipted and when necessary stamped. {S.R. 2(b)}
- ii) **APPLICABLE TO PAY BILLS:** Office copy of the pay bill is prescribed in G.O.Ms.No.179 finance and Planning (FW.TFR) dt: 15.5.1989.

#### **S.R. 7:**

Separate pay bills for permanent and temporary establishments, plan and non-plan should be presented in the Treasury.

The bills should indicate:

- i) The name of the Government servant  
ii) Rate of pay

- iii) Changes in pay with brief narration
- iv) G.O. No and date in case of temporary establishment
- v) Certificates prescribed in Note under Inst.1 of TR 17 and Art.63 of APFC establishment contained for 3 months beyond the period of sanction.
- vi) The period for which sanction exists;
- vii) Copies of orders regarding promotions and similar changes or any correspondence regarding a claim shall not be attached to the pay bill. SR 2m – TR 16 and Art.48 of APFC Vol.I
- viii) If payment for the month is postponed for any employee, it shall not be omitted from the bill, but shall be noted in red ink and omitted in the total;
- ix) If claim is for the part of a month the number of days for which the claim is made shall be noted against the Government servant's name.
- x) Totals may be indicated for each page separately and page wise totals entered in the last page and grand total is arrived at;

**S.R.3(b) and S.R.12:**

- xi) a) pay bill on first/regular appointment to gazetted and superior service shall be supported by a certificate of the Drawing Officer to the effect that the individual has submitted the health certificate prescribed in F.R.10.  
b) LPC has to be enclosed in respect of employee joined on transfer. Instructions in Appx.18 of APTC Vol. II should be followed.
- xii) The drawing officer shall deduct from pay bills supported by schedules in the prescribed forms in duplicate, the amounts relating to Court attachments, Funds, APGLI, PLI, Advances, Rent, Income tax, Professional tax etc.
- xiii) The drawing officer shall send within 3 days of encashing the connected pay bills a copy of schedule attached to the pay bills to the respective Executive Engineers wherever rent is recovered giving reference to the voucher number, the net amount and date of encashment. S.R.2(k) and (l) (TR) 16 – Art.85 to 90 APFC Vol.I
- xiv) The D.O. shall issue a monetary receipt in Form 41-B to the persons from whom Income Tax is deducted from the salary pay bills.
- xv) Absentee statement : SR 11 – TR 16 :  
The Drawing Officer shall ordinarily attach an absentee statement in Form 48 to the monthly establishment pay bill, if any person in superior service has been absent during the month on leave (other than Casual leave) or deputation or suspension or without leave, or if a post has been left vacant substantively. If no Government servant in superior service has been absent otherwise than on casual leave during the month, the drawing officer shall attach the relevant certificate to the establishment pay bill.
- xvi) **Increment Certificates :**  
(S.R. 13 – TR. 16; F.R. 24; Art.75 of APFC Vol.I. Govt. Memo No.16965/677/A&L/85 Fin.& Plg., dt: 13.2.1987)
  - a) An increment has ordinarily to be drawn as a matter of course unless it is withheld. In the absence of any specific order withholding an increment before

the date on which it falls due for payment, the increment accrues automatically on that date. (FR.24)

- b) The drawing officers are empowered to release the increments duly enclosing
  - i) Increment certificate in Form 49 signed by him SR 13
  - ii) Additional certificate signed by him stating that the subordinate concerned has completed probation satisfactorily on a specified date indicating also whether he is a direct recruit or a promotee; (Art.75)
  - iii) Certificate of insurance with the APGLI (Government. Circular Memo No.104215-A/1620/Pen.11/76-2 Fin. Wing. Pen.11), dt: 17.11.77

No increment certificate need be enclosed in respect of persons whose names need not be shown in the pay bills presented in the Treasury/P.A.O. However, the increment certificate should be attached to the office copies of the pay bills to facilitate test check during local audit.

(Note 2 (SR 13))

- c) An increment watch register in APTC form 106, should be maintained by the Drawing Officers for Non-Gazetted and Gazetted Officer separately. Separate pages should be allotted for each month and the names of Government servants, the rate of pay being drawn and the date from which it is drawn and date of next increment should be recorded in the register with reference to the Service Registers. Whenever the increment is preponed/postponed the name of the individual should be entered in the page allotted for the month to which it is postponed/preponed.

**xvii) ARREAR CLAIMS:**

(Art. 52-54 of APFC Vol.I SR 14 TR 16 Instrn I TR 23) G.O.Ms.No.161 F&P (FW –TFR), dt: 27.4.1991

**Article 52 to 55 :**

No claim against the Government not preferred within a period of one year of its becoming due can be presented without the authority from the Accountant General/Pay and Accounts Officer.

**Exceptions:**

- a) Claims not exceeding Rs.500/- (each individual monthly claim) presented within 3 years of its becoming due may be paid without pre-audit.
- b) Claims on account of Pay & Allowances (Except TA) of NGOs whose names are not shown in the pay bills as per S.R.9 – T.R.16 do not require pre-audit.

Thus claim exceeding Rs.500/- p.m. over one year and all other claims (even less than Rs.500/- p.m.) over three years require pre-audit.

**Pre-Audit Authorities :**

**A. Upto six years:**

- 1. Over one year upto 6 years and exceeding Rs.500/- (each individual monthly claim) | PAO for city claims |
- 2. Over three years to 6 years even less than Rs.500 – individual monthly claim | A.G. for Dist. claims |

**B. Over 6 years ::**

All claims

PAO for city claims

DTO for Dist. Claims

A claim of a Government servant for arrears of pay & Allowances or for an increment which has remained in abeyance for over 6 months will be subject to a discount of 15%, if the delay is directly attributable to the Government servant. Preaudit is not necessary in case the bill is preferred within one year from the date of sanction – Finance Departments Memo. No.44942/358/A2/7 FR/96, dt: dated 21.2.1997

**Due Date :**

a) For pay & Allowances: (Ar.72)

Pay, leave salary and other recurring monthly payments become due for payment only on the 1<sup>st</sup> working day of the next month to which they relate.

In case the 1<sup>st</sup> working day happens to be a holiday, the due date shall be the next working day.

Payments due for part of a month shall be paid without waiting for the due date in the following cases:

- i) When a Government servant is transferred from one department to another where there is change in the controlling authority.
- ii) When a Government servant finally quits the service.
- iii) When one is transferred to foreign service.

b) **Other Claims:**

A claim will be held to have become due either on the date of sanction to the claim or on the date of its accrual whichever is later;

In cases of arrear claim resulting from an order issued with retrospective effect, period of one year is to be taken from the date of the order;

The period of limitation for approval of pay fixation is 6 months from the date of exercising the option;

In case of pay fixation the due date is the date on which the pay fixation statement is signed by the competent authority.

c) **For Increments :**

One year from the date of its accrual and not from the date on which the increment certificate is signed by the competent authority.

An increment withheld accrues from the date on which it falls due after taking into account the period for which it is withheld;

If the 1<sup>st</sup>/2<sup>nd</sup> increment due after completion/declaration of probation are delayed for want of probation declaration orders the period of one year should be reckoned from the date on which the probation declaration orders are signed by the competent authority.

**T.A. Claims:**

- i) No claim for T.A. should be entertained if the claim is made after three months from the date on which the claim has fallen due. Countersigning officers should refuse to countersign the bills presented after this period. The period is one year from the date of completion of journey in respect of legislators and non-officials members;
- ii) In case of regular touring officer, the period of three months shall be reckoned from the date of completion of last journey in the month;
- iii) In case of occasional tours, the period is from the last date of that particular journey.
- iv) In case of NGOs the time limit should be applied from the date of completion of the journey to the date of submission of the claim by the individual in the shape of a T.A. journal or other information to the Head of the Office.
- v) When the claim for T.A. is countersigned by the controlling officer after three months from the date which the claim has fallen due controlling authority should append a certificate that it has been made in time. Controlling authority should not keep bill with him for more than a month from the date of receipt of the T.A. bill in his office for counter signature.
- vi) He should maintain a register of T.A. claims received for counter signature and review the same once in a month.
- vii) No claim for drawal of arrears of T.A. is admissible consequent on retrospective pay fixation.
- viii) T.A. Claims not preferred within three years of the performance of the journey should not be admitted.

**LEAVE TRAVEL CONCESSION :**

Claims should be preferred within 30 days from the last date of the journey or 15% cut should be imposed upto one year. Beyond one year it should not be entertained.

**PROCEDURE FOR DEALING WITH ARREAR CLAIMS :**

Form of authorization of audit to investigate arrear claims is given in Art.54. Competent Authorities to order for investigation.

NGOs claims	:	Appointing authorities
Gazetted Officers claims & NGOs claims in respect of whom Government is the appointing Authority	:	Heads of Departments (Excluding their personal claims)

Petty arrear claims which do not effect pension and claims where Government servant offers no satisfactory explanation for delay should be rejected forthwith.

In other cases where delay is attributed to the claimants 15% cut should be imposed.

Where 15% cut is not imposed a certificate that the delay has been adjudged as not due to claimants' negligence or carelessness should be furnished by the controlling authority.

- i) Whenever a claim is forwarded to A.G./PAO/DTO for pre-audit, the fact of submission of the claim for pre-audit shall be recorded in the service book by the Drawing Officer.
- ii) After pre-audit the fact of admitting the claim in audit shall be recorded in service book against the original entry and attested by the PAO/DTO
- iii) A certificate to the effect that the arrears have not been claimed previously shall be appended to the claim before submission to the Accountant General
- iv) The Service Book shall accompany the arrear claim
- v) A note of all payments made on account of arrears of pay and allowances shall be recorded in the service book by the concerned departmental Drawing Officer under proper attestation duly indicating the major head account to which the claim is debited.

**AUTHORITIES TO ACCORD SANCTION AFTER PRE-AUDIT BY AG/PAO/DTO:**

	NGOs	GOs and NGOs in respect of whom Government is the appointing authority.
a) Upto 3 years immediately preceding the date of detection of under payment – No monetary limit.	Appointing authorities	Head of Departments
b) Exceeding 3 years No monetary limit	Heads of Departments	-do-

**CHECKS TO BE EXERCISED FOR DEALING WITH ARREAR CLAIMS:**

1. Nature of the claim (detailed history as to how it has arisen)
2. Period/rate per month/total amount due;
3. Reasons for delay in settlement (time taken at various levels)
4. Efforts made by the claimant to get the settlement of the claim expedited and with what result.
5. Whether the non-payment of claim will effect pension;
6. Whether the delay is attributable to the individual or office?
7. If it is due to individual's delay – Why not reject it?
8. Whether 15% cut is to be imposed or not? If not, why?
9. If it is administrative delay, what action has been taken against the person held responsible
10. Details of records, orders and other corroborative evidence on the basis of which the claim is considered to be indisputably due.
11. Date of detection of under payment. How it was detected? Whether during the course of audit/representation of the individual or during the course of sanction of increments or otherwise.

