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**MINUTES OF THE VIDEO CONFERENCE HELD ON 28.11.2017 BY
EXECUTIVE DIRECTOR (A&P) AND EXECUTIVE DIRECTOR (O&MIS) WITH
ALL THE EXECUTIVE DIRECTORS OF ZONES AND REGIONAL MANAGERS
No:P2/644(3)/2017-PO-III**

Present:S/Sri

A.Venkateswara Rao, Executive Director (A&P)

G Jaya Rao, Executive Director (O&MIS)

Sk Aslam Ansari, Chief Personnel Manager

P V Swarupanda Reddy, Dy.CPM(A&IR)

T Chiranjeeva Rao, Personnel Officer - III

The meeting started on the subject of handling the disciplinary cases by the field officers duly recalling the circular instructions issued on the subject and regulations governing the disciplinary matters.


Executive Director (A&P) started the meeting by putting forth the observations made by our VC&MD on disciplinary matters during one of the internal meetings which are given in brief hereunder.

VC&MD's observations on Disciplinary Matters:

1. Non uniformity in the punishments being awarded
2. Disproportionate punishments awarded compared to the triviality of the issues involved
3. Lack of comprehensive examination
4. Not giving due importance to the points in favour of the employees
5. Lack of recording the justification or reasoning for the action taken or action proposed to be taken
6. Lack of personal hearing before taking the decision thereby losing the opportunity of examining the truth
7. Lack of personal touch resulting in the employee losing confidence
8. Disposing the matter in a routine way
9. Improper framing of charges
10. Combining the steps involved in disposing the cases like issuing Show Cause Notice cum Final Orders or giving the three different dates of enquiry in one go at a time etc.
11. Not giving enough importance to the documentary evidence or witnesses etc.
12. Taking too much time for settling the issues or keeping the employee under threat by issuing charge sheet and taking no action thereafter for too long a time
13. Raising the suspensions without giving proper justification and reasoning
14. Not giving speaking orders which are self explanatory in nature
15. Not discussing the disciplinary history of the accused employee
16. Suo Moto review is not being taken up by the appellate and review authorities though there is a provision in terms of Regulations 29 and 30 of CCA Regulations

It was observed that bulk of the disciplinary cases is for the mis-conducts of (i) C&T Irregularities, (ii) accidents, (iii) intoxication and (iv) absenteeism. It appears that though several circular instructions are issued on the subject, not much importance is given to them or they are not properly studied and comprehended.

Continued on Page 2



Such incomprehensive dealing of the disciplinary cases is resulting in (i) the grievance remaining unsettled (ii) increase in the management – workforce divide leading to trust deficit between the management and workforce (iii) losing the cases in various courts of law (v) litigation getting carried to higher courts of law (vi) increasing the scope to the unions to interfere and (iv) loss of revenue in the form of compensation etc.

It was opined that if the observations made by our VC&MD are taken note of and remedial action is taken on the above aspects, there would be more transparency in the system and a lot of cohesion can be brought and seamless and contented workforce will be an asset to increase the profitability of the Corporation. Disciplinary mechanism shall work more on voluntary basis rather than coercive basis. It shall be basically remedial in nature without affecting the dignity of the accused. The punishments shall be so delicately balanced that they should not result in the employees developing a sense of vengeance. The punishments should be such that the accused employee introspects and reforms on his own.

It was also felt that timely disposal of the cases would build confidence of the workforce and the punishments need not be limited to those listed in Regulation 8(1) of CCA Regulations. For that matter, even transfer from the existing place to a new place can be effectively used as a punishment without subjecting the employee to the feeling that he / she is punished as per disciplinary regulations. After discussing at length, the following proposals were arrived at with the consensus of the Executive Directors of zones, Regional Managers, Senior Scale Officers and Depot Managers.

