

THE TAMIL NADU STATE HUMAN RIGHTS COMMISSION SERVICE RULES, 2005. [G.O.Ms. No. 612, Public (HR)Department, 13th June 2005.]

No. SRO A-30/2005.—In exercise of the powers conferred by sub-section (3) of Section 27 read with Section 41 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1994), the Governor of Tamil Nadu hereby makes the following Rules:—

PART-I

1. Short title and commencement.—(1) These Rules may be called the Tamil Nadu State Human Rights Commission Service Rules, 2005.

(2) These rules shall be deemed to have come into force on and from the 20th December 1996.

2. Definitions.—In these Rules, unless the context otherwise requires,—

(a) "Act" means the Protection of Human Rights Act, 1993 (Central Act 10 of 1994);

(b) "appointed to the service"-A person is said to be "appointed to the service" when, in accordance with these rules or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time the duties of the post borne on the cadre of the service or commences the probation prescribed for the members thereof;

(c) "approved probationer" in a division or category means a member of this service, who has satisfactorily completed his probation and awaits appointment as a full member of such division or category of the service;

(d) "backward classes", "most backward classes" and "denotified communities" mean the communities mentioned in Part-A, Part-B and Part-C respectively, of Schedule I to Part-I of the Tamil Nadu State and Subordinate Services Rules;

(e) "Chairperson" means the Chairperson of the Tamil Nadu State Human Rights Commission;

(f) "Commission" means the Tamil Nadu State Human Rights Commission established under section 21 of the Act;

(g) "discharge of a probationer", means, in case the probationer is a full member or an approved probationer of another service, class or category, reverting him to such service class or category and in any other case, dispensing with his services;

(h) "deputation" means a temporary transfer, or loan of the services, of an officer or other employee, who is either a full member or an approved probationer, from the Commission to any office outside the Commission and vice versa;

(i) "duty"-A person is said to be 'on duty' as a member of the service,—

(1) When he is performing the duties of a post borne on the cadre of the service or undergoing the probation;

(2) When he is on joining time; or

(3) When he is absent from duty during authorized holidays or on casual leave taken in accordance with the instruction regulating such leave issued by the Government, having been on duty immediately before and immediately after such absence;

(j) "full member" means a member whose service has been confirmed in the service in which he has been first appointed;

(k) "Government" means the Government of Tamil Nadu;

(l) "High Court" means the High Court of Judicature at Madras;

(m) "initial recruitment" means the first recruitment and appointment made to any post after the commencement of these rules;

(n) "member of the service" means a person, who has been appointed to the service and who has not retired or resigned or been removed or dismissed and has not been substantively transferred or reduced to another service or been discharged otherwise than for want of vacancy and may be a probationer, an approved probationer or a full member of the service;

(o) "post" means a post specified in Schedule I;

(q) "promotion" means the appointment of a member to a post in the service in the Commission on a higher scale of pay;

(r) "recruitment by transfer"-A candidate is said to be 'recruited by transfer' to the service if at the time of his first appointment thereto, he is either a full member or an approved probationer in the Tamil Nadu State Higher Judicial Service or Tamil Nadu Police Service or Tamil Nadu State Judicial Service and Tamil Nadu Judicial Ministerial Service or Tamil Nadu Secretariat Service or Tamil Nadu Police Subordinate Service or Tamil Nadu Ministerial Service or Tamil Nadu General Subordinate Service or Tamil Nadu Basic Service;

(s) "recruited direct"-A candidate is said to be 'recruited direct' to the service when at the time of his first appointment thereto, he is neither a full member nor an approved probationer in this or any other service;

(t) "Secretary" means the Secretary of the Tamil Nadu State Human Rights Commission;

(u) "Schedule" means the Schedule appended to these rules;

(v) "Scheduled Castes" and "Scheduled Tribes" mean the communities mentioned in Part-A and Part-B, respectively of Schedule-II to Part-I of the Tamil Nadu State and Subordinate Services Rules.

PART-II COMPOSITION AND CONDITIONS OF SERVICE

3. Cadre strength of the Office of the Commissioner.—(1) There shall be a Secretary, who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions as the Commission may delegate to him.

(2) There shall be an officer in the grade of Inspector-General of Police from the Indian Police Service, who shall be the Chief of the Investigative Wing in the Commission.

(3) There shall be in the office of the Commission such number of posts as are specified in Schedule I.

(4) When a post is created as a temporary addition to the cadre of the service in any division or category thereon, the rules applicable to a holder of permanent posts borne on the said cadre shall apply to the holder of the said temporary post.

Explanation:—In this sub-rule, the expression 'the holder of the said temporary post', shall mean and include the person appointed in the said temporary post.

4. Application.—These rules shall apply to the posts specified in Schedule I.

5. Administrative Control.—Subject to the superintendence and control of the Chairperson, the Secretary shall administer the office of the Commission and exercise full control over the staff of the Commission.

6. Absorption, Regularisation of the Staff.—Notwithstanding anything contained in these rules, every person holding a post in the Commission on the date of publication of these rules either on direct recruitment or transfer or on deputation and who fulfills the qualifications and experience laid down in these rules and who is considered to be suitable by the Commission, shall be eligible for absorption or regularisation in that post subject to the condition that such person shall obtain a letter signifying that his parent department has no objection for his being absorbed in this service and further he shall apply in writing praying for such absorption or regularization.

7. Constitution.—The service shall consist of the following Divisions and Categories of officers and other employees:-

DIVISION-I

Category:—

1. Registrar (Law)
2. Superintendent of Police (Investigative Wing)
3. Assistant Registrar (Law)
4. Under Secretary (Administration)

DIVISION-II

Category—

1. Accounts Officer
2. Deputy Superintendent of Police (Investigative Wing)
3. Court Master
4. Section Officer
5. Private Secretary
6. Inspector of Police
7. Personal Assistant
8. Assistant Section Officer
9. Sub-Inspector of Police
10. Assistant
11. Junior Assistant *cum* Typist
12. Typist

DIVISION-III

SECTION-I

Category—

1. Driver
2. Police Constables
3. Record Clerk

SECTION-II

Category—

1. Office Assistant
2. Watchman

8. Appointing authority.—

(i) The Chairperson shall be the appointing authority in respect of the Categories in Division I and Division II;

(ii) The Secretary shall be the appointing authority in respect of the categories in Division III, Provided that the selection shall be made by the Chairperson.

9. Appointment.—Appointment to the categories shall be made as follows:—

- (i) by transfer from any other category carrying identical scale; or
- (ii) by promotion; or
- (iii) by recruitment by transfer from various services; or
- (iv) by deputation; or
- (v) by direct recruitment

Explanation I:

If the category of Registrar is filled up by recruitment by transfer or on deputation from the post of District Judge Grade I or Grade II, the Judicial Pay Commission Scales shall be adopted. If it is filled up by recruitment by transfer or on deputation from the post of Joint Secretary to Government, Law Department, the revised scale of pay of Rs. 15,000—400—18,600 shall be adopted.