12. Whether entries in the Service Book correlate with the events mentioned in the bill
13. Whether due and drawn statement is enclosed and if so whether the amounts noted, as due, tally with the pay fixation or other order
14. Whether the allowances admissible and drawn are in accordance with the sanctioned rates.
15. Whether the amounts noted as drawn tally with the office copies of pay bills and the entries in the Service Register
16. Whether increment certificates are enclosed in complete shape;
17. Whether non-drawal certificate in the prescribed form is enclosed.
18. Whether a certificate by the head of the Office to the effect that the claim has been checked/verified with reference to the corroborative records available in his office has been recorded.

xviii) **PAY ETC. DUE TO DECEASED GOVERNMENT SERVANTS – ART.80:**

Pay, leave salary and other emoluments are to be paid for the day of death irrespective of the hour of death.

a)	Gross amount of claim upto and Rs.5000	No legal authority is required. Payment is to be made under orders of the Head of the Office in which the employee last served; Head of the office has to satisfy him about the right and title of the claimant; If Head of Office is NGO the G.O. immediately superior to him shall make payment after satisfying himself about the right and title of the claimant.
b)	Gross amount exceeding Rs.5,000/-	<ol style="list-style-type: none"> <li>i) Orders of Head of the Department are necessary.</li> <li>ii) On execution of indemnity bond in Form 6 of APFC duly stamped for the gross amount due with such sureties as may deemed necessary.</li> <li>iii) Anticipatory payment not exceeding Rs.5,000/- may be paid by Head of the Office.</li> <li>iv) If gross amount is less than Rs.7,500/- one surety may be accepted by the authority accepting the indemnity bond subject to merits of the case.</li> <li>v) The indemnity bond should be accepted by the officer who is authorized to sign agreements under Appendix 4 of APFC Vol.II for and on behalf of the Governor of Andhra Pradesh.</li> <li>vi) Both the obligor and sureties should have attained majority so that the bond may have legal effect;</li> <li>vii) In case of any doubt payment shall be made only to the persons producing legal authority</li> </ol>

**PROCEDURE FOR MAKING PAYMENT :**

- i) Claim should be preferred by the Head of Office only on receipt of the claim from the legal heir;
- ii) Claim should be supported by certificates that are normally required for any bill
- iii) In case of certificates which solely depend on the personal knowledge of the Government servant which obviously cannot be furnished by the Head of the Office, the Head of the Office should record if he is satisfied about the correctness of the claim and furnish a certificate to the effect that the claim is not susceptible for verification but considered reasonable;
- iv) A formal receipt, stamped where necessary, should be obtained from the claimant;

**XIX. PAYMENTS IN THE CASE OF EMPLOYEES WHOSE WHEREABOUTS ARE NOT KNOWN:**

**1. Payment of salary, leave encashment, GPF, Family pension and DCRG:**

(Art.81 read with G.O.Ms.No.241 F&P (PW.Pen.I) dated 10.9.1987 and G.O.Ms.No.41 Fin.(Pen.I), dt: 8.2.94)

- a) The family must lodge a complaint with the concerned Police Station and obtain a report that the employee has not been traced after all efforts had been made by the police.
- b) An indemnity bond should be taken from the nominee/dependents of the employees that all payments will be adjusted against the payment due to the employee in case he appears on the scene and makes any claim.
- c) The head of the office will assess all Government dues outstanding against the Government servant and effect the recovery in accordance with instructions in force for effecting recovery of Government dues.
- d) Then the family can be paid the amount of salary due, leave encashment due and GPF having regard to the nomination of the employee.
- e) The family can apply to the Head of the Office of Government servant for grant family pension and DCRG after one year from the date of disappearance of the Government servant in accordance with the prescribed procedure.
- f) In case the disbursement of DCRG is not effected within 3 months of the date of application interest shall be paid at the rates applicable and responsibility for the delay fixed.

**2. PAYMENT OF GROUP INSURANCE ACCUMULATION:**

(G.O.Ms.No.111 F&P (FW Accts.2), dt: 22.4.88)

- a) Insurance cover : The amount of insurance cover is payable to the nominees or heirs of the missing person, after expiry of a period of 7 years following the month of disappearance of the employee provided the claimants produce a proper and indisputable proof of death or a decree of the court that the employee should be presumed to be dead.
- b) Savings Fund: The accumulations in the Savings Fund are payable to the nominees or legal heirs after a period of one year following the month of disappearance subject to fulfillment of the following conditions:



- i) The family must lodge a report with the concerned Police Station and obtain a report that the employee has not been traced, after all efforts had been made by the police.
- ii) An indemnity Bond should be taken from the nominees/dependents of the employee that all payments shall be adjusted against the payment due to the employee in case he/she appears on the scene and makes any claim.
- iii) Recovery of subscription:

a)	For a period of one year following the month of disappearance	Full subscription at the rate application on the date of disappearance together with interest at the rates applicable to savings fund	To be recovered from the savings Fund amount payable after one year
b)	For a further period of 6 years or till the month in which insurance cover is paid, whichever is later	Premium for insurance cover at Rs.3/- p.m. for every Rs.10,000/- along with interest	To be recovered from the insurance cover payable after 7 years

G.O.Ms.No.111, Finance and Planning (FW.Accts.II), dt: 22.4.1988)

**Payment of APGLI Fund:**

(G.O.Ms.No.261 F&P (FW Admn.5), dt: 15.5.1990

The policy amount of the APGLI including the benefit of bonus may also be paid subject to satisfying the conditions (i) and (ii) of para 9 2(b).

**7. PROCEDURE FOR DRAWAL OF PAY AND ALLOWANCES BY GAZETTED OFFICERS:**

1. G.O.Ms.No.437 Finance & Planning (Fin.Wing Admn.I), dt: 13.10.1976
2. G.O.Ms.No.214 Finance & Planning (Fin.Wing SPF), dt: 16.8.1979
3. TR 20 and TR 22 should be deemed to have been modified

The system of issue of pay slips to Gazetted Officers by the A.G/PAO and drawal of bills by the Gazetted Officers themselves was dispensed with from 1.1.1977 and 1.1.1980 in respect of officers working in the Districts and twin cities respectively. However, the P.A.O., Hyderabad, is the pay fixing authority in respect of All India Service Officers, A.P.Administrative Service Officers, select list officers holding cadre posts and District and Sessions Judges working in the entire state.

The pay and allowances of all the Gazetted Officers including heads of offices, including those to whom pay slips are issued by the PAO are to be drawn and disbursed by the Heads of Offices or the Drawing Officers who are delegated with the powers by Heads of Offices as in the case of Non-Gazetted staff. The officers may opt to receive their salary either in cash or through Account Payee cheques but now the salaries are paid to the State Government Employees through banks, where in the Employee holds Bank Account in Nationalized Banks.

The pay and allowances of the Head of the Office are to be determined by his immediate superior officer/ Head of the Department. In respect of other Gazetted Officers the Head of the Office shall determine their pay and allowances. C.T.Cs. of officers transferred, need not be sent to the A.G/PAO or the Chief Secretary to Government excepting those of All India Service Officers and Heads of Departments.

**8. MAINTENANCE OF PAY BILL REGISTERS :**

G.O.Ms.No. 184 Finance & Planning (FW.TFR), dt: 16.5.1989 and S.R.7 T.R. 16)

The following revised procedure has been introduced with effect from the month of March, 1989 (salary for March 1989)

1. Claims of All India Service Officers, Gazetted Officers and Non-Gazetted employees should be drawn on separate bills;
2. The existing procedure of maintaining office copies of consolidated pay bills is discontinued
3. The office copies of the pay bills should be maintained in a PAY BILL REGISTER IN APTC FORM 109
4. The pay bill register is an individual's ledger indicating the pay and allowances drawn by the individual during a financial year, recoveries or deductions made from his pay bills, loans and advances taken and amount recovered in each monthly bill etc.
5. One Register will be used for each financial year. At the beginning of the Register, a suitable index should be provided. Numbering will be done at alternative pages since each individual's ledger will have two pages.
6. At the beginning of the financial year or during the financial year, when an individual joins in a particular office, the particulars of his L.P.C. and entitlements will be entered in the approximate box provided on the left side page. In case of existing employees, the ledger folio number of the previous year's pay bill register will also be entered.
7. The particulars of loans and advances sanctioned are to be entered in the approximate columns on the right side page in the box provided. In the case of employees transferred in, these details are to be posted from the LPC.
8. The pay and allowances drawn during a particular month will have to be entered in the column provided for that month and thereafter the entries are to be made in the original salary bill to be presented in the Treasury/PAO. The salary bill number given in the Treasury Bill Register will be indicated in column 30 of the pay bill register. The Drawing Officer will have to attest each entry in the pay bill register while verifying the same as noted in the original pay bill to be presented at the treasury.
9. Separate space has been provided for recording the particulars of arrears of pay and allowances, encashment of earned leave etc. At the close of the financial year or when the individual is transferred out, the grand totals of the payments and recoveries made will be entered in the appropriate column in the box for loans and advances and outstanding loan balances as on the close of the financial year or at the time of transfer will be noted in the appropriate column and the same will be noted in the L.P.C. to be issued or in the next year's ledger page allotted to the individuals.

10. An extract of the pay and allowances drawn and recoveries made and the balances of loans to be recovered will be furnished to each individual employee in the month of March every year, so that the employee can confirm the correctness of the particulars.
11. After the entries of the pay and allowances and deductions etc. are made in the pay bill register, which is to serve as an office copy of the pay bill of an employee and original pay bill is sent to PAO/Treasury the particulars of any item disallowed or modified in the Audit, are to be entered in the Pay Bill Register of the individual by rounding off the existing figures in red ink and indicating the revised figures in red ink and attested by the Drawing Officer.

**9. THE PAY BILL REGISTER IS A PERMANENT RECORD AND SHOULD BE PRESERVED PERMANENTLY:**

**Directions to be followed in preparing contingent bills:**

In G.O.Ms.No.179, Finance and Planning (FW.TFR) dt: 15.5.1989 new bill forms have been introduced for various types of claims with effect from June 1989 in case of Ranga Reddy District and August 1989 in all other Districts including twin cities. The salient features of these new bills are:

- i) The practice of having pre-printed certificates on the bills is discontinued. The certificates essential for a particular type of claim will have to be written in the space provided for the purpose and if space is not sufficient a separate sheet can be attached to the bills. The certificates to be furnished to various types of claims are appended.
- ii) The purposes for which the revised forms are to be used are specified in the above Government Order as follows:

1.	Salary Bill Form 47	i) Drawal of pay and allowances of both G.Os & NGOs. ii) Encashment of EL.
2.	T.A. Bills Form 52	i) T.A. of GOs and NGOs ii) F.T.A. iii) Conveyance Allowance iv) Payments towards bus Warrants v) L.T.C.
3.	Employees Advances Form 40	i) All loans and advances to employees separate forms will be used for drawal of loans GPF and APGLI ii) Pay/T.A. Advance iii) Medical Advance
4.	Abstract Contingent Bill Form 57	i) All types of advances for departmental purposes for which detailed bills are sent to the A.G. ii) Drawals under T.R. 27 iii) In respect of items for which amount is to be normally drawn on fully vouched contingent bill, but

			<p>when advance is drawn under a specific sanction</p> <p><u>Note:</u> Drawal on APTC 57 shall be permitted only against general or specific sanction of Government. A copy of the sanction of Government should be enclosed while presenting the bill.</p>
5.	Fully vouched contingent bill	Form 58	<p>This form will be used for payment of services already availed or goods received and when vouchers along with stock entry and quality verification etc. are enclosed to the bill.</p> <p>i) Overtime allowance  ii) Tiffin charges  iii) Medical reimbursement  iv) Ex-gratia/adhoc payments to Government servants  v) Honoraria payments  vi) Employees State Insurance Allowance  vii) Wages  viii) Office expenses  ix) Professional and special services  x) Rents, rates and taxes  xi) Publications  xii) Advertising, sales, publicity  xiii) Hospitality charges  xiv) Secret services  xv) Materials and supplies  xvi) Other charges – Legal charges  xvii) Diet charges  xviii) Purchase of all kinds with vouchers  xix) Monthly honorarium to village servants, anganwadi workers, Adult Edn., etc.  xx)Recoupment of imprest</p>
6.	Refund of Revenue Stamp Bill	Form 62	<p>i) Refunds of Revenue  ii) Refund on account of stamps</p>
7.	Deposit repayment	Form 64	<p>i)Repayment of revenue</p>

		deposits ii) Repayment of Court deposits (Civil and Criminal) iii) Repayment of EMD iv) Repayment of other departmental deposits or security deposits
8.	Grants-in-aid Form 102	i) Grant-in-aid of all kinds ii) Social Security – Ex-gratia payments iii) Ex-gratia and relief to victims of natural calamities iv) Legal aid to poor v) Discretionary grants made to individuals/institutions
9.	Scholarships & Stipends Form 103	For all kinds of scholarships and stipends
10.	Loans Form 108	Loans sanctioned by Government in favour of the institutions and private individuals.