General:

1. Punishments shall be imposed with the objective of creating a deterrent and to redress rather than taking out vengeance or victimisation
2. Employee shall not be removed for the first offence.
3. For all the offences of any nature, if it is the first offence, a lenient view may be taken on humanitarian grounds but not for the second time.
4. Transfer from the existing place to a new unit for a period of at least one year can be used as an effective discipline enforcing mechanism. While using 'transfer' as a tool it must be ensured that the employee is not transferred from one unit to other unit in the same station and care must be exercised that this policy of transfer as a punishment shall not be exploited by some employees for getting transferred to the places of their choice. In short, this procedure should not be diluted as a mechanism to consider request transfers.
5. Retransfer of such employees transferred on punishment, shall not be considered for at least one year.
6. The disciplinary cases shall not be kept pending for long time.
7. The punishment imposed should be related to the offence involved within the shortest possible time. In short, for the current offence, an old charge sheet kept pending shall not be brought out of dormancy for imposing punishment.
8. There should be uniformity across all the regions in the punishing procedure and disproportionate punishments must be avoided
9. Charges framed shall be relevant to the offence committed. Irrelevant charges make the case weak.
10. All possible evidences shall be recorded properly

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11. All the higher level officers from ED cadre to SSO cadre shall guide the Depot Mangers and other Unit Officers properly, if necessary by giving some case laws and circular instructions that are in their knowledge.

C&T Irregularities:

12. It must be ensured that the checking procedure should not be abusive or insulting to the dignity of the crew
13. When the amount involved is trivial, imposing capital punishment will attract the adverse attention from various quarters including courts of law. In such cases, if capital punishment is to be imposed, the fraudulent attitude of the employee is to be established by referring to the disciplinary history through speaking orders.
14. Unless such justification and reasoning duly verifying the P case and Service Register is given through speaking orders, the said proceedings are bound to heap sympathy on the victim.
15. The factors like passenger load at the time of check, distance traversed, scope of passenger's cheating etc., shall also be examined before arriving at a decision
16. Personal hearing shall be given to the accused and the same shall be recorded and discussed in the proceedings

Intoxication:

17. In drunkenness cases, several challenges have been made regarding the correctness of readings of the breath analysers. To address this issue breath analysers of new make at a cost of Rs.25,000/- each are being procured which are expected to give correct recording the level of alcohol consumed. It is expected that these new breath analysers are made available at the depots by 06.12.2017.
18. Further, it is proposed to give another chance to the employee who is tested positive in breath analyser test after 5 minutes of initial testing. But during this five minutes span between the first and second test, the employee shall not be allowed to go anywhere or consume any other material. If the second test also confirms the readings of the first test or within the reasonable range of first test, the employee becomes liable for disciplinary action.
19. It is reported that some employees bring the alcohol in bottles or sachets to be consumed at enroute. To address this problem, it is suggested to check their bags or other belongings before they take the bus out.
20. The procedure of checking hire bus drivers for intoxication is the same as is being done for APSRTC drivers. If any hire bus driver is found to have consumed alcohol, he shall be immediately withdrawn duly informing the owner and it shall be ensured that he is not put on duty on another hire bus or in any other unit

Suspensions:

21. All the suspension cases shall be disposed off on priority basis since the employee is put to lot of insult and financial hardship while it is a loss to the Corporation to pay unremunerative subsistence allowance.
22. Several circular instructions issued in this regard shall be examined and the cases shall be disposed off accordingly
23. Conductors' Job Security Circular shall be referred

Accidents:

24. In all accident cases, the contributory negligence factor must invariably be checked
25. Benefit of doubt shall always lie with the employee
26. If it is established that our driver is not responsible for the accident and is kept under suspension, it shall be recorded that such suspension is procedural but not as a punishment.