Explanation II.

The officials drafted for Commission from various other Government Departments, High Court, etc., shall continue to draw the pay and the scale of pay that was allowed to them in their parent Department or organisation on their appointment in Commission.

10. Mode of recruitment and qualification.—Appointment to the categories specified in column (1) of the Table under Schedule II, shall be made by the methods specified in column (2) from person possessing the qualification specified in column (3).

11. Probation.—(a) Every person appointed by direct recruitment shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years:

Provided that every person appointed by recruitment by transfer shall, from the date on which he joins duty, be on probation for a total period of one year on duty within a continuous period of two years:

Provided further that the period of probation in the case of any person may be extended for any reason by order of the appointing authority for a period not exceeding two years.

(b) At any time, before the expiry of the period of probation specified above, the appointing authority shall, at its discretion, by order, terminate the probation of a probationer and discharge him after giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

(c) If, within his period of his probation, a probationer fails to pass the special tests, if any, as may be prescribed, the appointing authority shall, by order discharge him, unless the period of probation is extended.

(d) If any probationer has appeared within the period of his probation for any such tests, as may be prescribed and the results of such tests are not known before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests for which he has so appeared or the first of them in which he fails to pass any of the tests for which he has so appeared, the appointing authority shall forthwith, by order, discharge him, unless the period of probation is extended.

12. Approved probationer.— (a) If, at the end of the prescribed or extended period of probation, as the case may be, the appointing authority considers the probationer to be suitable for full membership, it shall issue an order declaring the probationer to have satisfactorily completed his period of probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his probation on the date of expiry of the prescribed or extended period of probation, as the case may be.

(b) If the appointing authority considers that the probationer is not suitable for such membership, it shall, unless the period of probation is extended, by order, discharge him from the service after giving him a reasonable opportunity of showing cause against the action proposed to be taken.

(c) A probationer who is discharged otherwise than for want of a vacancy shall be entitled to appeal to the appellate authority against the order of discharge as if it were an order of dismissal.

13. Extension of probation.—In the case of any probationer, the appointing authority may extend the period of his probation to enable him to acquire the special qualifications or pass the prescribed tests or, as the case may be, to enable the appointing authority to decide whether the probationer is suitable for full membership or not. Such extended period of probation shall terminate at the latest when the probationer has, after the date of expiry of the period of probation prescribed for the category in which he is on probation completed one more year of duty in such category. In cases, where the period of probation of a probationer is extended, a condition shall, unless there are special reasons to the contrary, be attached to the order of extension of Probation that the increment of the probationer shall be stopped until he is declared to have satisfactorily completed his period of probation. If, however, the probationer has already drawn an increment, his next increment shall be postponed until he is declared to have satisfactorily completed the period of his probation and for the period to which his probation is extended. Such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he has passed the prescribed tests or examinations or after he is declared to have satisfactorily completed the period of his probation.

14. Discharge of probationers and approved probationers for want of vacancies and their re-appointment—(1) Probationers and approved probationers shall be discharged for want of vacancies in the following order:—

- (i) First, the probationers in order of juniority, and
- (ii) Second, the approved probationers in order of juniority.

(2) Approved probationers and probationers who have been discharged for want of vacancies shall be re-appointed as and when the vacancies arise, in the inverse of the order as laid down in clauses (i) and (ii) of sub rule (1).

(3) The order of discharge or reappointment specified above shall be departed from in the cases where its observance would involve exceptional administrative inconvenience.

(4) A vacancy in any category or post in the service shall not be filled by the appointment of a person who has not yet commenced his probation therein when an approved probationer or a probationer therein is available for such appointment.

15. Appointment of full members—An approved probationer shall be considered for confirmation of service immediately after the declaration of his probation. Such confirmation of service shall be made in the entry level post to which he was first appointed. A specific order of confirmation of service shall be issued.

16. Promotion—(1) All promotions shall be made by the appointing authority.

(2) The promotion to the categories of posts in Divisions I and II shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal. The inter-se-seniority among the persons so promoted shall be with reference to the inter-se-seniority of such persons in the lower post.

17. Temporary appointments and promotions— (1) where it is necessary to fill a vacancy and where there would be undue delay or administrative inconvenience in appointing a person who is qualified for or entitled to such appointment or a duly qualified person is not available the appointing authority may appoint any other suitable person temporarily until an appointment is made in accordance with these rules.

(2) (i) A person appointed under sub-rule (1) shall be replaced as soon as possible by a member of the service who is entitled to promotion under these rules, or as the case may be, by a candidate qualified to hold the post under these rules.

(ii) A person appointed under sub-rule (1) shall not be regarded as a probationer in such division or category or be entitled by reason only of such appointment to any preferential claim to future appointment to such Division or category. The services of such person in the post shall be liable to be terminated by the appointing authority at any time without notice and without any reason being assigned:

Provided that where such person is subsequently appointed to the division or category in accordance with these rules, he shall commence his probation therein from the date of such subsequent appointment or from such earlier date as the appointing authority may determine.

(iii) He shall also be eligible to draw increments in the time scale of pay applicable to him from the date of commencement of his probation but shall not be entitled to arrears of pay

unless otherwise ordered by the appointing authority.

18. **Seniority.**—(1) The seniority of a member of the service, division or category shall, unless he has been reduced to lower rank as a penalty, be determined by the rank obtained by him in the list of approved candidates drawn by the Chairperson or other appointing authority, as the case may be, subject to the rule of reservation where it applies. The date of commencement of his probation shall be the date on which he joins duty irrespective of his seniority.

(2) The seniority of a member of the service, division or category shall, where the normal method of recruitment to service, division or category is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a penalty, be determined with reference to the date on which he is appointed to the service, division or category:

Provided that where the junior appointed by a particular method of recruitment happens to be appointed to the service, division or category earlier than the senior appointed by the same method of recruitment, the senior shall be deemed to have been appointed to the service, division or category on the same day on which the junior was appointed:

Provided further that the benefit of the above proviso shall be available to the senior only for the purpose of fixing inter-se-seniority:

Provided also that where persons appointed by more than one method of recruitment are appointed or deemed to have been appointed to the service, division or category on the same day, their inter-se-seniority shall be decided with reference to their age.

(3)The transfer of a person from one category to another category carrying the same pay or scale of pay shall not be treated as first appointment to the latter for the purpose of seniority and the seniority of a person so transferred shall be determined with reference to the rank in the category from which he was transferred; where any difficulty or doubt arises in applying this sub-rule, seniority shall be determined by the appointing authority.