Existing Form Nos.40-B, 40-C, 42, 43, 53, 54, 55, 60, 61, 63, 67, 68 and 100 are omitted.

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*Compiled by*

**Smt. A. Kanchana Reddy,  
 Senior Civil Judge,  
 Jangaon, Warangal District.  
 Former Administrative Officer  
 Telangana State Judicial Academy**

**Brief Notes on various statements to be submitted to the Hon'ble High Court and District Courts**

Statistical statements are always considered to be the judging scales for evaluation and assessment of functioning of the courts. Accuracy should be the hallmark of judicial administration in preparation and submission of the statements. It must be remembered that the preparation and submission of statements is not an empty formality. Unless the subordinate courts submit accurate statements, it will be highly difficult for the Hon'ble High Court to assess and evaluate the performance and to attend the needs of Subordinate courts. The following is the table consisting of various statements to be submitted by the lower courts to the Hon'ble High Court.

<b>Fortnightly Statements</b>		
1.	Fortnightly Statement (for the period 1 <sup>st</sup> to 15 <sup>th</sup> and 16 <sup>th</sup> to the end of every month)	By 3 <sup>rd</sup> and 18 <sup>th</sup> of every month
2.	Fortnightly Statement of Sexual Harassment cases (for the period 1 <sup>st</sup> to 15 <sup>th</sup> and 16 <sup>th</sup> to the end of every month)	By 3 <sup>rd</sup> and 18 <sup>th</sup> of every month
3.	Fortnightly Statement of Intellectual Property rights cases (for the period 1 <sup>st</sup> to 15 <sup>th</sup> and 16 <sup>th</sup> to	By 3 <sup>rd</sup> and 18 <sup>th</sup> of every month
4.	Observation of Office Timings Statement (for the period 1 <sup>st</sup> to 15 <sup>th</sup> and 16 <sup>th</sup> to the end of every month)	By 3 <sup>rd</sup> and 18 <sup>th</sup> of every month
5.	Institution & Disposal Statement of Civil and Criminal cases (for the period 1 <sup>st</sup> to 15 <sup>th</sup> and 16 <sup>th</sup> to the end of every month)	By 3 <sup>rd</sup> and 18 <sup>th</sup> of every month

<b>Monthly Statements (Sl.No.1 &amp; 2 by 1st of every month, remaining by 3rd)</b>		
1.	Monthly Statistics of Civil and Criminal Cases in fortnightly proforma	<b>All Courts</b>
2.	Pre-2015 cases Comparative Statement	<b>All Courts</b>
3.	Monthly Statement of Under Trial Prisoners	<b>All Courts</b>

4.	Monthly Method of Assessment Statement	<b>Fast Track Courts only</b>
5.	Monthly report of Land Acquisition Cases	<b>District Courts and Senior Civil Judges Courts</b>
6.	Monthly Statement of deposits made in	<b>District &amp; SCJ Courts</b>
	Nationalized Banks	
7.	Monthly Statement of Land Grabbing cases	<b>District Courts</b>
8.	Monthly disposal statement of SC/ST cases	<b>SC/ST Courts</b>
9.	Monthly Statement of Juvenile Cases	<b>Juvenile Courts only (JJB)</b>
10.	Monthly (10) Disposals of Juvenile Cases	<b>Juvenile Courts only (JJB)</b>
11.	Monthly Statement of D.V.C cases	<b>All JFCM Courts</b>
12.	Monthly Statement of Petty challan cases	<b>All JFCM Courts</b>
13.	Monthly Statement showing the issue of free copies of Judgments to convicts	<b>All Courts</b>
14.	Co-Ordination committee statement	<b>All Courts</b>
15.	Target Fixed Cases Statement <b>Pre-2007, 2005, 2006 cases- Proformas I to IV (Special Drive Statement)</b>	<b>All Courts</b>
16.	Monthly Statement of Senior Citizens	<b>All Courts</b>
17.	Immoral Traffic Prevention Act cases Statement	<b>All JMFC Courts</b>
18.	Statement of cases of Atrocities against women	<b>All Courts</b>
19.	Statement of Disposal of Cases – <b>Review of Work done by each Officer</b>	<b>All Courts</b>
20.	Statement of Charge sheets U/Sec.173 Cr.PC.	<b>All Criminal Courts</b>
21.	Statement of cased Pending for more than <b>20 years. Pre-2007 &amp; 2011 and oldest 15</b> Cases information	<b>All Courts</b>
22.	Statement of Re-Opening of cases posted for Judgments (Time frame for delivery of Judgments)	<b>All Courts</b>
23.	Parity between institution and disposal Statement (Short fall)	<b>All Courts</b>
24.	CFR Statement	
25.	Special Cause List Statement U/Rule 66 A.P.C.R.P	
26.	Statement showing the period of custody of accused (UTPs) before the criminal courts (as per the directions of Hon’ble Supreme Court in Aasu vs State of Rajasthan)	<b>All Courts</b>

**Quarterly Statements (By 5th of January, April, July, and October)**

1.	Quarterly Method of assessment of work of Fast Track Courts	<b>Fast Track Courts</b>
2.	Quarterly Statement of Children and Guardianship in favour foreign parents cases	<b>District Courts</b>
3.	Quarterly Statement of SCs/STs (PoA) Act cases	<b>SC/ST Courts</b>
4.	Quarterly Statement of NDPS Act Cases	<b>I ADJ Court</b>
5.	Quarterly Statement of PCR Act Cases	<b>Mobile Courts</b>
6.	Quarterly Statement of U.T.P Cases (3- Proformas Urban-Rural, Charged-Not charged, A,B,C Formats	<b>All Courts</b>
7.	Quarterly Statement of U.T.P Cases (2 Proformas, Proforma-II, Format-II)	<b>All Courts</b>
8.	Quarterly Statement of Equal distribution of cases.	<b>District Courts</b>
9.	Quarterly Statement of Matrimonial matters.	<b>District Courts</b>
10.	Quarterly Statement of Second Class Judicial Magistrate Courts	<b>Morning Courts</b>
11.	Quarterly Statement of cases under Pre-natal Diagnostic Techniques (Prohibition of Sex Selection Act-1994.	
12.	Boycott Statement (Before 10 <sup>th</sup> )	<b>All Courts</b>
13.	Chief Justices Conference-2016 Statement	<b>District Courts</b>

**Half Yearly Statements (by 5th of January and July)**

1.	A,B,C,D Statements	<b>All Courts</b>
2.	Half Yearly Statement in Proformas 1 to 9	<b>All Courts</b>
3.	Half Yearly Statement of Stayed matters	<b>All Courts</b>
4.	Half Yearly Statement of N.I Act Cases	<b>All Courts</b>



5.	Half Yearly Statement of SC/ST (POA) Act Cases	<b>SC/ST Courts</b>
6.	Half Yearly Statement of NDPS Act Cases	<b>I ADJ Courts</b>
7.	Half Yearly Statement of PCR Act Cases	<b>Spl. Mobile Courts</b>
8.	Method of assessment of work of all subordinate judicial officers (Excluding Fast Track Courts)	<b>All Courts</b>
9.	Half Yearly Statement of cases of Children and Guardianship in favour of foreign parents	<b>District Courts</b>
10.	Commercial Court Statement	<b>Commercial Courts</b>

**Annual Statements (by 5th of January)**

1.	Annual Confidential Reports of all Subordinate Judicial Officers	All JCJs & SCJs
2.	Property and relations statement of Judicial Officers	All Judicial Officers

**Financial Year Statements (by 5th Of April)**

1.	State Administrative Report of all Courts	<b>All Courts</b>
2.	Abstract of Civil Cases of all Courts	<b>All Courts</b>

*Compiled by*

**Smt. A. Kanchana Reddy,  
Senior Civil Judge,  
Jangaon, Warangal District.  
Former Administrative Officer  
Telangana State Judicial Academy**

# Relevant G.Os with regard to conferment of Financial Powers to the Unit Heads

## PROCEEDINGS OF THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**Sub:- Financial Powers** – Enhancement of financial powers upto certain level to the Unit Heads – Accorded.

- Read:-**
1. G.O.Ms.No.148, Finance & Planning (FW,Admn.I.TER) Department, dated 21.10.2000.
  2. High Court's Proceedings in Roc.No.4578/76-D1(1), dated 08.07.1999.
  3. High Court's Proceedings in Roc.No.4578/76-D1(1), dated 08.12.2000.
  4. G.O.Ms.No.178, Finance (TFR) Department, dated 19.08.2011.
  5. G.O.RI.No.39, Law (LA & J-Home-Courts-D) Department, dated 05-01-12.
  6. High Court's Proceedings in Roc.No.4578/76-D1(1), dated 24.01.2012.
  7. High Court's Proceedings in Roc.No.4578/76-D1(1), dated 03.03.2012.

**ORDER ROC.NO.4578/76-D1(1)**

**Dated: 19-11-2019.**

The High Court is pleased to pass the following Order:-

All the Unit Heads are permitted, to incur the expenditure on the following items in addition to the powers already vested with them.

Sl. No.	DESCRIPTION OF THE ITEM	EXISTING POWERS	ENHANCED FINANCIAL POWERS
1.	Maintenance & Repairs to Motor Vehicles	Rs.40,000/- on each Motor Vehicle per annum	Rs.1,00,000/- on each Motor Vehicle per annum
2.	Purchase of Stationery	Rs.5,00,000/- per annum	Rs.15,00,000/- per annum
3.	a) Purchase of furniture	a) Rs.3,00,000/- per annum, subject to the condition that the furniture items should be replaced only after five years.  ii) In case of newly established courts minimum required furniture items can be purchased with in the above limit.	a) Rs.15,00,000/- per annum, subject to the condition that the furniture items should be replaced only after five years.  ii) In case of newly established courts minimum required furniture items can be purchased with in the above limit.
	b) Repairs to furniture	b) Rs.50,000/- per annum	b) Rs.1,50,000/- per annum
4.	Repairs to Air Conditioners	Rs.5,000/- per annum on each Air Conditioner	Rs.15,000/- per annum on each Air Conditioner
5.	Light refreshments	Rs.1,000/- per month	Rs.10,000/- per month
6.	Electrical installations	Rs.20,000/- per annum	Rs.1,50,000/- per annum
7.	Purchase of non-government publications / purchase of Law books / Journals	Rs.75,000/- per annum as and when required	Rs.1,50,000/- per annum as and when required
8.	Crockery	Rs.2,000/- per annum	Rs.10,000/- per annum

Sl. No.	DESCRIPTION OF THE ITEM	EXISTING POWERS	ENHANCED FINANCIAL POWERS
9.	Purchase of wall clocks	Rs. 1,000/- per annum	Rs. 10,000/- per annum
10.	Purchase of non-stationery items	Rs. 50,000/- per annum	Rs. 1,50,000/- per annum
11.	Repairs to invertors, emergency lights etc.,	Rs. 10,000/- per annum	Rs. 30,000/- per annum
12.	Purchase of water filters	Rs. 5,000/- per annum	Rs. 40,000/- per annum
13.	Purchase of badges cross belts, shoulder belts, Court seals etc.,	Rs. 50,000/- per annum	Rs. 1,50,000/- per annum

The above powers have to be exercised strictly within budget provision.