Absenteeism:

27. All the absenteeism cases shall be dealt with firmly as it results in sluggishness of the work, affects various passenger satisfaction indices like punctuality, regularity and reliability
28. There should not be any slackness in dealing with absenteeism cases and they should be promptly disposed off.
29. The regulations on serving the notices to the employee by registered post or displaying the same on the notice boards in terms of regulations shall be discussed in all the above cases in detail

It was informed by the ED(O&MIS) that though APSRTC has been gaining good remarks in the Government about its improved performance and other achievements, the disciplinary cases erroneously dealt like (i) imposing capital punishments in the first instance itself, (ii) awarding disproportionate punishments with respect to the offence committed, (iii) delay in finalising the disciplinary cases as discussed above and as observed by the VC&MD given earlier in these minutes, are giving the Corporation a negative impression. It was emphasised that when the Corporation is committed to achieve break even in this financial year, it requires a contented employee and for making the employees feel contented, timely, equitable and justifiable disposal of disciplinary cases is a must. It was also brought out that the employees involved in the mis-conducts form only 5 to 10 % of the total workforce. Hence, it shall be ensured that these 5 to 10% erroneous employees are properly addressed, counselled and made to emulate the majority of disciplined employees by building up and executing a transparent and confidence building disciplinary procedure.

Training Programme: While concluding the video conference, ED(A&P) declared that a training programme on the above aspects along with the valuable inputs received from the zones, is scheduled shortly where in interactive sessions, case studies etc., are planned. It was also informed that the DMs with MED back ground will be trained by operational personnel to make them strong in operational matters and vice versa.

The video conference concluded on a positive note with every zonal ED, all RMs and other officers concurring with the recordings given above.


EXECUTIVE DIRECTOR (A&P)

To
All Executive Directors,
All Regional Managers,
All Dy. CTMs and Dy. CMEs,
All Depot Managers, ATM(HES)
Director(V&S), ADs(V&S), V&SOs and Security Officers

ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION



Office of the Managing Director,
RTC House, PNBS,
Vijayawada.

No: P2/644(1)/2018-PO-III

Circular No:PD-1/2018 dated 13.03.2018

Sub: CC&A Regulations – Discrepancies observed in the punishments awarded like Non-uniformity and disproportionate punishments etc., in disposing the disciplinary cases – Guide lines issued to bring uniformity and rationality in awarding the punishments – Issued – Reg.

Ref:1. Circular No.04/2008 – OPD(HES) dated 08.02.2008

2. Minutes of Video Conference No.P2/644(3)/2017-PD dated 28.11.2017

Instances have come to the notice of the Corporate Office that while disposing the disciplinary cases (i) the punishments awarded are disproportionately higher in magnitude compared to the gravity of the case (ii) circumstantial evidences are not given due cognigence (iii) punishment history of the employee is not examined comprehensively to establish whether the offence is intentional or by omission or commission (iv) though each disciplinary case is unique in nature, there is no uniformity in awarding the punishments considering the similarities of the offences across different zones, regions and even among the different units of the same region (v) lack of objective assessment of the case and giving too much of emphasis on subjective assessment of the cases (vi) failing to follow the well established principles of natural justice (viii) not providing the opportunity of personal hearing and lacking personal touch (ix) not issuing speaking orders with proper justification as to why the punishment is awarded etc.

This lack of uniformity and transparency in disposing the cases has been creating a sense of being subjected to injustice, resentment and lack of security in the work force and has lead to a spate of representations from the employees as well as the unions. Such feelings in the workforce shall not be allowed to persist and if ignored, these grievances grow into a crisis questioning the credibility of the system of grievance procedure itself. On the other hand, if transparency is brought into the system by giving due attention to the issues listed in the above para, it will not only redress the grievances but also build solid confidence in the work force which will turn into an asset.

It is also observed that several instructions were already issued and reiterated on the guide lines to be followed while disposing the disciplinary cases duly setting the time frame for disposal of disciplinary cases, appeals and review petitions. Despite having issued several guide lines in the past, it is felt appropriate to reiterate the guide lines again with certain modifications duly enhancing the human angle to ease the process of disposing the disciplinary cases bringing in uniformity, rationality and transparency into the system and duly taking the vastly changed organisational culture into consideration.

During the joint meeting held on 31.01.2018 and 07.02.2018 in the Corporate Office, the recognized National Mazdoor Union also raised this issue and represented for standardizing the procedure of grievance handling bringing uniformity and transparency into the system and to evolve guidelines for strict implementation by the units.

