

To
The Chief Secretary,
Government of AP,
Velagapudi,
Amaravati.
Sir,

Amaravati,
24-3-2022.

Sub: A.B.Venkateswara Rao IPS - under suspension - non payment of subsistence allowance - expiry of suspension - reg.

Ref: 1.GO Ms No 18, dated 8-2-2020
2.Lr.No.26011/54/2020-IPS-II, Dt.07-03-2020
3.GO Rt No 663 dated 7-4-2020
4.GO Rt No 81 dated 19-1-2021
5.GO Rt No 169 dated 1-2-2021
6.GO Rt No 1259 dated 31-7-2021

Vide G.O first cited above, I was placed under suspension under Rule 3(1) of the All India Services (Discipline and Appeal) Rules, 1969.

Vide letter second cited above, Ministry of Home Affairs, Govt of India have confirmed the suspension under Rule 3(1)(c) of AIS (D&A)Rules 1969 and requested the State Government to file charge sheet against me latest by 07-04-2020.

The charge sheet was not filed by 07-04-2020 as requested by the MHA.

The State Government issued G.O third cited above, extending my suspension till 05-08-2020.

In the meantime, a Division Bench of the Hon'ble High Court of Andhra Pradesh proclaimed judgment in WP No 8185/2020 on 22-5-2020 that the suspension was illegal and arbitrary and set it aside.

The State Government filed a Special Leave Petition in the Hon'ble Supreme Court of India vide SLP No 8024 of 2020 and obtained a **Stay**.

Vide G.O 4th cited above, the suspension was extended for a further period of 180 days with effect from 6-8-2020.

Under Rule 3(1B) of AIS(D&A) Rules, 1969:

(1B) The period of suspension of a member of Service on charges other than corruption shall not exceed one year and the inquiry shall be completed and appropriate order shall be issued within one year from the date of suspension failing which the suspension order shall automatically stand revoked:

Provided that the suspension can be continued beyond one year only on the recommendations of the Central Ministry's Review Committee

The period of one year was to expire on 7-2-2021.

The State Government, on 19-1-2021, issued permission to the DG, ACB to register a case under Prevention of Corruption Act.

A case under PC Act was registered by ACB on 18-3-2021.

Vide G.O.5th cited above, the suspension was extended for 180 days with effect from 2-2-2021.

The period of 180 days with effect from 2-2-2021 expired on 1-8-2021.

There was no information to me if the suspension had been extended beyond 1-8-2021. No G.O to that effect could be found on the Government web site.

I came to know that G.O Rt.No 1259 dated 31-7-2021 was issued, extending the suspension for a period of 180 days with effect from 1-8-2021.

The web site concerned shows this as 'confidential' G.O and hence, not accessible through the web site.

However, the GO does not bear any marking that it is confidential. Copy of the same is enclosed herewith for ready reference.

In any case, under Rule 3(1C) of AIS (D&A) Rules, the State Government do not have inherent power to continue suspension beyond two years. The Rule reads as follows:

(1C) The period of suspension of a member of the Service on charges of corruption shall not exceed two years and the inquiry shall be completed and appropriate order shall be issued within two years from the date of suspension failing which the suspension order shall automatically stand revoked:

Provided that the suspension can be continued beyond two years only on the recommendations of the Central Ministry's Review Committee

The suspension extended beyond 1-8-2021 for a period of 180 days vide GO 6th cited above, expires on 27-1-2022.

In any case, the suspension shall automatically stand revoked on 8-2-2022 unless its further extension has been recommended by the central Ministry's Review Committee.

In addition to the above, I wish to bring to your notice the fact that I have been getting paid subsistence allowance under Rule 4 of AIS (D&A) Rules, 1969.

I have not been paid either subsistence allowance nor full salary for the month of February 2022 so far.

In the absence of any recommendation by the Central Ministry's Review Committee, my suspension stands automatically revoked from 8-2-2022 and I am eligible for full salary.

I request you issue necessary orders as per law in this regard.

Thanking you,

Yours sincerely,

A.B.Venkateswara Rao IPS

Director General of Police

U/S

Andhra Pradesh.

Encl: (6)