(4)Where a member of the service, division or category is reduced to a lower division or category, he shall be placed at the top of the latter unless the authority ordering such reduction directs that he shall take rank in such lower division or category next below any specified member thereof.

19. **Penalties.**—The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon every person who is member of the service in the Commission and every person holding a post under the Commission specified in Rule 7, namely:—

(i) Censure

(ii) Fine (in the case of persons in Section II of Division III under Rule 7 of these rules)

(iii) Withholding of increments or promotion:

Provided that in cases where the punishment of withholding of increments cannot be given effect to fully, the monetary value equivalent to the amount of increments ordered to be withheld for the unexpired period of the punishment, shall be recovered from the person:

Provided further that in cases of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld, may be recovered:

Provided also that the penalty of withholding of increments shall not be imposed on a person when no increments are to be earned by such person before the date of superannuation:

Provided also that the recovery of monetary value equivalent to withholding of increments shall be resorted to only in cases where the punishment of withholding of increment cannot be implemented fully consequent on the promotion of the person to a higher post prior to imposition of the punishment.

(iv) Reduction to a lower rank in the seniority list or to a lower post not being lower than that to which he was directly recruited, whether in the same Division or in another Division, or to a lower time-scale, not being lower than that to which he was directly recruited, or to a lower stage in a time-scale:

Provided that in cases where the punishment of reduction to a lower stage in a time-scale cannot be given effect to fully, the monetary value equivalent to the difference in emoluments as a result of reduction to such lower stage in the time-scale for the unexpired period of the punishment shall be recovered from the person;

(v) Recovery from pay of the whole or part of any pecuniary loss caused to the Commission or the State Government or the Central Government or to any Government Company or Organization or Local Authority or to a local body, while on deputation by negligence or breach of orders;

(vi) Compulsory retirement;

(vii) Removal from the service of the Commission;

(viii) Dismissal from the service of the Commission; and

(ix) Suspension, where a person has already been suspended under Rule 25(e) to the extent considered necessary by the authority imposing the penalty.

The penalties mentioned in items (i) to (iii), (v) and (ix) will be deemed to be minor penalties and those in (iv), (vi), (vi) to (viii), as a major penalties.

The penalties mentioned in items (vi), (vii) or (viii), as the case may be, shall be imposed on the member of service in the Commission for the violation of Rule 19 of the Tamil Nadu Government Servants' Conduct Rules, 1973.

Explanation I.—The discharge—

(i) of a person appointed on probation before the expiry or at the end of the prescribed or extended period of probation, or

(ii) of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment, does not amount to the removal or dismissal within the meaning of this rule.

Explanation II.—The following shall not amount to a penalty within the meaning of this rule, namely:—

(i) non-promotion of a member of the service in Commission, whether in a substantive or officiating capacity, after consideration of his case, to a Division or Category for promotion to which he is eligible;

(ii) reversion of member of the service in Commission officiating in a higher Division or Category to a lower Division or Category on the ground that he is considered to be unsuitable for such higher Division or Category or on any administrative ground unconnected with his conduct;

(iii) reversion of member of the service in Commission, appointed on probation to any other Division or Category to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or to the rules and orders governing such probation;

(iv) replacement of the service of a member of the service in Commission, whose services had been borrowed from a State Government or the Central Government or an authority under the control of a State Government or the Central Government at the disposal of the State Government or the Central Government or the authority from which the services of such member of the service in Commission had been borrowed; and

(v) compulsory retirement of a member of the service in Commission in accordance with the provisions relating to superannuation or retirement;

Explanation III.—The removal of person from the Commission shall not disqualify him from future employment but the dismissal of a person from the service of the Commission shall ordinarily disqualify him from future employment.

20. (1) The Governor or any other authority empowered by him by general or special order may—

(i) initiate disciplinary proceedings against any member of the service in Commission;

(ii) direct a disciplinary authority to initiate disciplinary proceedings against any member of the service in Commission on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 20.

(2) The authority competent under these rules to impose any of the penalties specified in items (i) to (iii) and (v) of rule 19 may initiate disciplinary proceedings against any member of the service in Commission for the imposition of any of the penalties specified in items (iv) and (vi) to (viii) of the rule 20, notwithstanding the fact that such authority is not competent under these rules to impose any of the latter mentioned penalties.

21. In any case where more than one member of the service in the Commission are involved, the authority competent to initiate disciplinary proceedings and impose any of the penalties specified in rule 19 shall be the authority in respect of the member of the service in Commission who holds the highest category and the disciplinary proceedings against all of them shall be taken together.

22. (a) (1) The authority, which may impose suspension referred to in rule 25(e) or penalties specified in rule 19 on a member of service in the Commission shall be the appointing authority or any higher authority:

Provided that in the case of person appointed to the service by any authority higher than the appointing authority, the penalties mentioned in clause (iii) relating to withholding of promotion and in clauses (iv), (vi), (vii) and (viii) in rule 19 shall not be imposed by any authority subordinate to such higher authority;

(2) The authority who may impose the minor and major penalties mentioned in rule 19 on the members of the service in the Commission are specified in Schedule III to these rules.

(b)Where in any case a higher authority has imposed or declined to impose a penalty under this rule, a lower authority shall have no Jurisdiction to proceed under this rule in respect of the same case.

(c)The fact that lower authority has imposed or declined to impose a penalty in any case shall not debar a higher authority from exercising his jurisdiction under this rule in respect of the same case.

(d)The order of higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by a lower authority in respect of the same case.

(e)The fact that a lower authority has dropped a charge against a person as not proved shall not debar a higher authority from reviving it, or reasons to be recorded in writing and taking suitable action on the charged so revived.

(f)Where, on promotion or transfer, a member of service holding a category in a Division is holding an appointment in another category thereof or in another Division no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the service in the latter Category or Division, as the case may be.

(g)Where a person has been reverted or reduced from one Division to another Division or one Category to another Category, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service in the Division or category, as the case may be, from which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such service in the Division or category, as the case may be.

23.(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a person whose services have been borrowed from any Company, Corporation, Organization, Autonomous Boards or other authority, the authority lending his services (hereinafter in this rule referred to as the "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the member of the service in Commission or of the commencement of the disciplinary proceedings, as the case may be;

(2) In the light of the findings in the disciplinary proceeding conducted against the member of the service in Commission if the disciplinary authority is of the opinion that any of the penalties specified in clause (i) to (iii) and (v) of rule 19 should be imposed on him it may after consultation with the lending authority pass such orders on the case, as it may deem necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the member of the service in Commission shall be replaced at the disposal of the lending authority:

Provided further that if the borrowing authority is of the opinion that any of the penalties specified in items (iv) and (vi) to (viii) of rule 19 should be imposed on the member of the service in Commission, it shall replace the services of such member of the service in Commission at the disposal of the lending authority and transmit it to the proceedings of the inquiry for such action, as it may deem necessary.