  
**REGISTRAR GENERAL**  
 19-11-18

To

1. All the Prl. District and Sessions Judges in the State.
2. The Chief Judge, City Civil Court, Hyderabad.
3. The Chief Judge, City Small Causes Court, Hyderabad.
4. The Metropolitan Sessions Judge, Hyderabad.
5. The Prl. Special Judge for CBI Cases, Hyderabad.

Copy to:

1. The Registrar (Administration)
2. The Registrar (Judicial)
3. The Registrar (Protocol)
4. The Registrar (Management)
5. The Registrar (IT-cum-Central Project Coordinator)  
High Court for the State of Telangana, Hyderabad.

PROCEEDINGS OF THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

**Sub:- Financial Powers - MH -2014 - Administration of  
Justice - Delegation of financial power to meet the  
expenditure on the occasion of National Festivals -  
Ordered**

\* \* \*

ORDER ROC.NO:544/2018-DI (1)

Date:13-08-2018.

The High Court is pleased to pass the following Order:-

Permission is hereby accorded to the Unit Heads of both the States of Telangana and Andhra Pradesh and also to Metropolitan Sessions Judge, Vijayawada, III Additional District Judges at Tirupathi and Kakinada to incur an expenditure of a sum of Rs.10,000/- and permission is accorded to the Senior Judicial Officers where there are more than three courts in one station to incur a sum of Rs.5,000/- and permission is accorded to the Senior Judicial Officer, where there are less than three courts in one station to incur a sum of Rs.3,000/- to celebrate national festivals i.e., Independence Day and Republic Day (on each occasion) and to meet the said expenditure from out of the funds available under the head 132 - Other Office Expenses during every financial year.

The circular shall come into force with immediate effect.

*Ch. Manoj Kumar*  
REGISTRAR GENERAL 13/8

To

1. All the Prl. District and Sessions Judges in the States of Telangana and Andhra Pradesh.
2. The Chief Judge, City Civil Court, Hyderabad.
3. The Chief Judge, City Small Causes Court, Hyderabad.
4. The Metropolitan Sessions Judge, Hyderabad.
5. The Metropolitan Sessions Judge-cum-II Additional District Judge, Vijayawada, Krishna District.
6. The III Additional District Judge, Kakinada, East Godavari District.
7. The III Additional District Judge, Tirupathi, Chittoor District.

*13/8/18*  
*U.S. 5/2018*  
*dt 13-8-2018*

**PROCEEDINGS OF THE HIGH COURT OF ANDHRA PRADESH: HYDERABAD**

**Subj: Financial Powers - Delegation upto certain level to the Unit Heads - Accorded**

- Read:** 1 G.O.Ms No 148 Finance & Planning (PW Admn) (FER) Dept, Dt: 21.10.2000  
 2 High Court - Proceedings Order No. 4578/76-DI(1), Dt: 02-03-2012  
 3 High Court - Proceedings Order No. 4578/76-DI(1), Dt: 02-03-2012  
 4 High Court - Proceedings Order No. 4578/76-DI(1), Dt: 02-03-2012  
 5 High Court - Proceedings Order No. 4578/76-DI(1), Dt: 02-03-2012  
 6 High Court - Proceedings Order No. 4578/76-DI(1), Dt: 02-03-2012  
 7 High Court - Proceedings Order No. 4578/76-DI(1), Dt: 24.01.2012

**ORDER ROC NO 4578/76-DI(1)**

**Dated: 02-03-2012.**

The High Court is pleased to pass the following Order -

All the Unit Heads are permitted, to incur the expenditure on the following

items in addition to the powers already vested with them

Sl. No.	DESCRIPTION OF THE ITEM	EXISTING POWERS	FURTHER DELEGATION OF POWERS
1	Maintenance & Repair of Motor Vehicles	Rs. 500/-	Rs. 500/- on each Motor Vehicle per month
2	Purchase of Stationery	1,00,000/-	Rs. 5,00,000/- per annum
3	a) Purchase of furniture	aj) 10,000/-	a) 3,00,000/- per annum. Subject to the condition that the furniture items should be replaced only after five years. ii) in case of newly established courts minimum required furniture items can be purchased within the above limit.
	b) Repairs to furniture	b) 5,000/-	b) 50,000/- per annum
4	Repairs to Air Conditioners	---	3,000/- per annum on each Air Conditioner
5	Light refreshments	200/- per month	1,000/- per month
6	Electrical installations	5,000/-	20,000 per annum
7	Purchase of non-government publications / purchase of Law books / Journals	5,000/- High Court further delegated Rs. 25,000/- per annum vide Roc No 3128/2003-DI(1), dt 02-12-2003	50,000/- per annum as and when required
8	Crockery	1,000/- per annum	2,000/- per annum

Contd..2.

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Sl. No.	DESCRIPTION OF THE ITEM	EXISTING POWERS	FURTHER DELEGATION OF POWERS
9.	Purchase of wall clocks	500/-	1,000/- per annum
10.	Purchase of non-stationery items	5,000/-	50,000/- per annum
11.	Repairs to invertots, emergency lights etc.,	3,500/-	10,000/- per annum
12.	Purchase of water filters	2,000/-	5,000/- per annum
13.	Purchase of badges cross belts, shoulder belts, Court seals etc.,	2,000/-	50,000/- per annum

The above power have to be exercised strictly with in Budget Provision

*P. Has Kumar 3/3/12*  
REGISTRAR GENERAL

To

1. All the Prl. District and Sessions Judges in the State.
2. The Chief Judge, City Civil Court, Hyderabad.
3. The Chief Judge, City Small Causes Court, Hyderabad.
4. The Metropolitan Sessions Judge, Hyderabad.

Copy to:

1. The Registrar (Information & Technology-cum-Central Project Coordinator)  
High Court of A.P., Hyderabad.
2. The Registrar (Management),  
High Court of A.P., Hyderabad.

PROCEEDINGS OF THE HIGH COURT OF ANDHRA PRADESH::HYDERABAD

Sub:- Financial Powers - Delegation of Powers to the Unit Heads - Enhancement of existing limit of Rs.2,000/- to Rs.15,000/- in respect of inauguration of new buildings and laying foundation stones etc. - Ordered.

- Read:- 1. G.O.Rt.No.737, Home (Courts.D) Department, dt:31-10-1994.  
2. High Court's Proceedings Orders Roc.No.4578/76-D1(1), dt:08-07-1999  
3. G.O.Ms.No.148, Finance & Planning (FW:Admn.LTFR), Department, dt:21-10-2000.  
4. High Court's Proceedings Orders Roc.No.4578/76-D1(1), dt:08-12-2000.  
5. G.O.Rt.No.39, Law (LA & J-Home-Courts.D) Department, dt:05-01-2012.

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ORDER ROC.NO.4578/76-D1(1)

Dated:24-01-2012.

The High Court is pleased to pass the following Order:-

Permission is hereby accorded to all the Unit Heads to incur the expenditure upto an amount of Rs.15,000/- on each occasion in respect of inauguration of new buildings and laying of foundation stones etc.

The above Power has to be utilized strictly within the Budget Provision. The Unit Heads are also requested to address the High Court for necessary permission to incur expenditure beyond Rs.15,000/- on each occasion in respect of inauguration of new buildings and laying of foundation stones etc.

  
REGISTRAR GENERAL

To

1. All the Prl. District and Sessions Judges in the State.
2. The Chief Judge, City Civil Court, Hyderabad.
3. The Chief Judge, City Small Causes Court, Hyderabad.
4. The Metropolitan Sessions Judge, Hyderabad.

Copy to:

1. The Registrar (Information & Technology-cum-Central Project Coordinator)  
High Court of A.P., Hyderabad.
2. The Registrar (Management),  
High Court of A.P., Hyderabad.

ANNEXURE

Appended to G.O.Ms.No. 178 Finance (TFR) Department, dt. 19.8.2011

Sl No	Name of the item	Secretariat Depts. / HODs / Dist Collectors	Regional Officers	Unit/ District Officers	Remarks/ Conditions
1.	Air Conditioners	Secretaries/HODs/Dist Collectors are eligible, Full powers.	-----	-----	Subject to availability of budget and duly following the procurement procedure in vogue, through APTS., and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.
2.	Xerox Machines	Full Powers	-----	-----	Subject to availability of budget and duly following the procurement, through APTS., and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.
3.	Computers and its peripherals.	Full Powers	-----	-----	Subject to availability of budget and duly following the procurement through APTS with IT&C guidelines if any, and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.
4	Water Coolers.	Full Powers	Full Powers	Full Powers	Subject to availability of budget and duly following the procurement and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.

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2124

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Home (Courts.D) Department – Larger delegation of Financial Powers - Permanent Advance – Enhancement of Permanent Advance from Rs 5,000/- to Rs.25,000/- to the High Court of Andhra Pradesh, Hyderabad to meet the expenditure for inauguration of new buildings and laying foundation stones etc. - Sanctioned - Order Issued

LAW (LA&J HOME-COURTS D) DEPARTMENT

G.O.RI No.39

Date: 06/01/2012  
Read the following

1. G.O.Ms.No.737, Home (Courts.D) Dept., dt.31.10.1994
2. From the Registrar General, High Court of A.P., Hyderabad, Letter No.4578/6-D1(1)-Budget, dated: 8.9.2011.

ORDER.

&^&

In the circumstances reported by the Registrar General, High Court of Andhra Pradesh, Hyderabad in the reference 2<sup>nd</sup> read above, Government after careful examination of the proposal of the Registrar General, High Court of Andhra Pradesh, Hyderabad, hereby accord permission to delegate the powers to the Hon'ble High Court of Andhra Pradesh by enhancing the existing limit of Rs.5,000/- to Rs.25,000/- (Rupees Twenty five thousand only) on each occasion in respect of inauguration of new buildings and laying foundation stones etc., to meet the expenditure.

2 This order issues with the concurrence of Finance (T.F.R) Department vide their U.O.No.5756/PFS/2011, dated: 27.12.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A SHANKAR NARAYANA  
SECRETARY TO GOVERNMENT  
LEGISLATIVE AFFAIRS AND JUSTICE



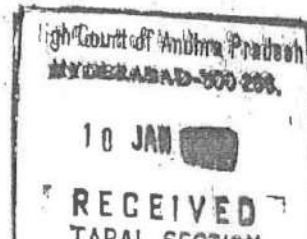
The Registrar General, High Court of A.P., Hyderabad.  
The Director, Treasuries and Accounts, Hyderabad.  
The Accountant General, Andhra Pradesh, Hyderabad  
The Pay & Accounts Officer, Andhra Pradesh, Hyderabad

Copy to :

The Finance (T.F.R) Department.  
P.S to Secretary (LA &J), Secretariat, Hyderabad.  
SF/SC

//FORWARDED BY ORDER//

*[Signature]* 5/12  
SECTION OFFICER





GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Administrative Reforms – delegation of Financial Powers to Heads of Departments, Regional Officers and District Officers and Unit Officers in respect of certain Common Items of expenditure – Extension of Financial Powers for purchase of certain common items of expenditure – Further – Orders – Issued.