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In consideration of the request of the recognized union, a Committee of senior officers was constituted vide this office UO Note No. even dated 08.02.2018 for the purpose of framing guidelines. The said committee met on 16.02.2018, 19.02.2018 and 22.02.2018 and examined the existing procedure, classified the offences and suggested different kinds of punishments after discussing the issues involved at length duly examining several disciplinary cases and suggested certain guidelines.

These guide lines were discussed at length during the meeting of all Executive Directors, Regional Managers and Heads of the Departments on 13.03.2018 and are finalized as enclosed in the Annexure-A to this circular. It is advised that these guide lines shall be followed by all the disciplinary authorities concerned.

It is an effort to standardize the procedure of handling disciplinary cases and awarding punishments so that there is uniformity in cases of similar nature so that there are no grievances on the basis of differential treatment in similar cases.

All the officers concerned are hereby advised to adhere to these instructions scrupulously while disposing the disciplinary cases. It is expected that by following these guide lines, confidence can be instilled in the workforce to discharge their respective duties with better motivation.

These instructions will come into force with immediate effect for strict implementation.

Malabo
VICE CHAIRMAN &
MANAGING DIRECTOR
13/3/2018

Encl: 1. Annexure-A
2. Minutes No.P2/644(3)/2017-PD of
video conference dated 28.11.2017

To

All Officers of the Corporation.

- Copy to: Sr.RAO/AG: R T C Branch, RTC House, PNBS, VJA.
- Copy to: OSD to VC & MD.
- Copy to: General Secretary, APSRTC National Mazdoor Union.
- Copy to: General Secretary, APSRTC Employees' Union.
- Copy to: General Secretaries of: APSRTC Bahujana Workers Union/APSRTC Karmika Parishat/APSRTC Karmika Sangh/ APSRTC Staff & Workers Federation/APSRTC United Workers Union/APSRTC YSR RTC Mazdoor Union.
- Copy to: General Secretary, APSRTC, Class II Supervisors' Association.
- Copy to: General Secretary, APSRTC, Security Staff Welfare Association.
- Copy to: Notice Board & I/c Record Room.

CLASSIFICATION OF MISCONDUCT & SERIOUS MISCONDUCT CASES

SL.N O	NATURE OF CASE	MISCONDUCT	PUNISHMENT PROPOSED	SERIOUS MISCONDUCT
1	Fare not collected(FNC)			
	Number of passengers is above seating capacity	i) TVG/City upto 2 passengers or ticket amount below Rs 30/-.	i)counselling	
		ii) 3 and above passengers or ticket amount above Rs 30/-	i)counselling in the first instance ii) fine upto Rs.1000/- for second offence (iii) Increment deferment without cumulative effect for one year for every subsequent offence.	
		iii) Spl Type (upto one passenger or ticket amount below Rs30/-)	iii)counselling	
		iv) above one passenger or ticket amount above Rs.30/-	iv) Increment deferment without cumulative effect for one year.	
	Number of passengers is equal to seating or below seating capacity	a) TVG/City/Spl type i) 1st time	i) Counselling	
		ii) Every subsequent time	ii) Deferment of increment for one year with non cumulative effect in case the passengers are above 20 at the time of check.	
			iii) Deferment of increment for 2 years non cumulative effect in case the passengers are 20 or less at the time of check	

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S.L.N O	NATURE OF CASE	MISCONDUCT	PUNISHMENT PROPOSED	SERIOUS MISCONDUCT
2	Over Riding 28			
	a) Above Seating Capacity	i) Upto Two stages ii) above two stages	i) counselling ii) Increment deferment for 6 months without cumulative effect	
	b) Below Seating Capacity	i) Upto Two stages ii) above two stages	i) Increment deferment without cumulative effect for one year. ii) Increment deferment without cumulative effect for two years	

