

**GOVERNMENT OF TAMIL NADU**

**Letter No.105380/89-1,  
Personnel and Administrative  
Reforms (Per.S) Department,  
Fort St. George,  
Madras - 600 009.**

**Dt : 26.3.1990.**

From

Thiru.S.Sivasubramanian, I.A.S.,  
Secretary to Government (incharge).

To

All Secretaries to Government,  
Departments of Secretariat,  
Madras - 600 009.

Sir,

Sub : Public Services - Relaxation of rules - Certain guidelines.

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In a Department of Government the temporary services of an individual were regularised with effect from the date of issue of order in relaxation of rules relating to recruitment through Employment Exchange. However, on receipt of a review petition from the individual, revised orders were issued by the Government, regularising the services of the said individual with effect from the date of his temporary appointment but allowing momentary benefit from the date of issue of orders only. Aggrieved by the above orders, the individual filed a case in the Tamil Nadu Administrative Tribunal. The Tribunal has ordered that since the irregularity in the matter of appointment has been regularised from the date of temporary appointment by virtue of a Government Order, it is not proper for the respondents to deny the monetary benefit and that the applicant should be allowed the monetary benefits from the date of first appointment.

2. With reference to the above observation of the Tribunal, it is pointed out that under rule 48 of the General Rules for the Tamil Nadu State and Subordinate Services, Government can relax any rule in favour of Government Servants in any manner as they like, provided that such an action is not less favourable than that provided under the rule. In the case referred to in para 1 above, method of appointment itself was relaxed enabling the individual to have regular footing, as otherwise, he would have been discharged from service. Allowing the monetary benefit from the date of issue of the orders cannot be said to be less favourable to the individual, when compared to his position of losing the temporary appointment, if relaxation is not granted by Government. Irregularity, as such, has not been regularised in this case, as observed

by the Tribunal. By relaxing the rules the Government had only allowed a concession. Had the Government Order issued by the department contained all the above facts, the Tribunal would not have delivered such a Judgement contrary to the intention of Government. I am therefore directed to request that when the orders are issued relaxing relevant rules in favour of Government Servants, such orders should be speaking orders containing the detailed circumstances which lead to such relaxation and also the concession allowed. These points may also be put forth in counter replies effectively.

Yours faithfully,

(Sd.)

**for Secretary to Government (incharge).**

Copy to :-

All Personnel Sections in Personnel and Administrative  
Reforms Department, Madras-9