

Confidential:



Eastern Power
Distribution Company of A.P. Ltd
ఆంధ్ర ప్రదేశ్ కుమారుల ప్రాంత విద్యుత్ పంపిణీ సంస్థ

Circular Memo.No.HRD/DC/PO-IV/F.07/11(Genl)/D.No.335/11, dt.30-04-2011

Sub: APEPDCL – HRD – DC – Deviation from advice of Vigilance Commissioner – Sanction of prosecution in the form of a Speaking order – Instructions issued – Reg.

Ref: 1.Circular Memo.No.785/Spl.C/A1/2010, dt.08-02-2011 of General Administration (Spl.C) Department, Government of A.P.
2. AP Transco's Circular Memo.No.CGM(HRD&Trg)/DE(DC)/63-NC/2011, dt.31-03-2011.

In the reference 2nd cited above, APTRANSCO has directed that, in the above Circular Memo, the Government of A.P. reiterated certain instructions on the subject matter in respect of "Deviation from the advice of Vigilance Commissioner, Sanction of prosecution in the form of speaking order". (Copy of the Circular enclosed).

2. All the Superintending Engineers/ Operation of APEPDCL are directed to follow instructions of Government issued in the circular memo, dt.08-02-2011 cited scrupulously.

Encl: As above.

A.V. SURYANARAYANA RAO
CHIEF GENERAL MANAGER (HRD)

To

All Superintending Engineers/ Operation/ APEPDCL

Copy submitted to:

All Directors in APEPDCL/ Visakhapatnam

Copy to:

The Chief General Manager /Tech to CMD/APEPDCL/ Visakhapatnam

The Chief General Manager/ HRD/APEPDCL

All Deputy General Managers/HRD/APEPDCL/ Visakhapatnam

All Divisional Engineers/ Operation/APEPDCL

All Personnel Officers/ Operation Circles/ APEPDCL

All the Sections in HRD Wing / Corporate Office/ Visakhapatnam

The Company Secretary / APEPDCL/ Visakhapatnam

The Manager (CC)/APEPDCL/Visakhapatnam...He is requested to placed the above orders in APEPDCL WEB Site.

The stock file

// FORWARDED :: BY ORDER //


PERSONNEL OFFICER

R. 17846/4



TRANSMISSION CORPORATION OF ANDHRA PRADESH LIMITED
VIDYUT SOUDHA:: HYDERABAD-82

Circular Memo No. CGM (HRD & TRG.)/DE (DC)/63 - NC/2011 Dt. 31-03-2011.

19 APR 2011

Sub: Deviation from the Advice of Vigilance Commissioner - Sanction of
CORPORATE prosecution in the form of a Speaking order - Re-iteration of
A.P.E.P.D. instructions - Regarding.
VISA...

Ref: Circular memo. No.785/SPL.C/A1/2010. dt.08.02.2011 received
from Chief Secretary to Government, General Administration,
(SPL.C) Department, Government of AP

111
21/04/11

In the above Circular Memo, the Government of AP reiterated instructions on the subject matter of "Deviation from the Advice of Vigilance Commissioner- sanction of prosecution in the form of Speaking Order".(Copy enclosed).

2. All the Chief Engineers of APTRANSCO are directed to follow the instructions of Government issued in the Circular Memo dt. 8.2.2011 scrupulously.

Encl: As above

K. RANGANATHAM
Addl JOINT MANAGING DIRECTOR
(HRD & Distribution)

am/dc
02/4
2011

To
All Chief Engineers/APTRANSCO

Copy to:
The FA & CCAs/APTRANSCO

- The Chief General Manager (HRD)/APCPDCL/Hyderabad.
- The Chief General Manager (HRD)/APEPDCL/Visakhapatnam.
- The Chief General Manager (HRD)/APNPDCL/Warangal.
- The Chief General Manager (HRD)/APSPDCL/Thirupati.