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FINANCE (TFR) DEPARTMENT

G.O.Ms.No.178

Dated: 19.08.2011.  
Read the following:

1. G.O.Ms.No.148, Finance & Planning (FW:Admn.I-TFR) Department, dt. 21.10.2000.
2. G.O.Ms.NO.471, Finance (TFR) Department, dt. 3.9.2001.
3. G.O.Ms.No.286, Finance (TFR.I) Department, dt. 23.11.2007.

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ORDER:

In the reference 1<sup>st</sup> read above, orders were issued enhancing the Financial Powers to Secretariat Departments, Heads of Departments, Regional Officers, District and Unit Officers on certain common items of expenditure as detailed in the Annexure to the order subject to following certain conditions.

2. In the reference 2<sup>nd</sup> read above, amendment orders have been issued enhancing the financial powers on certain common items of expenditure to write off of various kinds at item No.19 of the reference 1<sup>st</sup> read above.

3. In the reference 3<sup>rd</sup> read above, amendment orders have been issued for enhancing the financial powers to various officers on Item No.6 of G.O. 1<sup>st</sup> read above.

4. Many departments are sending proposals to Government to issue permission for purchase of the following 04-items for which no powers were delegated earlier.

1. Purchase of Air Conditioners;
2. Purchase of Xerox Machines;
3. Purchase of Computers & its peripherals;
4. Purchase of Water Coolers;

::2::

5. Government after careful examination of the matter hereby delegate powers for purchase of above mentioned four items as per the eligibility criteria and level of delegation as indicated in the Annexure to this order, subject to availability of budget and duly following the procurement procedure in vogue.

6. This order comes into force with immediate effect and the same is available in A.P. Govt. Website <http://goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PUSHPA SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (IF)

To

All Departments of Secretariat.

All Heads of Departments.

The Principal Accountant General, A.P., Hyderabad.

The Principal Accountant General (Audit), Hyderabad.

The Accountant General, (A&E), A.P., Hyderabad.

All District Collectors/District Judges in the state.

The Director of Treasuries and Accounts, A.P., Hyderabad.

The Pay & Accounts Officer, Hyderabad

The Director, Works & Projects, A.P., Hyderabad.

The Director of Insurance, A.P. Hyderabad.

The Director, State Audit, A.P., Hyderabad.

The Dy. Financial Adviser (Works & Projects)

All the Deputy Directors, O/o. District Treasury Offices in the state.

All Pay and Accounts Officers, Works and Projects.

The Registrar, A.P. High Court, Hyderabad.

The Registrar, A.P. Administrative Tribunal, Hyderabad.

The Director, Govt. Printing Press, A.P., Hyd., for publication in the A.P. Gazettee.

The Principal Secretary to Governor of Andhra Pradesh, Hyderabad.

The G.A. (AR&T.I) Department.

P.Ss. to Chief Minister/Chief Secretary to Government/Spl. Chief Secretary to Government & Chief Commr. of L.A.

P.Ss. to all Ministers

S.F./S.C.

\*\*\*\*

**ANNEXURE**

**Appended to G.O.Ms.No. 178 Finance (TFR) Department, dt. 19.8.2011**

Sl No	Name of the item	Secretariat Depts. / HODs / Dist Collectors	Regional Officers	Unit/ District Officers	Remarks/ Conditions.
1.	Air Conditioners	Secretaries/HODs/Dist Collectors are eligible, Full powers.	-----	-----	Subject to availability of budget and duly following the procurement procedure in vogue, through APTS., and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.
2.	Xerox Machines	Full Powers	-----	-----	Subject to availability of budget and duly following the procurement, through APTS., and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.
3.	Computers and its peripherals.	Full Powers	-----	-----	Subject to availability of budget and duly following the procurement through APTS with IT&C guidelines if any, and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.
4	Water Coolers.	Full Powers	Full Powers	Full Powers	Subject to availability of budget and duly following the procurement and also eligibility of the expenditure will be determined as per the existing guidelines & orders in force.

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GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Administrative Reforms – Delegation of Financial Powers to Head of Departments, Regional Officers and District Officers and Unit Officers in respect of certain Common Items of expenditure-Enhancement of Financial Powers on certain Common Items of expenditure-Orders-Issued.

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FINANCE & PLANNING (FW:ADMN.I.TFR) DEPARTMENT.

G.O.Ms.No148.

Dated 21/10/2000.

Read the following:-

1. G.O.(P) No,703,Genl.Admn.(AR & T.I) dept.dt.4-12-1978.
2. G.O.Ms.No.215 Fin & Plg(FW .A & L) Dept.dt.14-9-1983
3. G.O.Ms.No.102 Genl.Admn.(AR&T.I) Dept.dt.24-2-1986.
4. G.O.Ms.No.490 Genl.Admn.(AR&T.Desk) Dept.dt.28-9-1994
5. G.O.Ms.No.389 Genl.Admn.(AR&T.I) Dept.dt.4-9-1996
6. G.O.Ms.No.100 Genl.Admn.(AR&T.I) Dept.dt.18-3-2000

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**ORDER:**

Orders were issued in the Government Order 6<sup>th</sup> read above, constituting a Committee consisting of Special Chief Secretary & Chief Commissioner, Land Administration as Chairman and Secretary to Government (Coord) General Administration Department as Convener, Prl. Secretary to Government, Revenue Department, Prl. Secretary to Government, Finance and Planning (FW) dept and Prl. Secretary to Government Panchayat Raj & Rural Development (RD) Department as Members to examine and to suggest further enhancement of delegation of Financial Powers. The said Committee has considered the existing Financial Powers as contained in the Government Orders 1<sup>st</sup>, 2<sup>nd</sup> & 5<sup>th</sup> read above in respect of some common items of expenditure to Departments of Secretariat, Heads of Departments, Regional Officers and District Officers and Unit Officers and made certain recommendations.

2. Government after careful consideration of the recommendations of the Committee for enhancement of the existing Financial Powers on certain common items of expenditure, have agreed to the recommendations of the Committee.
3. Government have accordingly, in pursuance of the decision taken in Para 2 above and in modification of the orders issued in the Government orders 1<sup>st</sup>, 2<sup>nd</sup> & 5<sup>th</sup> read above, fix the revised monetary ceiling limits of Financial Powers to be exercised by each authority as detailed in the Annexure to this order, subject to the following conditions:-

**Cont...p2**

//2//

1. The above delegation of financial powers is subject to availability of Budget provision.
2. Where already higher powers are delegated on certain common items of expenditure, such higher provision will continue.
3. Where higher powers are not delegated on certain common items of expenditure now the existing powers delegated earlier will continue.
4. Eligibility of the expenditure will be determined as per the existing guidelines and orders in force.
4. The Departments of Secretariat/Head of Departments and the District Collectors are requested to communicate these orders to the Regional Officers, District/Unit Officers and other Sub-Ordinate Officers under their administrative control for taking necessary action.
5. No Separate concurrence of the Finance & Planning (FW) Department is required to exercise the enhanced financial powers as stated in para (3) above, while issuing proceedings, this should be invariably mentioned by the concerned authority by quoting this G.O.
6. This Order comes into force with immediate effect.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

S.K.ARORA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
All Department of Secretariat  
All Heads of Departments  
All Collectors.  
Copy to:  
G.A.(AR & T.I) Department.  
P.Ss. to Chief Minister/Chief Secretary to Government /Spl.Chief Secretary to Government . & Chief Commr. Of L.A.  
P.Ss. to all Ministers.  
SF/SCs.

// FORWARDED ::BY ORDER//

Sd/x x x  
SECTION OFFICER.

**ANNEXURE to G.O.Ms.No148. FINANCE & PLANNING (FW:ADMN.I.TFR) DEPT. Dated 21/10/2000.**

Sl. No.	Item of Expenditure	Ceiling Limits for Secretariat Depts / Heads of Depts./ Dist. Collectors.	Ceiling limits for Regional Officers	Ceiling limit for District (Other than Collectors) Unit Officers.
1.	Maintenance of Motor Vehicles (a) Light Vehicles  (b) Heavy vehicles.	Full powers (Subject to Guidelines vide G.O.Ms.No.333.G.A(OP.II) Dept. date.31/7/1997)  -do-	20,000 per vehicle.  40,000 per vehicle	20,000 per vehicle.  40,000 per vehicle
2.	Purchase of Stationary	Full Powers	Full Powers	Full Powers.
3.	Purchase of Steel & Wooden furniture:- (a)Purchase of Furniture (b)Repairs to Furniture	Full Powers Full Powers	50,000 5,000	10,000 5,000
4.	Rent for Office Building	Full Powers according to Plinth area values and rent assessment by R&B Dept. (Subject to following the instructions issued in G.O.Ms.no.35 Fin & Plg.( FW.EBS.PWD) dept. dt. 27/2/1997 read with Memo No. 127/R & E/97,dt.9.6.97)	Full powers according to Plinth area values and rent assessment by R& B Dept. (Subject to following the instructions issued in G.O.Ms.no.35 Fin & Plg.( FW.EBS.PWD) Dept.dt.27/2/1997 read with Memo No. 127/R & E/97,dt.9.6.97)	Full powers according to Plinth area values and rent assessment by R& b Dept. (Subject to following the instructions issued in G.O.Ms.no.35 Fin & Plg.( FW.EBS.PWD) dept.dt.27/2/1997 read with Memo No. 127/R & E/97,dt.9.6.97)
5.	Purchase of Bulbs & lamps.	Full Powers	10,000	--
6.	Light Refreshments	Rs.300/- at a time not exceeding Rs.2000/- per month.	200/- p.m	200/- p.m.
7.	Repairs to Type writers	Full Powers	Full Powers	Full Powers
8.	Condemnation of Vehicles	Full powers subject to technical Scrutiny by Public works Deptt. or Area Transport Officer.	Full powers subject to technical Scrutiny by Public works Deptt. or Area Transport Officer.	Full powers subject to technical Scrutiny by Public works Deptt. or Area Transport Officer.
9.	Repairs to Duplicators	Full powers	Full powers	Full powers
10.	Organization of Sports and Games	50,000	10,000	10,000

Contd...P 2

Sl. No.	Item of Expenditure	Ceiling Limits for Secretariat Depts / Heads of Depts./ Dist.Collectors.	Ceiling limits for Regional Officers	Ceiling limits for District (Other than Collectors) Unit Officers.
11	Electrical installations. (a) For additional improvements and alterations to the existing electrical installations for each buildings and apartments in the compound. (b) Improvements, alterations and new installations to new buildings.	Full powers  1,00,000	5,000  50,000	5,000  50,000
12	Printing locally without referring to Govt. Press	Full powers	Full powers	Full powers
13	Visits of High personnel	Rs.5000/- on each occasion subject to a ceiling of Rs.50,000/-	No limit on occasion not exceeding 5,000 p.a.	No Limit on occasion not exceeding 5,000 p.a.
14.	Purchase of Non-Govt. publications relevant to Law and Administrative Management.	Full powers	5,000	5,000
15.	Crockery, Cutlery & Utensils ( initial purchases)	5,000	1,000	1,000
16.	Printing and Binding	Full powers	Full powers	Full powers
17.	Purchase of wall clocks not exceeding one piece for each unit Office at a cost not exceeding	1,000	500	500
18.	Purchase of Fans	Full Powers	Full Powers	Full Powers
19.	Write off of various kinds (As amended in G.O.Ms/No.471 Fin(TM) dept.dt.3.9.2001)	5,00,000	--	--
20.	Air Coolers	Full powers	--	--
21.	Drawal of amounts on Abstract contingent bills	10,000	--	--
22.	Photographic charges	--	--	1,000
23.	Freight charges	Full powers	Full powers Subject to eligibility	Full powers Subject to eligibility.
24.	Apparatus, instruments and Machinery	Full powers	Full powers	Full powers
25.	Purchase of stores	Full powers	--	--
26.	Legal costs	Full powers	Full powers	Full powers
27.	Expenditure on Exhibitions	Full powers	--	--