24. (a) in every case where it is proposed to impose on a member of service in Commission or a person holding a category under the Commission, any of the penalties specified in items (i), (ii), (iii), (v) and (ix) in rule 19, he shall be given a reasonable opportunity of making any

representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed:

Provided that the requirements of the sub-rule shall not apply where it is proposed to impose on a member of a service in Commission, any of the penalties aforesaid on the basis of facts which have led to his conviction by a court martial or where the officer concerned has absconded or where it is for other reason impracticable to communicate with him:

Provided further that, in every case where it is proposed, after considering the representation, if any, made by the member of the service in Commission to withhold increment of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the member of the service in Commission or to withhold increments of pay without cumulative effect for a period exceeding three years or to withhold increment of pay with cumulative effect for any period of the procedure laid down in sub-rule (b) shall be followed before making any orders imposing on the member of the service in Commission any such penalty.

(b)(i) Without prejudice to the provisions of the Public Servants' Inquiries Act, 1850 (Central Act XXXVII of 1850), in every case where it is proposed to impose on a member of a service on a person holding a post in the Commission, any of the penalties specified in items (iv), (vi), (vii) and (viii) in rule 19 the grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged, together with a statement of the allegation, on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time to put in a return statement of his defence and to state whether he desires an oral inquiry or to be heard in person or both. An oral inquiry shall be held if such an inquiry is desired by the person charged or is directed by the authority concerned. Even if a person charged has waived an oral inquiry, such inquiry shall be held by the authority concerned in respect of charges which are not admitted by the person charged and which can be proved only through the evidence of witnesses. At that inquiry, oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses to give evidence in person and to have such witnesses called as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. Whether or not the person charged desired for an oral inquiry he shall be heard in person at any stage if he so desires before passing of final orders. A report of the inquiry or personal hearing, as the case may be, shall be prepared by the authority holding the inquiry or personal hearing whether or not such authority is competent to impose the penalty. Such report shall contain a sufficient record of the evidence, if any, and a statement of the findings and the grounds thereof; Whenever any inquiry authority, after having heard and recorded the whole or any part of the evidence in any inquiry ceases to exercise jurisdiction thereon and is succeeded by another inquiring authority which has, and which exercise such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor; or partly recorded by its predecessor and partly recorded by itself:

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witness whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as herein before, provided:

Provided further that the member of the service in Commission may take the assistance of any retired member of the service in Commission to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the inquiring authority is a legal practitioner or the inquiring authority, having regard to the circumstances of the case, so permits.

Explanation.—A member of the service in Commission shall not take the assistance of any retired member of the service in Commission, who has two pending disciplinary cases on hand, in which he has to give assistance.

(ii) After the inquiry or personal hearing referred to in clause (i) has been completed, the authority competent to impose the penalty specified in that clause is of the opinion, on the basis of the evidence adduced during the inquiry, that any of the penalties specified in rule 19 should be imposed on the person charged, it shall, before making an order imposing such penalty, furnish to him a copy of the report of the inquiry or personal hearing or both, as the case may be, and call upon him to submit his further representation, if any, within a reasonable time, not exceeding fifteen days. Any representation received in this behalf within the period shall be taken into consideration before making any order imposing the penalty, provided that such representation shall be based on the evidence adduced during the inquiry only. It shall not be necessary to give the person charged any opportunity of making representation on the penalty proposed to be imposed;

(c) (i) (1) The requirements of sub-rule (b) shall not apply where it is proposed to impose on a member of a service in Commission any such penalty as is referred to clause (i) of that sub-rule on the basis of facts which have led to his conviction in a criminal court (whether or not he has been sentenced at once by such court to any punishment); but he shall be given a reasonable opportunity of making any representation that he may desire to make such representation if any, shall be taken into consideration before the order imposing the penalty is passed.

(2) The requirements of sub-rule (b) shall not apply where it is proposed to impose on a member of a service in Commission, any of the penalties mentioned in rule 19 on the basis of facts which have led to his conviction by a court martial or where the officer concerned has absconded or where it is for other reasons impracticable to communicate with him.

(ii) The provisions of sub-rule (b) shall not apply where the Governor is satisfied that in the interest of the security of the State it is not expedient to follow the procedure prescribed in that sub-rule.

(d)(i) All or any of the provisions of sub-rules (a) and (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is difficulty in observing exactly the requirements of the sub-rules and those requirements can be waived without injustice to the person charged.

(ii) if any question arises whether it is reasonably practicable to follow the procedure prescribed in sub-rule (b), the decision thereon of the authority empowered to dismiss or remove such person or reduce him in rank, as the case may be, shall be final.

(iii) The procedure prescribed in sub-rule (b) shall be followed also in the case of person appointed or promoted under rule 18 and those paid from contingencies provided the termination of appointment is made as a measure of punishment.

(e)(1) a member of a service in Commission may be placed under suspension from service, where—

(i) an enquire into grave charges against him is contemplated, or is pending; or

(ii) a complaint against him, of any criminal offence is under investigation or trial and if such suspension is necessary in the public interest.

(2) A member of the service in Commission, who is detained in custody whether on a criminal charge or otherwise, for a period longer than forty-eight hours shall be deemed to have been suspended under this rule.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the service in Commission under suspension is set aside in appeal or on review/revision under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the service in Commission is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the member of the service in Commission shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further order:

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court of law has passed an order purely on technical grounds without going into the merits of the case.

(5) Where a member of the service in Commission is suspended or is deemed to have been suspended whether in connection with any disciplinary proceedings or otherwise, and any other disciplinary proceeding are commenced or any other criminal complaint is under investigation or trial against him during the continuance of that suspension and where the suspension of the member of the service in Commission is necessary in public interest as required under clause (i), the authority competent to place him under suspension may, for reasons to be recorded by him in writing direct that the member of the service in Commission shall continue to be under suspension until the termination of all or any of such proceedings including departmental proceedings taken on the basis of facts which led to the conviction in a criminal court.

(6) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or any authority to which that authority is subordinate.

(f) If the member of the service in Commission, to whom a copy of the charges together with a statement of the allegation on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case, is communicated, does not submit the written statement of his defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

{g) Whenever the disciplinary authority is on the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against a member of the service in Commission, it may itself inquire into, or appoint an authority to inquire into the truth thereof.

Explanation.—Where the disciplinary authority itself holds the inquiry, any reference to the "inquiring authority" shall be construed as a reference to the disciplinary authority.