//FORWARDED :: BY ORDER//
PERSONNEL OFFICER

DC WING
PO-I
PO-II
PO-III
PO-IV
PO-V

20/4

21 FEB 2011
 S.E. ()
 D.S. ()
 A.S. ()
 D.E. (DC-1&2)
 ADE. ()
 CGM (HRD&Trg)

**GOVERNMENT OF ANDHRA PRADESH
 GENERAL ADMINISTRATION (SPL.C) DEPARTMENT**

CHAIRMAN & MANAGING DIRECTOR
 296
 15 FEB 2011
 APTRANSCO
 FEB 22 2011

CIRCULAR MEMO.NO.785/SPL.C/A1/2010

**SUB:- Deviation from the Advice of Vigilance Commissioner -
 Sanction of prosecution in the form of a Speaking order -
 Re-iteration of Instructions - Regarding.**

Add. J.P. ()
 APTRANSCO
 Inward No. 6094
 FEB 2011
 CA. ()
 CE/ ()
 CE/ ()
 CE/ ()

- Ref:- 1. U.O.Note.No.2751/SC.E/95-1 G.A(SC.E) Department,
 Dt:16-9-1995.
 2. Circular Memo No.609/Spl.B/99, G.A(Spl.B) Dept,
 Dt:19.06.2002.
 3. From the D.G, ACB, Hyderabad, D.O Lr.No.153/RPC@/10-2,
 Dt:10.12.2010.

In the reference 2nd cited, while re-iterating the instructions issued in the reference 1st cited, it has been instructed that in cases where the competent authorities propose to deviate from the advice of the Vigilance Commission, they should record reasons for not granting sanction of prosecution in the form of a speaking order while communicating the same to the D.G, ACB, Hyderabad, AP Vigilance Commissioner and to General Administration Department.

2. The Director General, Anti Corruption Bureau, Hyderabad has brought to the notice that a review of the cases, pertaining to Revenue Department where sanction of prosecution orders are not given revealed that in all such cases, the competent authority has not issued speaking orders but just quoted the representation received from the accused officer which is not at all permissible. Exercise of discretion by the Competent Authority to refuse or accord sanction, must be in accordance with law and the Competent Authority should assign reasons as to why it did not consider it necessary to accord sanction of prosecution. The relevant legal position is as follows:-

1. The Government Memo / Order does not disclose that the authority had arrived at the prima facie satisfaction that the relevant facts, referred to in the report submitted by the ACB does not constitute an offence under the PC Act,1988. (K.Srinivasulu Vs. The Govt of A.P represented by its Pri.Secretary, Home(SC.A) Dept, in W.P No.14967 of 2009).
2. Exercise of discretion by the competent authority, to refuse or accord sanction, must be in accordance with Law. The competent authority is required in law to assign reasons why it did not consider it necessary to accord sanction for prosecution. (K.Srinivasulu Vs. the Government of A.P represented by its Pri.Secretary, Home (SC.A) Dept, in W.P No.14967 of 2009).
3. The Government order should clearly mention that sanction for prosecution under the PC Act,1988 is being accorded or refused. Non-explicit order that prosecution under the PC, Act, 1988 is being refused indicated non- application of mind. (K.Srinivasulu Vs. The Government of A.P represented by its Pri.Secretary, Home(SC.A) Dept, in W.P No.14967 of 2009).

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4. Grant of sanction is an administrative function. The question of giving an opportunity of hearing to the accused before granting sanction does not arise. (Deepak Chowdahary (1995) 6 SCC 225 - AIR 19996 SC 186).

Government hereby re-iterate that whenever the Competent Authority proposes to deviate from the advice of the Vigilance Commissioner, reasons should be recorded in writing for not granting sanction of prosecution in the form of a speaking order. All the Departments of Secretariat and HODs are requested to follow these instructions scrupulously.

S.V. PRASAD,
CHIEF SECRETARY TO GOVERNMENT

To:
All Departments of Secretariat/ All HODs.
Copy to:
The Secretary to VC, APVC, Hyderabad.
The Director General,
Anti Corruption Bureau, Hyderabad.

//FORWARDED::BY ORDER//


SECTION OFFICER(SC)