Contd...P.3



Sl. No.	Item of Expenditure	Ceiling Limits for Secretariat Depts / Heads of Depts./ Dist.Collectors.	Ceiling limits for Regional Officers	Ceiling limit for District(Other than Collectors) Unit Officers.
28.	Maintenance of Residential and non-residential buildings of prisons Department.	Full powers	--	--
29.	Petrol, Oil, Lubricants	Full powers	Full powers	Full powers
30.	Maintenance of computers	Full powers(Through APTS or original Manufacturer)	Full powers(Through APTS or original Manufacturer)	Full powers(Through APTS or original Manufacturer)
31.	Maintenance of Xerox Machine.	Full powers	Full powers	Full powers
32.	Maintainance of Fax machine	Full powers	Full powers	Full powers
33.	Purchase of Computer / Fax Machine Stationary (Printer Ribbons, Heads, Cartridges, Floppies, CDs and Tapes etc.)	Full powers	Full powers	Full powers
34.	Air Coolers Repairs.	Full powers	Full powers	--
35.	Supply of Uniform cloth to Calss IV Employees	Full powers	Full powers	Full powers
36.	Telephone for connectivity purposes	Full powers	Full powers	Full powers
37.	Internet service charges.	Full powers	1,000	1,000
38.	Refreshments expenditure on visits of Official from other states	Full powers	1,000	500
39.	Purchase of batteries	Full powers	Full powers	Full powers
40.	Pest control Measures, Fire Alarm and Fire Extinguisher maintenance.	Full powers	Full powers	Full powers
41.	Electrical & net working works relating to computer ,Air conditioner and UPS equipment.	Full powers	Full powers	Full powers
42.	Courier charges.	Full powers	Full powers	Full powers
43.	Supply of Uniform cloth for Junior Forest Officers.	Full powers	Full powers	--

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PROCEEDINGS OF THE HIGH COURT OF ANDHRA PRADESH HYDERABAD.

Sub:- Financial Powers - Delegation upto certain level to the Unit Heads - Accorded.

READ:- I.G.C.Ms.No.737 Home (Cts.D) Department Dt. 31.10.94.

Order ROC, No. 4578/76-D1.

Dt. 8.7.99.

The High Court is pleased to pass the following order:-

All the Unit Heads are permitted, in addition to the powers already vested with them,

- i). to enter into annual maintenance Contract for modern equipment, such as Xerox Machines Fax, Computers, Electronic Typewriters, Air Conditioners etc.,
- ii). Purchase of Stationery items. Rs. 50,000/-
- iii). Inauguration of new building and laying of foundation stones. Rs. 2,000/-
- iv). purchase of consumables and Spl. paper etc., for Xerox Machines. Rs. 15,000/-
- v). purchase of materials relating to computers. Rs. 10,000/-
- vi). printing and binding of Registers not exceeding Rs. 68/- per register, containing 500 pages Rs. 10,000/-
- vii). purchase of non-Stationery items. Rs. 5,000/-

The above powers have to be exercised strictly within Budget Provision.

  
REGISTRAR (ADMINISTRATION).

To

1. All District Judges.
2. The Chief Judge, City Civil Court, Hyd.
3. The Metropolitan Sessions Judge, Hyd.
4. The Chief Judge, City Small Causes Court, Hyd.
5. The Spl. Judge for CBI Cases, Hyd., Visakhapatnam.
6. The Special Judge for Economic Offences, Hyderabad.
7. The Spl. Judge for E.C Act Cases, Hyderabad.
8. The Spl. Judge for SPE & ACB Cases, Vijayawada, Nellore.
9. The Judge Family Courts, Tirupathi, Vijayawada, Kurnool, Visakhapatnam, Warangal, Hyderabad, Secunderabad.

## DELEGATION OF FINANCIAL POWERS

### 1. Delegation of Powers and Simplification of procedures Report of the Committee of the Secretaries and of Sub-Committee's Recommendations thereon.

[GO. (P) No. 703, G.A.D, Dt. 4-12-1978]

**ORDER** :—1. In G.O.Ms.No. 223, General Administration (A.R. & T.I.) Department, dated 16th March, 1978, a Committee of the Secretaries of Government of Andhra Pradesh with the following members was constituted for examining the question of delegation of powers at various levels in the Secretariat, Heads of Departments, and at district levels and simplification of procedures, for speedy disposal of cases :—

1. Second Secretary to Government, Chairman.  
(Sri A. Chandrasekhar, I.A.S.)
2. Secretary to Chief Minister.
3. Secretary to Government, Finance and Planning Department.
4. Secretary to Government, Irrigation and Power Department.
5. Secretary to Government, Services, Training & Administrative Reforms, General Administration Department.

2. The Committee submitted its Report to the Government on 2nd May, 1978.

3. This report was considered in the monthly meetings of Secretaries who felt that some of them could go into it in greater depth (Vide Proceedings of the Meeting of Secretaries, dated 29th September, 1978).

4. The Sub-Committee of the following Secretaries went into the Report in depth:—

9. The Sub-Committee felt that main para 4.3 of the Committee Report regarding radical change in the form of Personal Register required a study in some depth. (Summary Item 18 in Appendix II of this G.O.).

10. The Sub-Committee endorsed all the other recommendations of the Committee Report specifically emphasising the following salient recommendations

(a) Whenever a new scheme or new office is sanctioned, the Head of the Department should be empowered to make all purchases required for the scheme or for setting up of the Office as the case may be, instead of the Head of the Department coming up to the Government for sanctions subsequently.

(b) The Government order sanctioning a new scheme or new office should specify in detail all the items that are authorized to be purchased indicating the estimated cost of each. The Heads of Departments should themselves be competent to purchase the items within the estimated cost of each, following the normal procedure for purchases by the Government Departments.

(c) In the case of major schemes which have been cleared by Finance, execution should not be held up pending approval of the budget each year as the expenditure is committed and in normal course may be expected to be approved in the budget.

(d) To eliminate long delays in sanctions and grounding of works, a bunch or shelf of schemes should be prepared in detail every year, the total value of which should not exceed 25% of the existing budget provision. The Schemes may be got cleared administratively, technically and financially and kept ready and should be grounded as soon as the budget in which they are included is passed.

(e) All schemes prepared by the departments should be complete including the cost of full scheme and should be got cleared by Finance before creating recurring liabilities out of proportion to the likely provision that can be made under the plan.

(f) The practice being followed in the Roads and Buildings (Now Transport, Roads and Buildings) Department, of initiating part schemes in respect of road works should be discouraged.

(g) The Budget proposals of a department should invariably be scrutinized and approved by the Secretary of the Department concerned.

(h) Cases which can be disposed of by lower authorities need not be entertained by higher authorities, such as the Secretariat for reports on matters that can be disposed of by the Collectors or even lower officials, or routine matters like transfers, appointment of Village Officers, Lower Division Clerks etc., and entertaining appeals once rejected by Government also, much of the work of the Commissioners could be disposed of at the district level.

(i) The Sub-Committee also endorsed the recommendation for seriously examining the revival of the Board of Revenue with more statutory powers.

(j) The Sub-Committee also emphasized the recommendation of the Committee that Officers with 8-10 years of service should be posted as District Collectors. It also emphasized the recommendation of the Committee for atleast 3 years of service junior IAS. Officers in the Sub-Divisions.

(36) Senior officers should pay frequent visits by surprise to the public officers to see whether the citizens are being served without any harassment, and that grievances redressal work is efficiently attended to.

(37) (a) Each department should examine the procedure which will help Scheduled Castes/Scheduled Tribes and Backward Classes students to obtain scholarships in the least possible time and without any difficulty and also to keep vigilance and check on malpractices.

(b) The officers concerned with the grant and disbursement of scholarship to Scheduled Tribes/Scheduled Castes and Backward Classes students, should streamline their procedures so as to facilitate such students getting their scholarships without any hardship. There should also be vigilance by the senior officers to check malpractices at the lower levels.

(c) All the Departments should streamline their procedures.

(38) Civil Servants individually or in groups should not bring extraneous pressure for transfers, furtherance of their prospects, etc.

(By Order and in the name of the Governor of Andhra Pradesh).

## APPENDIX I

### Delegation of Financial Powers to Heads of Departments

<i>Sl.No.</i>	<i>Item of Expenditure</i>	<i>Powers delegated</i>
(1)	(2)	(3)
		<i>Rs.</i>
1.	(a) Purchase of Steel & Wooden Furniture (Per annum)	10,000
	(b) Repairs to Furniture (per annum)	2,000
2.	Rent for Office building (p.m.)	2,500
3.	Maintenance and repairs to vehicles (per annum)	
	(a) Light vehicles	4,000
	(b) Heavy vehicles	8,000
4.	Purchase of stationery (per annum)	
	(a) Secretariat Depts., Heads of Departments & Collectors	2,000
	(b) Unit Officers other than Heads of Departments	400
	(c) All other subordinate officers who are not unit officers	100
5.	Books, Maps and Periodicals Full Powers	Full Powers
6.	Purchase of Bulbs, lamps (per annum)	1,000
7.	Crockery, Cutlery & Utensils (initial purchase)	500
8.	Repairs to typewriters	Full Powers

(1)	(2)	(3)
21. Purchases of Stores.		All Heads of Departments may purchase the stores required for a period of three months at a time to avoid dislocation of work.
22. Legal costs		Heads of Depts. are empowered to sanction fees to Govt. Pleaders subject to the scales laid down in the rules. Heads of Depts. are authorized to sanction payment of sums towards decretal amounts straightway without coming to the Govt. if the Heads of Depts. are impleaded. Otherwise they have to come to Govt. for sanction if Govt. are impleaded.
23. Expenditure on Exhibitions.		The existing provisions will continue.

*Note (i)* :—All the above delegations are subject to availability of Budget Provision.

*Note (ii)* —Where already higher powers are delegated, such higher powers will be retained.

## APPENDIX II

### Summary of recommendations of the Committee of Secretaries in its Report Submitted to the Government on 26th April, 1978

(FOR REFERENCE ONLY).

1. Department should implement the recommendations of Lal Committee and Vithal Committee sincerely and fully and quickly.
2. Continuous efforts have to be made by administrative heads to innovate and improve methods of working in the light of fast changing conditions.
3. There is imperative need to change the style of functioning of the Secretariat and its officers. Procrastination must yield to promptness of action and positive decision at every stage.
4. Secretariat Departments should shed some of their existing functions and devote more time and attention to—(a) policy formulation, drafting of legislation, rules and regulations; (b) review of progress of implementation of programmes and policies; (c) development of organizational and personnel competence both in the Secretariat and in the field.
5. Policy Advisory Committee with the Secretary of the Department as Chairman and Heads of Departments as members may be formed for each department of the Secretariat.
6. Secretariat Departments should deal only with personal matters concerning Heads of Departments and regional officers delegating to Heads of Departments full disciplinary powers over all other officers and staff subordinate to them, except the powers of removal, reduction in rank and dismissal in respect of officers for whom Government are the appointing authority.