25. (a) The authority imposing any penalty under these rules shall maintain a record showing,— (i) the allegations upon which action was taken against the person punished;

(ii) the charges framed, if any;

(iii) the person's representation, if any, and the evidence taken, if any; and

(iv) the finding and the grounds thereof, if any

(b) All orders of punishment shall also state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

(c) Every order, notice and other process made or issued under these rules shall be served in person on the member of the service in Commission concerned or send to him by registered post with acknowledgement due or if such person is not found by leaving it at his last known place of residence or by giving or tendering it to an adult member of his family or if none of the means aforesaid is available by affixing it in some conspicuous part of his last known place of residence.

(d) While passing final orders, the disciplinary authority shall also pass orders regarding the manner of disposal of the material objects marked during the enquiry. After the appeal time is over, the officers concerned shall accordingly dispose of the material objects.

26. **Appeals.** —(1) Every member of the service in Commission including a person who has ceased to be a member of service in the Commission shall be entitled to appeal hereinafter provided, from an order passed by an authority;

(a) imposing upon him any of the penalties specified in rule 19: or

(b) alters or interprets to his disadvantage any rule by which his conditions of service are regulated; or

(c) terminates his appointment otherwise than upon his reaching the age fixed for superannuation.

(2) The authority to whom a member of service in the Commission is entitled to appeal against the order passed by an authority imposing any of the penalties specified in rule 19 is specified in the Schedule III to these rules.

(3)(i) In the case of an appeal against an order imposing any penalty specified in the rule 19, the appellate authority shall consider—

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty is excessive, adequate or inadequate and pass orders.

(i) confirming, enhancing, reducing, or setting aside the penalty; or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:

Provided that,-

(i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in rule 19 and an inquiry under sub-rule (b) of rule 24 has not already been held in the case, the appellate authority shall, subject to the provisions of sub-rule (c) of rule 24 itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of sub-rule (b) of rule 24 and thereafter, on a consideration of the proceedings of such inquiry make such orders as it may deem fit;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in rule 19 and an inquiry under sub-rule (b) of rule 24 has already been held in the case, the appellate authority shall make such orders as it may deem fit; and

(iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of sub-rule (b) of rule 24 of making representation against such enhanced penalty;

(iv) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority, considers, for reasons to be recorded, that error or defect was not material and has neither cause injustice to the person concerned nor affected the decision of the case.

(4) In the case of an appeal the appellate authority shall pass such order as appears to it just and equitable having regard to all the circumstances of the case.

(5) Every person preferring an appeal shall do so separately and in his own name.

(6) Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal is preferred and shall be submitted through the authority from whose order the appeal is preferred.

(7) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if—

(i) it is an appeal in a case in which under these rules no appeal lies; or

(ii) it does not comply with the provisions of sub-rule (6);

(iii) it is not preferred within two months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay; or

(iv) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case; or

(v) it is addressed to an authority to which no appeal lies under these rules:

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it.

27. **Revision.** — The Governor in the case of holders of the posts in Division I and II and the Chairperson in the case of holders of the posts in Division III, specified in rule 7, may at any time, either on his own motion or otherwise call for the records of any inquiry and revise any order made under the rules 20-26 and may,—

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the orders or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as he may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the person concerned has been given a reasonable opportunity of making representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (iv), (v), (vi), (vii) and (viii) of rule 19 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses and if an inquiry under sub-rule (b) of rule 24 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in sub-rule (b) of 24.

(2) No proceeding for revision shall be commenced -

(i) where no appeal has been preferred, before the expiry of the period of limitation for an appeal; or

(ii) where any such appeal has been preferred, before the disposal of such appeal;

(3) An application for revision shall be dealt within the same manner as if it were appealed under rule 26.

28. **Review.** —The Governor or Chairperson, as the case may be, may, at any time, either on their own motion or otherwise, review any order passed by them under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to their notice:

Provided that no order imposing or enhancing any penalty shall be made by the Governor or the Chairperson as the case may be unless the member of service in Commission concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in rule 19 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under sub-rule (b) of rule 24 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in the said sub-rule (b) of rule 24 which shall be subject to the provisions of sub-rule (c) thereof.

29. **No appeal against withholding of appeal.** —No appeal shall lie against the withholding of an appeal by a competent authority.

Explanation:—

Where a doubt or difficulty arises or where there is no specific provision in regard to Discipline and Appeal in these rules, the provisions contained in the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules, 1955 as amended from time to time, shall be adopted to the members of service in the Commission. When the said Rules are applied to the members of service in Commission, reference to the "State Government" in the said Rules shall be construed as reference to "Chairperson".

30. **Reservation of appointment.** —Rule 22 of the General Rules for the Tamil Nadu State Subordinate Services shall apply for appointments by direct recruitment.

31. **Pay, allowances, leave, leave salary, pension and other conditions of services.**—The Fundamental Rules of the Tamil Nadu Government, the Tamil Nadu Leave Rules, 1933, the subsidiary rules thereunder, the Tamil Nadu Government Servants Conduct rules, 1973, the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the Tamil Nadu Retiring Invalid and Compassionate Gratuities (Non-pensionable Establishments) Rules, 1941, the Tamil Nadu General Provident Fund (Madras) Rules, the Tamil Nadu Liberalised Pension Rules, 1960, the Tamil Nadu Pension Rules, 1978 the rules regulating the pay of the services included in the pay Schedule and other rules or orders in force applicable to State Government Employees shall apply to the members of the service in the matter of their pay, allowances, leave, leave salary, pension and other conditions of service subject to the amendment or modifications or insertions or deletions to, be issued thereunder from time to time by the rule making authorities of the Government in so far as they are not inconsistent with these rules.

32. **Relinquishment of rights by members.**—Rule 47 of the General Rules for the Tamil Nadu State Subordinate Service shall apply for relinquishment of rights by members of service in Commission.

33. **Other conditions of service.**—The conditions of service of the members of service the Commission for which no express provision or insufficient provision has been made in these rules, the rules and orders, for the time being in force and applicable to officers or officials holding corresponding posts or pay levels belonging to the Government shall regulate the conditions of service of such officers and employees of the Commission subject to the issue of specific orders to this effect by the Government.

34. **Other essential and desirable qualifications and other requirements for direct recruitment.** —(1) No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority—

- (i) that he is of sound health, active habits and free from any bodily defect or infirmity, unfitting him for the service;
- (ii) that his character and antecedents are such as to qualify him for the service;
- (iii) that he has not exceeded the maximum age limit prescribed for entry into Commission service:

Provided that the maximum age-limit for direct recruits shall not be applicable to the candidates already in the service of the Government:

Provided further that the maximum age limit is relaxable for Scheduled Castes or Scheduled Tribes candidates and other categories of persons to the extent permissible under the general or special orders of the Government.