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S.L.N O	NATURE OF CASE	MISCONDUCT	PUNISHMENT PROPOSED	SERIOUS MISCONDUCT
3	Fare Collected Ticket Not Issued 3/8			
	if the ticket amount below Rs 20/-	i) If the case is 1st time and maintains clean record for the previous 8 years. Clean record means no suspension in C&T cases. If the record is not clean in the previous 8 years, the case shall be treated as second or third such offence as the case may be and the punishment proposed for such second or third offence shall be imposed.	i) increment deferment for one year without cumulative effect.	3rd time and above.
		ii) second such offence	ii) transfer to other depot other than district H.Q or his native town	
	if the ticket amount above Rs 20/-	If the case is 1st time and maintains clean record for the previous 8 years. Clean record means no suspension in C&T cases. If the record is not clean in the previous 8 years, the case shall be treated as second or third such offence as the case may be and the punishment proposed for such second or third offence shall be imposed.	i) increment deferment for two years without cumulative effect.	3rd time and above.
		ii) second such offence	ii) transfer to other depot other than district H.Q or his native town	

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SL. NO	NATURE OF CASE	MISCONDUCT	PUNISHMENT PROPOSED	SERIOUS MISCONDUCT
4	FC Lower Denomination	If the case is 1st time and maintains clean record for the previous 8 years. Clean record means no suspension in C&T cases. If the record is not clean in the previous 8 years, the case shall be treated as second or third such offence as the case may be and the punishment proposed for such second or third offence shall be imposed.	i) increment deferment for one year without cumulative effect.	3rd time and above. 4/8
		ii) second such offence	ii) transfer to other depot other than district H.Q or his native town	
5	Reissue of Tickets			This is a serious misconduct case. Action is to be taken duly examining the past record.
6	Issue of Unconcerned tickets to passengers	If it is not proved in enquiry and mistake on the part of passenger is established.		If proved in enquiry that Conductor / Driver issued the unconcerned ticket intentionally, it comes under serious misconduct.
7	Bus Cash Excess/Short			
		i) Bus cash excess/short above Rs 100/- or 3% of ticket amount which ever is lower in case of City.		
		ii) Bus cash excess/short above Rs 150/- or 3% of ticket amount which ever is lower in case of district ordinary (iii) Rs 200/- or 3% of ticket amount which ever is lower in case of all special type buses including inter-state.	i) 1st time censure ii) 2nd time and repetition for 6 months increment deferment without cumulative effect.	
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SL.N O	NATURE OF CASE	MISCONDUCT	PUNISHMENT PROPOSED	SERIOUS MISCONDUCT
8	Private Cash			
	Permitted upto Rs 200/- per day.	Above permitted limits without endorsement by supervisor	Increment deferment for 6 months.	578
9	Illegal Gratification			Any illegal gratification of demanding extra money is a serious misconduct.
10	Insubordination	If it is the first such offence with less gravity	Deferment of increment for one year	All other insubordination cases are serious misconduct.
11	Assault			All cases of assault are to be treated as serious misconduct
12	Sighting issue tickets of	i) If the ticket is issued 5 or more than 5 minutes earlier to TTIs boarding of the bus	i) Counselling	If the ticket is issued less than 5 minutes earlier to TTIs boarding of the bus and more than one time.
		ii) If the ticket is issued less than 5 minutes earlier to TTIs boarding of the bus and 1st offence	ii) transfer to other depot other than district H.Q or his native town	
13	Unaccompanied Luggage	i) If it is first offence with valid luggage ticket.	i) Censure.	3rd time onwards it comes under serious misconduct.
		ii) If the offence is 2nd time.	ii) transfer to other depot other than district H.Q or his native town	
14	Public Complaints			
	i) Oral Complaints	If written complaint is not lodged and only oral complaint is given.	Conductor/Driver shall be counselled in case of negligent attitude.	
	ii) Written Complaints after conducting enquiry.	All complaints other than serious misconduct	Deferment of increment for one year.	i) Abusing and assaulting passengers. ii) Indecent behaviour with lady passengers.