- (b) The practice of obtaining the signatures of the official reported upon on each Confidential Report, as is done in the Defence Force may be considered by the Government, Not Accepted.
22. Level jumping should be introduced in all departments especially in respect of routine cases.
  23. For speedy clearance of cases pending in the departments of Secretariat for want of opinion or concurrence of other departments periodical inter-departmental meetings should be held at the level of Secretary or Deputy Secretary concerned.
  24. Informal meeting of officers of various departments frequently will also help in clearing most of the misunderstandings.
  25. Finance and G.A. (Services) should evolve detailed questionnaires and check lists to be answered by the departments while referring cases to them.
  26. For drafting Legislation and for framing subordinate Legislation or service rules officers of the administrative departments should normally sit with the officers of Law Department to ensure that the drafts reflect fully the intentions.
  27. In the case of major schemes which have been cleared by Finance, execution should not be held up pending approval of the budget each year as the expenditure is committed and in normal course may be expected to be approved in the budget.
  28. The existing restrictions regarding re-appropriation should be continued as otherwise departments are likely to create recurring liabilities which will be difficult to meet in the future.
  29. To eliminate long delays in sanctions and grounding of works a bunch or shelf of schemes should be prepared in detail every year the total value of which should not exceed 25% of the existing budget provision. The schemes may be got cleared administratively, technically and financially and kept ready and should be grounded as soon as the budget in which they are included is passed.
  30. All schemes prepared by the departments should be complete including the cost of full scheme and should be got cleared Finance before creating recurring liabilities out of proportion to the likely provision that can be made under the plan.
  31. The practice being followed in the R. & B. Department by initiating part schemes in respect of road works should be discouraged.
  32. To reduce work of Council of Ministers non-plan cases in respect of new services or schemes or otherwise where recurring expenditure is Rs. 1 lakh and above and non-recurring expenditure is Rs. 5 lakhs and above alone should be placed before the Cabinet.
  33. Cases involving guarantee by the State Government for amount exceeding Rs. 5 lakhs and above alone should be placed before the Cabinet.
  34. For the purpose of larger delegation of financial powers to the heads of Departments, they may be classified as Major and Minor Departments on the basis of the extent of average annual Budget provision normally available to them.

48. Senior Officers and Ministers should pay frequent visits by surprise to the public officers to see whether the citizens are being served without any harassment.
49. Scheduled Tribe/Scheduled Caste/Backward Class students should not be driven from pillar to post for obtaining scholarships, the procedure for which can be simplified and streamlined.
50. Government should take positive steps to discourage civil servants individually or in groups bringing extraneously pressure for transfers, furtherance of their prospects, etc.
51. Sound and scientific personnel policies have to be evolved for building up healthy traditions.
52. Top Administrators have to set the pace.

*Note :-* (To be read only with reference to the GO. as modified therein).

**2. Delegation of powers and simplification of procedures — Enhancement of delegation of powers.**

*[G.O.Ms.No. 215, Fin. & Plg., Dt. 14-7-1983]*

*Ref:* 1. G.O.(P).No. 703, G.A. (AR & GI) Dept., Dt. 4-12-1978.

2. U.O.Note No. 68/AP & T.I./79-9, G.A. (AR & T.I.) Dept., Dt. 19-2-1979.

**ORDER :—**1. In the Government Order first read above orders were issued delegating certain financial powers taking into consideration the recommendations of the committee set up for examining the question of increased delegation of powers to Heads of Departments.

2. These financial limits were prescribed with reference to the price levels prevailing in 1978, It was therefore felt that the escalation in prices over the last five years had the effect of limiting the powers of Heads of Departments in real terms as the monetary values of the various items of expenditure have increased. The position has therefore been reviewed and the Government after taking into consideration the escalating in prices of all consumer articles, the following amendment is issued to Appendix I of the Government Order first read above enhancing the financial powers to the heads of Departments with immediate effect.

<i>Sl.No.</i>	<i>Item of Expenditure</i>	<i>Existing limits</i>	<i>Higher limits authorized</i>
(1)	(2)	(3)	(4)
1.	(a) Purchase of Steel and Wooden furniture (per annum)	10,000	15,000
	(b) Repairs to furniture (per annum)	2,000	3,000
2.	Rent for Office Building (per month)	2,500	4,000
3.	Maintenance and Repairs to vehicles (per annum):		

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## **MISCELLANEOUS**

The District Officer Manual which was introduced in all Offices of Heads of Departments by G.O.Ms.No.1825, General Administration (O&M) Department, dated 26-12-1959, in the State of Andhra Pradesh prescribes the rules relating to the attendance of staff, general discipline, office system, and maintenance of records etc., in government Offices. The said Manual is also prescribed as one of the topics in departmental Examinations for the State Government employees. Hence, as enumerated in the District Office Manual, every member of the establishment must make himself thoroughly conversant with the rules contained in it and keep a copy of it for ready reference.

Circular in Volume I to IV, issued by the Hon'ble High Court from time to time were communicated to all the District Courts. The Officers and Ministerial staff of District Judiciary must make an endeavour to refer and adhere to the said circulars without any deviation.

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# **IMPORTANT EXCERPTS OF DISTRICT MANUAL**

The Tottenham System of office procedure, as prescribed in the District Office Manual, mainly deals with the procedure to be followed for conducting routine work in Government offices. Following are some important aspects :

## **1 . GENERAL DISCIPLINE**

Discipline is the essential prerequisite for the efficient functioning of any office or organization. Punctuality, Promptness, regular attendance and obedience are the basic needs of discipline. Cleanliness and orderliness, quiet and dignified behavior, observance of silence during working hours and mutual courtesy among the members of the staff will be conducive to the smooth running of the office. Divulgence of official information and secrets is a serious offence which should not be done at any cost. Lastly, honesty is the most essential code of conduct without which all other qualities are useless.

## **2. ATTENDANCE**

2.1 All Government servants are expected to attend office from 10.30 a.m. to 5.00 p.m. on all working days. An attendance register should be maintained and all establishment members should initial it as soon as they come to office. A grace time of ten minutes is allowed after which the attendance register should be closed. Permission to attend late by one hour or leave office one hour earlier, not exceeding three times in each case, can be allowed with prior sanction. Any member who attends late should sign after entering the hour of arrival. If he attends office before 2.00 p.m. with or without permission it will be treated as half day casual leave and attendance after 2.00 p.m. will be treated as a full day's casual leave. One day's casual leave should be deducted for every 3 days of late attendance. Casual leave not exceeding 15 days can be availed with prior sanction. It can be clubbed with any public holiday or optional holiday. However such a spell of leave should not exceed 10 days.

2.2. COMPENSATORY LEAVE (CPL) Government Servant is directed to attend the office on a public holiday, he will be permitted, by prior sanction, to avail leave for a working day in its place. Not more than ten days of compensatory leave may be granted in a calendar year and no such leave can be availed after expiry of six months from the public holidays for which it is sanctioned. Not more than seven such compensatory leave days may be accumulated. (This concession is available for ministerial staff)

## **3. ORGANISATION**

For convenient and smooth transaction of official business, the office has to be divided into sections, comprising of three or four or more Assistants according to the work load,

ensuring equitable distribution of work among the Assistants. Each section will be denoted by an alphabetical letter and each Assistant by a figure suffixed to the letter by which the section is denoted. The work of each Assistant has to be specified by an office order issued by the Head of the office. The section head should exercise control and supervision over the Assistants in his section and ensure that the correspondence is promptly attended to. He will also be responsible for promptness in faircopying and despatch of tappals.

#### **4. OFFICE SYSTEM**

The method of conducting official business is known as office system. The various stages of official business, starting from opening of tappals to consignment of files to records, comes under office system. The progress of work at various stages will be watched through appropriate registers prescribed under the District Office Manual. The catalogue of registers to be maintained to conduct official business is given at pages 6 to 9 of the District Office Manual.

#### **5. OPENING AND REGISTRATION OF TAPPALS**

- 5.1 There should be an office order regarding distribution of tappals in any office.
- 5.2 Generally, soon after the tappal / dak is received, the tappal should be opened, preferably in the presence of the Head of office or his Personal Assistant or any authorised officer. Important communications such as letters from Government, Heads of departments, D.O. letters and confidential letters addressed to the Head of the office must necessarily be opened in the presence of the Head of the office and seen by him before distribution to Assistants.
- 5.3 The officer, in whose presence the tappal /dak is opened, must peruse the tappals and give appropriate instructions at the stage of perusal of tappal itself, particularly in respect of urgent and important papers indicating the action to be taken. The tappals Assistant will thereafter sort out the tappa(s) section wise and give them numbers, serially, as per the Distribution Register. Cash and other valuables will be entered in the Security Register. When the tappals with the Distribution Register is received in the section, the section head should go through them, note the instructions of officers, if any, on them and then mark them to the concerned Assistants. It should be ensured that all the Assistants to whom the tappals are marked in the Distribution Register should acknowledge them without fail. Otherwise, it would become difficult to account for the unacknowledged ones in the Distribution Register at a later stage, especially at the time of office inspection. Papers marked

F (to be filed), XL DL Dis (to be lodged), need not be entered in the Distribution Register.

## **6. REGISTRATION**

- 6.1 The tappal received by clerks contain either new cases (for which there is no pending file) or old cases (for which there is a pending file). Tappals received by clerks should be registered in the Personal Register with out delay. New cases have to be registered as fresh currents noting the details, as required in col. 4. Old cases have to be clubbed with the pending currents duty noting their particulars in col. 9 and 10 of the PR. A current which originates in the office is also registered in the Personal Register like any Other new case, but in col. 4 the word "arising" has to be noted under the head "title".
- 6.2 Under the head "title" in col.4 of the Personal Register, appropriate main head and subhead should be given from the list of index heads in Appendix A of the DOM.
- 6.3 While opening a new Personal Register at the beginning of the calender year, sufficient number of blank pages should be left to bring forward the currents of the previous year, which could not be closed by 31 st March. Not more than three currents have to be entered on the page and they have to be divided by red lines. The main head has to be underlined in red ink.

## **7. MAINTENANCE OF FILES**

- 7.1 A file includes both current and note file. The current file comprises of incoming and outgoing references and other intermediary correspondence other than routine reminders. The note file is the one on which notes are written summarising the facts reported in the reference, citing relevant provisions of law, rules, and orders of Govt., or other superior authorities, wherever required, and pointing out the matters requiring orders or clarifications.
- 7.2 The pages of the current file and the pages of the note file have to be tagged separately. The pages of the current file have to be numbered in red ink and the pages of the note file in black or blue ink, chronologically. Files have to be maintained neatly.

## **8. NOTING**

- 8.1 Notings should be brief and to the point and should be in simple language. The object of the note is to present, in the most intelligible, condensed and convenient form possible, the facts of the case, accompanied by a brief facts of the case, if any. Points at issue requiring orders / clarifications etc. are to be examined with reference to any useful precedent, rule or Law and put up in order to enable the officers to arrive at quick and correct decisions.
- 8.2 Reproduction of facts already available in the file is not necessary. While drawing attention to the facts already available in the file, any other important or new points and

precedents, if any, could be mentioned in the note. A leading note is improper and should be avoided.

## **9. CURRENT FILE ARRANGEMENT**

The current file, with papers arranged chronologically, numbered in red ink and tagged together neatly, should be put up along with previous papers, or disposals obtained from Records for reference in flat file pad marked 'Ordinary', 'Urgent', 'Very Urgent' as may be appropriate. Statements and maps should be placed for reference below the current file.