(2)(i) No person shall be eligible for appointment to the post by direct recruitment if he has completed or will complete the age of thirty years on the first day of July of the year, in which the selection for appointment is made.

(ii) In respect of the posts for which the appointment is made through the Employment Exchange, the age limit shall be reckoned from the date of sponsoring by the Employment Exchange.

(iii) On the date of interview, if any person exceeds the maximum age-limit but otherwise possesses all the qualifications, he may be selected.

(iv) If a candidate selected for appointment falls within this sub-rule, he shall be appointed temporarily and regular appointment shall be made after relaxing the relevant rule in his favour.

(3) A candidate for appointment to the service or post must be—

(a) a citizen of India; or

(b) a subject of Nepal; or

(c) a subject of Bhutan; or

(d) a Tibetan refugee, who has come over to India before the 1st January 1962 with the intention of permanently settling in India; or

(e) a Person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government.

(4) A candidate, in whose case a certificate of eligibility is necessary shall be admitted to an examination or interview conducted by the Commission but the offer of the appointment shall be given only after the necessary eligibility certificate has been issued to him by the Government.

(5) Physically handicapped persons shall be appointed if the defect is not such as it would render the candidates unfit for efficiently discharging the duties attached to the post and their fitness for service is assessed on the basis of the nature and degree of their disability and their functional capacity relating to the job which they seek, with reference to the orders of the Government in force.

35. **Members absent from duty.** —The absence of a member of the service in Commission from a duty in such service, whether on leave, on foreign service or on deputation or for any other reason and whether his lien in a post borne on the cadre of the service is suspended or not, shall not, if he is otherwise fit, render him ineligible in his turn

(a) for re-appointment to a substantive or officiating vacancy in the division, category or post in which he may be a probationer or an approved probationer;

(b) for promotion from a lower to higher post in the service;

(c) for appointment to any substantive or officiating vacancy in another service for which he may be an approved candidate, as the case may be, in the same manner, as if he had not been absent. He shall be entitled to all the privileges in respect of appointment, seniority, probation and appointment as full member which he would have enjoyed but for his absence subject to completion of the period of probation satisfactorily on his return.

(d) for appointment to any substantive or officiating vacancy in another service, if according to the rules governing appointment to such other service—

(i) he is entitled to such appointment; and

(ii) the normal method of recruitment to such other service is by recruitment by transfer from the service.

36. Right to be a probationer or an approved probationer in two or more services.—A member of the service in Commission, who has been appointed to another service and is a probationer or an approved probationer in the latter service, shall not be appointed to any other service for which he may be an approved candidate, unless he relinquishes his right in the latter service.

37. Lien.—A member of the service whenever selected by direct recruitment, for appointment in any other service of the Government or in other State Governments, Central Government, Public Sector Undertakings, Local Bodies, Corporations or any other quasi-Government organizations, shall hold the service right in the Commission for a period not exceeding one year only from the date of relief from the former service:

Provided that persons appointed to the services of other State Governments, Central Government, Public Sector Undertakings, Local Bodies, Corporations or any other quasi-Government organizations, shall hold such service rights in the Commission only if the pay, leave salary and pensionary contributions, for the said period of one year are paid by such other State Governments, Central Government, Public Sector Undertakings, Local Bodies, Corporations or any other quasi-Government organizations or by the individual concerned.

38. Deputation.—The period of deputation shall ordinarily for a period of not exceeding five years and in any case shall not exceed this period.

39. Conduct.—The Tamil Nadu Government Servants' Conduct Rules, 1973, as amended from time to time, shall *mutatis mutandis* be adopted to the members of service in the Commission. When the said Rules are applied to the members of service in Commission reference to the "State Government" in the said Rules shall be construed as reference to "Chairperson".

40. Disqualification.—No person—

(a) who has entered into or contracted a marriage with a person having a spouse living; or
(b) who having a spouse living, has entered into or contracted a marriage with any other person shall be eligible for appointment to any post in the Commission:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing exempt any person from the operation of this rule.

41. **Power to relax.**—Where the Government are of the opinion that it is necessary or expedient to do so, they may in consultation with the Chairperson for reasons to be recorded in writing, relax any provisions of these rules in respect of any Division or category of persons.

42. **Savings.**—(1) Nothing contained in these rules shall adversely affect any member of the service on the date of coming into force of these rules.

(2) A person who is on duty otherwise than in a substantive capacity in a post borne on the cadre of the service shall be regarded as a probationer, or as the case may be, as an approved probationer in the division, or category in the service in which the post is included and in the lower category (if any) in which he would have been on duty but for his being on duty in a higher category, if he—

(i) is on duty in such post on the date of coming into force of these rules; or

(ii) is absent from duty in such post on that date on leave granted by competent authority having been on duty in such post immediately before and immediately after such absence:

Provided that if there were no rules or orders prescribing the period of probation for such post at the time of his first appointment thereto, the provisions of these rules regarding probation shall apply to him and any period of duty rendered by him in such post before the date of commencement of these rules shall count towards probation if and to the extent such service would have counted had these rules come into force at the time of such first appointment.

(3) A person who before the issue of these rules had officiated in a post borne on the cadre of the service but, who is not entitled to be regarded as a probationer or as an approved probationer shall, if he is again appointed to such post, after the issue of these rules, be entitled to count his previous service in such post towards the prescribed period of probation.

(4) Nothing contained in these rules shall adversely affect any person appointed to the Commission initially to any category prior to the date of issue of these rules.

43. **Removal of difficulty** If any doubt arises in giving effect to any of the provisions of these rules, the Government may, in consultation with Chairperson, by an order in writing do what appears to them to be necessary for the purpose of removing the difficulty.

G. RAMAKRISHNAN,
Secretary to Government.

SCHEDULE-I

<i>Serial Number.</i>	<i>Name of the category.</i>	<i>Number of post.</i>	<i>Scale of pay Rs.</i>
(1)	(2)	(3)	(4)
1.	Registrar (Law)	1 (one)	17400-500-21900
2.	Superintendent of Police	1 one)	12000-375-16500
3.	Assistant Registrar	1 one)	10000-325-15200
4.	Under Secretary	1 one)	10000-325-15200
5.	Accounts Officer	1 (one)	8000-275-13500
6.	Deputy Superintendent of Police	2 (two)	8000-275-13500
7.	Section Officer	1(one)	6500-200-11100
8.	Court Master	1 (one)	6500-200-11100
9.	Private Secretary	2 (two)	6500-200-11100
10.	Inspector of Police	2 (two)	6500-200-10500
11.	Assistant Section Officer	3 (Three)	5500-175-9000
12.	Sub Inspector of Police	2 (two)	5300-150-8300
13.	Personal Assistant	6 (six)	5500-175-9000
14.	Assistant	1 (one)	3625-85-4900
15.	Junior Assistant	2 (two)	3200-85-4900
16.	Typist	1 (one)	3200-85-4900
17.	Staff Car Driver	6 (six)	3200-85-4900
18.	Police Constable	8 (Eight)	3050-75-3950-80-4050
19.	Record Clerk	1 (one)	2610-60-3150-65-3540
20.	Office Assistant	20 (Twenty)	2550-55-2660-60-3200
21.	Watchman	1 (one)	2550-55-2660-60-3200

Explanation-I:

If the category of Registrar is filled up by recruitment by transfer or on deputation from the post of District Judge Grade I or Grade II, the Judicial Pay Commission Scales shall be adopted. If it is filled up by recruitment by transfer or on deputation from the post of Joint Secretary to Government, Law Department, the revised scale of pay of Rs.15000-400-18600 shall be adopted.