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S.L.N O	NATURE OF CASE	MISCONDUCT	PUNISHMENT PROPOSED	SERIOUS MISCONDUCT
15	Half Ticket (other than fare collected and ticket not issued)	The proof of establishing age of the child lies on passenger.	Conductor/Driver shall be cancelled in case of negligence in performing his duty in case of half tickets.	6/8
16	Accidents			
	i) Fatal	Comes under misconduct if driver maintains clean record of 8 years & above without any fatal accident and driver is responsible and total deaths not exceeding ^{two}	Deferment of increment for one year with cumulative effect.	If driver is held responsible and the driver does not have fatal accident free record or no. of deaths exceeds two.
	ii) Major	All major accidents with contributory negligence on the part of the driver.	Increment deferment for one year without cumulative effect.	If it is a ghastly accident and there is clear negligence on the part of the driver and potential threat to the lives of passengers, it comes under serious misconduct.
	iii) Minor	All minor accidents come under misconduct	Increment deferment for one year without cumulative effect.	
17	Damage to vehicles	All damages except in case of ghastly accidents come under misconduct.	Recovery of cost of damage upto a maximum of Rs.2000/-	
18	Moral Turpitude			All these cases come under serious misconduct.
19	Thefts and embezzlements			All these cases come under serious misconduct.
20	Talking over Cell phone while driving.	i) For the first instance ii) For more than one occasion	i) Counselling ii) Transfer to other depot other than district H.Q or his native town	

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S.L.N O	NATURE OF CASE	MISCONDUCT	PUNISHMENT PROPOSED	SERIOUS MISCONDUCT
21	Allowing prohibited articles in buses		7/8	Allowing of any prohibited articles like opium, red sanders, gutka, arrack, explosives etc., will be taken as a serious misconduct
22	Absenteeism			To take action as per circular no.PD-69/2010 dated 23.12.2010
23	Intoxication			To take action as per circular no.PD-27/2017 dated 20.12.2017
24	Other Cases: The cases which are not covered above shall be dealt as per the gravity of the offence.			

- A The cases which are not mentioned above and already covered by circular no. 04/2008-OPD(HES) dt.08.02.2008 on Conductors job security shall be followed including the revision of the guidelines given in this Circular.
- B All punishments proposed for 'Misconduct' cases are non-cumulative in nature in case of deferment of increments unless specified otherwise in the relevant column.
- C The maximum punishment is deferment of increment for a period of 2 years with cumulative effect in cases of 'Serious misconduct' which do not result in removal.
- D Disciplinary authorities are advised to dispose off all the cases within three months from the initiation of disciplinary action in case of misconduct cases and within six months in case of serious misconduct cases.
- E The employees can apply for appeal/review within two months from the date of acknowledgment.
- F Counselling in any of the above offences shall be done by the Depot Manager only. It shall not be delegated to any other authority. All offences wherein counselling was done, they shall be entered in the employee 'P' Case without fail.

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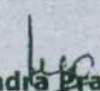
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- G Preliminary fact finding enquiry report shall be issued to the party along with the suspension order.
 - H Incentive earned on earnings and TIM Commission are proposed to be delinked to the charge memos issued by the TTIs in C&T irregularities in case of first two offence in a month. If there are more than two charge memos in a month issued to an employee, it affects the daily as well as monthly incentive.
 - I All serious misconduct cases shall usually result in removal from service. If not removed on the merits of the case, the max punishment shall be deferment of increment with cumulative effect upto 2 years. For the cases where increment deferment cannot be implemented due to near retirement of the employee, disciplinary authority can impose the punishment of pay reduction by one stage only.
 - J In case of repeated offences of same nature, disciplinary authority can take deterrant action as per CCA regulations.
 - K If transfer is given as a punishment, his request back to the depot will be considered only after completion of one year.
 - L These revised instructions shall come into force with immediate effect.


(G.SUDESH KUMAR)
 Regional Manager/VSP & Chairman


(K. ADAM SAHEB)
 Regional Manager, ONGOLE


(G. Nagendra Prasad)
 DyCTM(M&C)/VSA Zone

(R.R.K.KISHORE)
 DyCTM/KDP

(K.SRINIVASA RAO)
 DyCTM/SKLM(NEC)

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