

GOVERNMENT OF ANDHRA PRADESH
FINANCE (HR.III-Pension) DEPARTMENT

Cir.Memo.No:993083/FIN01-HR0CLI/9/2019-HR-III, Dated:15/03/2020

Sub: Finance Department – Pension Rules – Judgement order given by Hon'ble High Court in W.P.No.38901 of 2017 – Clarification to Rule 9(2)b(ii) of Andhra Pradesh Revised Pension Rules 1980 – **The date of occurrence of the event is always the date on which the effect is felt or found out** – Regarding.

- Ref:**
1. G.O.Rt.No.609, MA&UD Department, dt. 04-09-2017.
 2. Representation of Sri G.C.Penchalaiah, the then Municipal Commissioner (Retd), Venkatagiri Municipality, SPSR Nellore District dt.03.11.2017.
 3. Judgment of Hon'ble High Court in W.P.No.38901 of 2017 between Sri L.Nageswara Rao S/o Suryanarayana Murthy, aged about 65 years, AE (Retd), Irrigation Section, Mukteswaram, EG District and the State of Andhra Pradesh ,dt.17.11.2017.
 4. Law Department U.O. even No. dated.26/11/2019.

According to the existing rules under Rule 9(2) (b) of Andhra Pradesh Revised Pension Rules 1980 the Departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment:

- i. Shall not be instituted save with the sanction of the Government ;
- ii. **Shall not be in respect of any event which took place more than four years before such institution; and**
- iii. Shall be conducted by such authority and in such place as the State Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.

2. It is brought in to the notice of the Andhra Pradesh Vigilance Commission that as per Rules in force no disciplinary proceedings shall be initiated after four (4) years from the date of its occurrence.

3. On appeal by Sri G.C.Penchalaiah, based on the interpretation of Rule 9 (2) (b) (ii) of Andhra Pradesh Revised Pension Rules 1980 that no disciplinary proceeding shall be initiated after four (4) years from the date of its occurrence and requested to drop further action, the commission quoted a judgement given by the Hon'ble High Court in W.P.No.38901 of 2017 on the interpretation of Rule 9 (2) (b) (ii) of Andhra Pradesh Revised Pension Rules 1980 as follows:

“The date of occurrence of the event is always the date on which the effect of the event is felt or found out”.

(Contd..2)

4. In the circumstances reported above and after careful examination of the matter, Government hereby clarify that the date of occurrence of the event is always the date on which the effect of the event is felt or found out in Rule 9(2) (b) (ii) of Andhra Pradesh Revised Pension Rules 1980 (as per the judgement given by the Hon'ble High Court in W.P.No.38901 of 2017).
5. The Circular Memo is available on Internet and can be accessed at the address <https://www.apfinance.gov.in>.

**K VEERA VENKATA SATYANARAYANA
SPECIAL SECRETARY TO GOVERNMENT (FP)**

To
All the Secretariat Departments
All the Head of the Departments
The Accountant General (A&E)
The Accountant General (Audit-I)
The Accountant General (Audit-II)
The Director of Treasuries & Accounts
All the Drawing & Disbursing Officers
All the Sections in Finance Department

//FORWARDED:: BY ORDER//


SECTION OFFICER