Explanation-II:

The officials drafted for Commission from, various other Government Departments, High Court, etc., shall continue to draw the pay and the scale of pay that was allowed to them in their parent Department or Organization on their appointment in Commission.

SCHEDULE-II

(Vide rule-8)

THE TABLE

Serial Number (1)	Category. (2)	Method of appointment. (3)	Qualification. (4)
1	Registrar (Law)	By deputation or by recruitment by transfer from among the holders of the post of District Judge in the Tamil Nadu State Judicial Service or Joint Secretary to Government in Law Department in the Tamil Nadu State and Subordinate Service or Registrar of Madras High Court in the Tamil Nadu State Judicial Service,	(i) Must possess a degree in Law of any University recognized by the University Grants Commission for the purpose of its grant; and (ii) Must have served for a period of not less than two years in the respective category.
2	Superintendent of Police	By deputation from among the officers in the cadre of Superintendent of Police serving in Tamil Nadu Police Service.	
3	Assistant Registrar (Law)	(i) By deputation or by recruitment by transfer from among the holders of the Post of District Munsif in Tamil Nadu State Judicial Service; or (ii) By deputation or by recruitment by transfer from among the holders of the post of Section Officer in Tamil Nadu Judicial Ministerial Service or Sheristadar or Manager in the Tamil Nadu Judicial Ministerial Service. (iii) By promotion from the holders of the post of Court Master in the Tamil Nadu Judicial Ministerial Service.	(i) Must possess a degree in Law of any University recognized by the University Grants Commission for the purpose of its grant; and (ii) Must have served in the Judicial Department for a period of not less than 5 years. (i) Must Possess a degree in Law of any University recognized by the University Grants Commission for the purpose of its grant; and (ii) Must have put in a minimum period of not less than 25 years of total service in Judicial Department. (i) Must possess a degree in Law of any University recognized by the University Grants Commission for the purpose of its grant; and (ii) Must have served for a period of 2 years.
4	Under Secretary	(i) By deputation or by recruitment by transfer from the holders of the post of Under Secretary to Government in the Tamil Nadu General Service in all the departments of one unit, i.e., other than the Departments of Finance and Law.	(i) Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant;
5	Accounts Officer	By deputation of a person holding a post of an identical scale of pay in the Finance Department of Secretariat in the Tamil Nadu Secretariat Service or in the Department of the Treasuries and Accounts.	
6	Deputy Superintendent of Police	By Deputation from among the Police Officer in the cadre of Deputy Superintendent of Police in Tamil Nadu Police Subordinate Service serving under Government of Tamil Nadu.	

<i>Serial Number.</i>	<i>Category.</i>	<i>Method of appointment</i>	<i>Qualification.</i>
(1)	(2)	(3)	(4)
7	Section Officer	<p>(i) By deputation or by recruitment by transfer from among the holders of the post of Section Officer in the Tamil Nadu Secretariat in all the Departments other than the Departments of Finance and Law in Tamil Nadu General Service; or</p> <p>(ii) By promotion from among the holders of the post of Assistant Section Officer.</p>	<p>Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant;</p> <p>(i) Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant; and</p> <p>(ii) Must have served for a period of not less than five years in the respective category.</p>
8	Court Master	<p>(i) By deputation or by recruitment by transfer from among the holders of the post of Assistant Section Officer in the Tamil Nadu Secretariat Service or Superintendent or Head Clerk in Tamil Nadu Judicial Ministerial Service; or</p> <p>(ii) By promotion from among the holders of the posts of Assistant Court Master or Assistant Section Officer.</p>	<p>(i) Must possess a degree in Law of any University recognized by the University Grants Commission for the purpose of its grant; and</p> <p>(ii) Must have served in Judicial Department for a period of not less than twenty years of total service.</p> <p>(i) Must possess a degree in Law of any University recognized by the University Grants Commission for the purpose of its grant; and</p> <p>(ii) Must have served for a period of not less than five years in the respective category.</p>
9	Private Secretary	<p>(i) By deputation or by recruitment by transfer from among the holders of the post of Private Secretary in all the Departments of the Tamil Nadu Secretariat other than the Departments of Finance and Law in the Tamil Nadu General Service; or</p> <p>(ii) By promotion from among the holders of post of Personal Assistant.</p>	<p>Must have served for a period of not less than five years in the respective category.</p>
10	Inspector of Police	By deputation from among the Police Officers in the cadre of Inspector of police in Tamil Nadu Police Service serving under the control of Government of Tamil Nadu.	
11	Assistant Section Officer	<p>(i) By deputation or by recruitment by transfer from among the holders of the post of Assistant Section Officer in the Tamil Nadu Secretariat Service in all the Departments other than the Departments of Finance and Law; or</p> <p>(ii) By deputation or by recruitment by transfer from among the holders of the posts on identical scale of pay in any other Service in the Government of Tamil Nadu; or</p>	<p>Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant;</p> <p>Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant;</p>