## **10. REFERENCING**

Referencing is one of the important elements of noting or drafting for quick and proper disposal of papers. Facts of a case previously noted or reported, relevant previous decisions or orders, Precedents, authorities and provisions of law should be aptly referred to in the notes. Any relevant portion in the pending file should also be referred to. Referencing is made by noting the page number of the current file or note file and the disposal number, G.O.No. Name of the Act. , code or manual. Reference should be done in pencil in the margin of the note file or draft put up. Where disposals are put up for reference, they should be flagged. The flag of each disposals or statement put up should be denoted by an alphabetical letter. Flags attached to the disposals should be pinned only to the outer dockets. Flags should not be attached to any page of the C.F. or N.F. or to any page of any code, act, book or stock file.

## **11. LINKED FILES**

Where pending files are put up for reference they should be linked to the main file on which orders have to be passed, by placing them underneath of the main file. The main file and linked file should be tied together with the strings of the linked file, if there is only one or more than one linked files. A slip should be fastened to the flap of each linked file indicating L.F.I, L.F.II and so on. The slip fastened to the top file should indicate "top file for orders and linked file for reference".

## **12. DRAFTING**

12.1 After orders are passed on note file draft should be put up. In simple cases, where discussions on note is not necessary, draft may be put up along with the note.

12.2 The draft should being with a proper title, whether it is memo, or letter or proceedings. The title should almost be the same as shown in the note file, with suitable modifications to indicate the exact nature of the reference made or orders passed.

12.3 Below the title, the references received from outside and the references sent, other than routine reminders, should be cited in chronological order.

12.4 The draft should be on the lines of the approved note taking into account the observations and comments made by the officers and orders passed. It should be in easy and natural style, and concise and at the same time comprehensive. Words or phrases which lead to ambiguity, confusion and necessitate looking back for date, person or thing referred to should be avoided. The following should also be avoided (i) long words (ii) foreign or classical words or expressions (iii) vague and clumsy phrases (iv) colloquial phrases, such as "so impertinent", "so many time", "not too bad" etc., (v) phrases which show discourtesy, "care to" (vi) short abbreviations (vii) split infinates etc.

### **13. VARIOUS TYPES OF COMMUNICATIONS, THEIR FORM AND PURPOSE**

13.1 The various types of communication are (i) Memo (ii) Letter (iii) D.O Letter (iv) Proceedings and (v) Telegram.

(i) MEMO is a reference made to a subordinate or to petitioner.

(ii) LETTER is a reference made to an officer, often equivalent in rank, or to an officer of other department.

(iii) D.O. LETTER is generally written where personal attention of the officer concerned is required to be bestowed.

(iv) PROCEEDINGS is the final orders passed with reference to certain powers invested.

(v) TELEGRAM should be brief and intelligible. It should be accompanied by a post copy.

13.2 The communication should be precise and brief, setting forth the points in which clarifications or orders are required.

13.3 The proceedings should be complete in itself, with the title at the head, followed by such description as the communication with reference to which the proceedings are passed as will be sufficient to enable any officer to whom it is communicated to trace the previous correspondence on the subject in his office without any delay.

## **14. REMINDER DIARY**

To watch the action on and ensure prompt replies to Government letters or other superiors, to watch action on urgent and important references from others and ensure prompt replies to them, reminder diary should be maintained by each clerk/section head.

## **15. DISPOSALS**

15.1 The various kinds of disposals are:

1. R. Dis to be retained permanently.
2. D.Dis to be retained till the prescribed period of retention (10 years normally. Period can be extended, where necessary by obtaining order for further retention.)
3. L. Dis to be retained till one (or three) years. It to be returned in original
4. F.Dis to be filed
5. X.L.Dis to be filed without numbering.
6. X.N.Dis to be returned without numbering

The nature of disposal depends on the importance of each file.

15.2 Government orders and proceedings of Heads of departments have to be filed normally. But, some of those Government orders or proceedings, require further action at times. Such papers should be registered in Personal Registers and final disposal given as R.Dis. or D.Dis as is necessary.

15.3 Great care should be exercised in marking the nature of disposal. The Section head is responsible for marking the correct nature of disposal on the paper. For classifying a disposal under "R" series orders of the head of the office have to be obtained. The Heads of the departments have since been empowered to prescribe suitable period of retention based upon the peculiar nature or work done in their departments and the estimated period of utility for reference, after getting such record retention schedules approved by the concerned administrative departments of the Secretariat (vide a new note added under para. 63 of the DOM in G.O.Ms.No. 65 GAD (Ser.C) dated 27.12.82). Consequently, in some departments new disposals i.e. "K.Dis" etc., with 3 years of retention or 5 years of retention have been prescribed.

15.4 Further, as per the amendment issued to para. 80 of the DOM in the above G.O.Ms.No.65 GAD (Services.C) dt.27.12.82 at the initial stage of sending disposal in the "L.Dis" and any other series with limited periods of retention for less than ten years, it should be examined closely whether the disposal needs to be rescrutinised after the prescribed period of retention and to be certified as fit for destruction or for further

retention. The docket sheet of each such disposal should therefore carry a certificate to the effect. "To be destroyed straightaway / sent back for rescrutiny in the year .... .....after the prescribed retention period" (words not applicable to a disposal to be struck off). R Disposals require scrutiny after 50 years in order to see whether they still require to be preserved or not.

## **1 6. DISPOSAL JACKETS**

The R and D disposals should be covered with brown paper jackets and the entries should be made on the jackets as instructed in paragraph 65 of DOM.

## **1 7. CALL BOOK**

References of the Government and Heads of departments calling for a report after one year or so, and such other references where report is due after one year or so and where no action is necessary for more than six months will be entered in Call book closing the current in the Personal Register. The tappal clerk or record keeper will be responsible for the proper maintenance of the Call book. When the time noted in col. (5) of the Call book for taking action approaches, the current should be reopened giving a fresh current number and entering in the personal register. As soon as this is done, the entry in the Call book should be rounded off.

## **1 8. PERIODICALS**

The purpose of the periodicals will be defeated if they are not sent or received in time. To ensure receipt of incoming periodicals in time advance reminders should be issued. Where an outgoing periodical has to be compiled on the basis of figures furnished or reports made in the incoming periodicals, the compilation should be done expeditiously and outgoing periodicals despatched in time. Each periodical will be assigned a periodical number. There will be only one set of serial numbers for periodicals in an office, depending on the nature i.e. whether weekly, fortnightly, monthly, quarterly, half-yearly, annual etc. A Consolidated Periodically Register has to be maintained for the entire office. A Periodical Register showing the incoming and outgoing periodicals, to be dealt with by each clerk has to be maintained by him. Periodicals should not be given R, D. or L. Disposal. They should be simply filed with the periodical numbers only.

## **1 9. FAIR COPYING AND DESPATCH**

19.1 Fair copying and despatch should be done without any delay. The Superintendent, fair copying section should see that there is no delay at any stage of fair copying, comparing and despatch where there is pool system of typing in any office.

19.2 When the Superintendent, fair copying section, receives an approved draft for fair copying, he should check up whether all the particulars necessary for typing are available on the draft, such as the reference or disposal number, if it is a disposal, its



nature, person or persons to whom it is to be sent, the enclosures to be sent with it, etc. He should also see if it is a R or D disposal, whether the Index slips in duplicate showing the title as noted in the draft has accompanied the draft. After satisfying that all the above details are available on the draft, he should give it to the typist for typing. Soon after they are typed, they should be compared with the approved draft, get them signed by the Head of office or concerned officer and despatched.

- 19.3 A Fair Copy Register as in Form IV, should be maintained in the section. It serves as a despatch register as well. Now-a-days, in many of the offices, section wise typists are allotted. The Head of the section should check the Fair Copy Register maintained by the typist at the end of each day to ensure that no delays are made in fair copying of the approved drafts. In most of the offices, a separate despatch section is organised. For postal delivery, stamp account has also to be maintained besides the Postal Despatch Register. For communications to be delivered locally by hand a separate register "Local delivery book" should be maintained and should be periodically checked.

### **PREVENTION AND CHECKING OF ARREARS AND DELAY**

- 20.1 The section heads should exercise effective supervision over the assistants in their sections to prevent delays and arrears. The periodical checking of Personal, Periodical and other Registers even with long pending currents critically, will be an effective check to prevent delays and arrears. The Superintendent and the officer concerned should point out the delays and other irregularities, in the running note file accompanying the personal and periodical register put up for check, as per the programme of check drawn up and issue suitable instructions for avoidance of delays and rectification of defects. Compliance with the instructions should be insisted within 48 hours and non-compliance should be taken serious notice of.
- 20.2 Reminder should be issued promptly. A Reminder Diary should be maintained by each clerk for this purpose, which should also be checked periodically along with PRs etc.
- 20.3 Arrear Lists showing the pendency of currents, should be put up with the Personal Register. Long pending files should receive special attention of the section head.
- 20.4 Business return is prepared every half year to enable the head of office or his superiors to watch the progress of business in the office and to take suitable action for the reduction of pendency and arrears.

### **21 . INDEXING OF THE TITLE**

Preparation of index slips and their filing in the manner laid down in paragraphs 100 to 102 should carefully be done. The index title should correspond with the heading of

the final draft and be normally identical with the entry made in col. 4 of the personal register. One copy should be retained with the clerk and the duplicate copy should be retained in records. At the end of the year, the record clerk should prepare a general index register showing all the R.Dis and D.Dis files separately. The Index Register should be in the alphabetical order for ready reference. It should be typed or renewed and supplied to all sections and all officers.

## **22. RECORDS - FILING - MAINTENANCE & CUSTODY**

Before the receipt of any disposal (handed over to the record keeper) is acknowledged, the record keeper should verify whether all the pages in the disposal have been numbered, securely stitched and are in tact, whether the disposal number has been correctly noted and the disposal has been properly docketed, and if it is a R or D disposal and whether duplicate copy of index slip has accompanied it. According to the amendments issued to the DOM para 81, disposals have to be arranged in the record room basing on the year of disposal and not according to the year of the current as is obtaining hitherto.

## **23. RESPONSIBILITY OF CLERKS AND HEADS OF SECTIONS**

Every assistant is responsible for the safe custody of the files, registers, stock files and other records in his charge. If any document submitted for orders bears a court fee or adhesive stamp, he will be responsible for seeing that it is punched. This does not however absolve the Heads of sections from the responsibility from seeing that stamps are punched.

## **24 SUBMISSION OF FILES AT HEAD-QUARTERS OR CAMP**

24.1 All the files should be sent to the officer concerned who is on tour in locked tappal boxes preferably steel boxes, with an invoice. The camp assistant of the officer should verify the tappals received with the invoice. The same procedure should be adopted when tappals are returned from camp. The invoice will be prepared by the camp assistant and the tappals on receipt in office will be verified by the tappal assistant.

24.2 When an officer is at head quarters, papers for orders, approval and signature should be submitted daily in one or more batches.

24.3 Confidential papers should be in separate confidential boxes locked and sealed.

## **25 PRECAUTIONS AGAINST FIRE**

25.1 The precautions against fire to be observed in public offices are given in appendix-c.

25.2 Required fire fighting equipment should be kept and they should be maintained in good condition. Office staff should be given practical drill. The head of the office should nominate an officer in his office for conducting the drill.

## **26. ECONOMY IN THE USE OF STATIONERY**

Utmost economy should be observed in the use of stationery as per the instructions contained in para 140 of the District office manual at page 59 to 61.

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