

**FINANCE (PENSION) DEPARTMENT****G.O.No.349, Dated: 12th August, 2013***(விஜய, ஆடி-27, திருவள்ளூர் ஆண்டு 2044)*

Pension – Tamil Nadu Pension Rules, 1978 – Amendment to rule 9 of the Tamil Nadu Pension Rules, 1978 - Orders – Issued.

Read the following:-

G.O.Ms.No.31, Personnel and Administrative Reforms (N) Department,
dated: 23.02.2012.

ORDER:

In para 3 of the Government order read above, among others, it has been ordered that the disciplinary cases of the pensioners who belong to State service alone be sent to the Government and other cases shall be dealt with by the Heads of the Department concerned.

2. Based on the above said Government Order, the following amendment is made to Rule-9 of Tamil Nadu Pension Rules, 1978 and accordingly the following Notification will be published in the **Tamil Nadu Government Gazette, Extraordinary, dated: 12.8.2013.**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Pension Rules, 1978:-

AMENDMENTS

In the said Rules, in rule 9, -

(1) in the marginal heading, “ for the expression “Government”, the expression “competent authority” shall be substituted;

(2) in sub-rule (1), -

(a) in clause (a), -

(i) for the expression “The Government reserve to themselves”, the expression “The competent authority reserves to itself” shall be substituted;

(ii) for the first proviso, the following proviso shall be substituted, namely:-

“Provided that before passing an order under this clause, if the pensioner does not agree to such withholding or withdrawal of the pension, the Tamil Nadu Public Service Commission shall be consulted by the Government. In respect of pensioners who belonged to service other than the State Service, the Head of the Department concerned shall refer the case to the Government and the Government, after consulting the Tamil Nadu Public Service Commission, shall intimate the views of the Commission to the Head of the Department concerned for issue of final orders. The Tamil Nadu Public Service Commission need not be consulted in cases where the pensioner agrees to withholding or withdrawal of the pension but a copy of the orders passed by the competent authority in such cases shall be sent to the said Commission.”;

(b) in clause (b), -

(i) for the expression

“the Government shall also have the right of ordering recovery”, the expression “the competent authority shall also have the right of ordering recovery ” shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:-

“Provided that before passing an order under this clause, the Tamil Nadu Public Service Commission shall be consulted by the Government in respect of pensioners belonged to State Service and in respect of pensioners who belonged to service other than State Service, the Head of the Department concerned, after arriving at the amount of recovery, shall refer the case to the Government and the Government, after consulting the Tamil Nadu Public Service Commission shall intimate the views of the Commission to the Head of the Department concerned for issue of final orders.”;

(2) in sub rule(2), -

(a) in clause (a), for the proviso, the following proviso shall be substituted, namely: –

“Provided that where the departmental proceedings are instituted by an authority subordinate to the Government, that authority shall submit a report recording its findings to the Government in case of pensioners who belonged to the State Service;

(b) in clause (b), in sub-clause (i), the expression “in respect of pensioners who belonged to State Service” shall be added at the end;

- (2) in sub-rule (5), for the expression "Where the Government decide", the expression "Where the competent authority decides" shall be substituted;
- (3) after sub-rule (6), the following sub-rule shall be added, namely:-
- "(7) For the purpose of this rule, the term 'competent authority' shall mean the Government in respect of the pensioners who belonged to State Service and the Head of the Department concerned in respect of other pensioners."

(BY ORDER OF THE GOVERNOR)

K. SHANMUGAM,
PRINCIPAL SECRETARY TO GOVERNMENT.

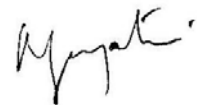
To

All Principal Secretaries/ Secretaries to Government, Chennai -9
 All Departments of Secretariat, Chennai-9 (all sections)
 The Legislative Assembly Secretariat, Chennai - 600 009.
 The Accountant General (A&E), Chennai - 600 018.
 The Principal Accountant General (Audit-I), Chennai - 600 018.
 The Accountant General (Audit-II), Chennai - 600 018.
 The Accountant General (CAB), Chennai - 600 009.
 The Governor's Secretariat, Raj Bhavan, Chennai - 600 022.
 All Heads of Departments.
 The Registrar, High Court, Chennai-104
 The Secretary, Tamil Nadu Public Service Commission, Chennai - 600 003.
 The Commissioner, Corporation of Chennai / Madurai / Coimbatore / Tiruchirappalli / Salem /
 Tirunelveli / Erode / Tiruppur/ Vellore/ Thoothukudi.
 All District Collectors / District Judges / Chief Judicial Magistrates.
 The Personnel and Administrative Reforms, (LI, LII and LIII) Department,
 Chennai – 9 (5 copies each)
 The Tamil Nadu Vigilance Commission, Chennai-9
 Law (P & A.R/Sty.) Department, Chennai-9
 Personnel and Administrative Reforms (N) Department, Secretariat, Chennai-9.
 All Treasury officers / Sub-Treasury Officers.

Copy to

The Secretary to Hon'ble Chief Minister, Chennai-9.
 The Private Secretary to Chief Secretary to Government, Chennai-9
 The Private Secretary to Principal Secretary to Government, Personnel and Administrative
 Reforms (Trg) Department, Chennai-9.
 The Private Secretary to Principal Secretary to Government, Personnel and Administrative
 Reforms Department, Chennai-9.
 All Officers in Finance Department, Chennai-9
 All Sections in Finance Department, Chennai-9.
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-/ Forwarded : By Order/-



SECTION OFFICER.