<i>Serial Number.</i>	<i>Category.</i>	<i>Method of appointment.</i>	<i>Qualification.</i>
(1)	(2)	(3)	(4)
		(iii) By promotion from among the holders of the post of Assistant.	(ii) Must have served for a period of not less than five years in the respective category.
12	Sub-Inspector of Police	By deputation from among the Police Officers in the cadre of Sub-Inspector of Police in Tamil Nadu Police Subordinate Service serving under the control of Government of Tamil Nadu.	
13	Personal Assistant	(i) By Deputation or by recruitment by transfer from among the holders of the post of Personal Assistant in the Tamil Nadu Secretariat Service in all the Departments of the Secretariat other than Departments of Finance and Law; or (ii) By deputation or by recruitment by transfer from the post of Personal Clerk in the Tamil Nadu Secretariat Service or from Steno-Typist Grade-III in Tamil Nadu Judicial Ministerial Service in Judicial Department or any other department in Government of Tamil Nadu.	Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant; (i) Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant; and (ii) Must have served for a period of not less than ten years in the respective category.
14	Assistant	(i) By deputation or by recruitment by transfer from among the holders of the post of Assistant in the Tamil Nadu Secretariat Service in all the Departments of Secretariat other than the Departments of Finance and Law in the Tamil Nadu Secretariat Service; or (ii) By deputation or by recruitment by transfer from among the holders of post of identical scale of pay in any other service in Government; or (iii) By promotion from among the holders of the post of Junior Assistant or Typist.	Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant; Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant; (i) Must possess a degree in any University recognized by the University Grants Commission for the purpose of its grant; and (ii) Must have served for a period of not less than five years in the respective category.
15	Junior Assistant	(i) By deputation or by recruitment by transfer from among the holders of the post of identical scale of pay in the Tamil Nadu Judicial Ministerial Service or Tamil Nadu Ministerial Service; (ii) By promotion from among the holders of the posts of Record Clerk or Office Assistant; or	Must have served for a period of not less than 2 years in the respective category. Provided that preference shall be given to those who possess a degree of any University Grants Commission for the purpose of its Grant. (i) Must possess the minimum Educational Qualification prescribed by the Government; and (ii) Must have served for a period of not less than 7 years in the respective category.

Serial Number (1)	Category. (2)	Method of appointment. (3)	Qualification. (4)
		(iii) By direct recruitment—	<p>(i) Must have passed the Higher Secondary School Certificate Examination conducted by the Director of Government Examinations;</p> <p>Provided that preference shall be given to those who possesses a degree of any University recognized by the University Grants Commission for the purpose of its Grants; and</p> <p>(ii) Must not have completed the age of 30 years on the first day of July of the year in which the selection for appointment is made.</p>
16	Typist	<p>(i) By deputation or by recruitment by transfer from the holders of the post of Typist in the Tamil Nadu Secretariat Service or Tamil Nadu Judicial Ministerial Service or Tamil Nadu Ministerial Service or from among holders of the posts on identical scale of pay and serving in any other department under the Government of Tamil Nadu; or</p> <p>(ii) By direct recruitment—</p>	<p>(i) Must possess the minimum General Educational Qualification as prescribed by the Government; and</p> <p>(ii) Must have passed the Government Technical Examination in Typewriting in Tamil and English both by Higher Grade:</p> <p>Provided that if candidates with the qualification preferred in item (ii) are not available candidates who have passed the following Examinations in the order of preference indicated below, shall be appointed namely:—</p> <p>(a) Government Technical Examination in Typing in Tamil by Higher Grade and in English by Lower Grade; or</p> <p>(b) Government Technical Examination in Typewriting in English by Higher Grade and in Tamil by Lower Grade; and</p> <p>(iii) Must not have completed the age of thirty years on the 1st day of July of the year in which selection for appointment is made.</p>
17	Staff Car Driver	(i) By deputation or recruitment by transfer from among the holders of the posts on identical scale of pay in the Tamil Nadu Secretariat Service or in the Tamil Nadu Judicial Ministerial Service, or from any other department in Government; or	<p>(i) Must possess a Current Driving Licence of Light / Heavy Motor Vehicle issued by a competent authority under the Motor Vehicles Act, 1988 (Central Act 59 of 1988); and</p> <p>(ii) Must have served for a period of not less than three years in the respective category.</p>

<i>Serial Number.</i>	<i>Category.</i>	<i>Method of appointment.</i>	<i>Qualification.</i>
(1)	(2)	(3)	(4)
		(ii) By recruitment by transfer from among the holders of the post of Record Clerk or Office Assistant or Watchman; or	(i) Must possess a Current Driving Licence of Light / Heavy Motor Vehicle issued by a competent authority under the Motor Vehicles Act, 1988 (Central Act 59 of 1988); and (ii) Must possess practical experience in driving a Light motor vehicle for a period of not less than five years.
		(iii) By direct recruitment—	(i) Must possess a Current Driving Licence of Light/Heavy Motor Vehicle issued by a competent authority under the Motor Vehicles Act, 1988 (Central Act 59 of 1988); (ii) Must possess practical experience in driving a Light/Heavy motor vehicle for a period of not less than five years. (iii) Must have passed VIM Standard; and (iv) Must not have completed the age of thirty years on the first day of July of the year in which the selection for appointment is made: Provided that educational qualification and age limit prescribed in item (iii) and (iv) shall not be insisted in the case of ex-servicemen.
18	Police Constable	By deputation from among the persons in the cadre of Police Constables in Tamil Nadu Police Subordinate Service / TNSPSS working under the Government of Tamil Nadu.	
19	Record Clerk	(i) By deputation or by recruitment by transfer from among the holders of the Post of Record Clerk in the Tamil Nadu General Subordinate Service or from persons holding the posts carrying on identical scale of pay under the Government of Tamil Nadu; or (ii) By promotion from among the holders of the post of Office Assistant; or (iii) By direct recruitment	Must have passed VIII Standard or the qualification as prescribed by the Government. (i) Must have passed VIII Standard or the qualification as prescribed by the Government; and (ii) Must not have completed the age of thirty years on the first day of July of the year in which the selection for appointment is made.
20	Office Assistant	(i) By deputation or by recruitment by transfer from among the holders of the post on identical scale in the Tamil Nadu Basic Service; or (ii) By promotion from among the holders of the posts of Watchman; or	(i) Must have passed VIII standard;

<i>Serial Number.</i>	<i>Category.</i>	<i>Method of appointment.</i>	<i>Qualification.</i>
(1)	(2)	(3)	(4)
		(iii) By direct recruitment	(ii) Must have put in a minimum period of not less than four years of service in the respective post; and (iii) Must know cycling.
21	Watchman	By direct recruitment	(i) Must have passed VIII standard; (ii) Must know cycling; and (iii) Must not have completed the age of thirty years on the first day of July on the year in which the selection for appointment is made. (i) Must be able to read and write in Tamil; and (ii) Must not have completed the age of thirty years on the first day of July of the year in which the selection for appointment is made.

SCHEDULE-III

[Vide rule 22(2) and Rule 26 (2)]

<i>Description of the Posts.</i>	<i>Competent Authority to impose Penalties.</i>		<i>Appellate Authority in respect of Penalties specified in column 2 (a) and 2 (b).</i>
	(a)	(b)	
(1)	(2)	(3)	(3)
	Items (i)(ii)(iii)(v) and (ix) of Rule 19	Items (iv)(vi)(vii) and (viii) of Rule 19	
1. All Posts in Division-I	Chairperson	Chairperson	Governor
2. All Posts in Division-II	Chairperson	Chairperson	Governor
3. All Posts in Division-III	Secretary	Secretary	Chairperson

G. RAMAKRISHNAN, *Secretary to Government.*