

GOVERNMENT OF TAMIL NADU

Letter No.90506/94-2,

Personnel and Administrative Reforms (S) Department,
Secretariat, Madras-600 009.

Dated : 17.5.1995.

From

Thiru.M.B. Pranesh, I.A.S.,
Secretary to Government.

To

All Secretaries to Government,
Departments of Secretariat, Madras-9.
All Heads of Departments.
District Collectors / District Judges etc.
The Secretary, Tamil Nadu Public Service Commission, Madras-2.
The Registrar, High Court, Madras-104.
The Registrar, Tamil Nadu Administrative Tribunal, Madras-6.

Sir,

Sub : Public Services - Preparation of panel for appointment by promotion / by
recruitment by transfer - detailed instructions issued - Further amendments - Issued.

Ref : 1. G.O.Ms.No.368, Personnel and Administrative Reforms (S) Department,
dated 18.10.93.

Letter No.5930/94-4, Personnel and Administrative Reforms (S) Department, dated
16.6.94.

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I am directed to refer to the references cited and to state that in O.A.No.4634/93 the Tamil Nadu Administrative Tribunal on 23.12.94 has ordered that the stay of a charge memo or proceedings thereunder or a direction not to pass charge memo. In tune with the orders of the Supreme Court in Union of India Vs. Tehinder Singh (1993 (24) ATC 537), the Tamil Nadu Administrative Tribunal has directed that consideration for promotion during pendency of proceedings or following a decision taken to initiate such proceedings, any interim directions in regard to the proceedings cannot have the effect of permitting consideration of such promotion without reference to the pending proceedings. Any interim directions in regard to the charge memo and proceedings thereunder cannot have the result of permitting consideration of the individual for promotion.

2. In view of this, the following amendments are issued to G.O.Ms.No.368, Personnel and Administrative Reforms (S) Department, dated 18.10.93.

AMENDMENTS

I. In the said G.O., for paragraph 2 II(iv)(4), the following shall be substituted :-

" Wherever the disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules against Government Employees are merely stayed by a Court / Tribunal, their cases shall be deferred till the proceedings are concluded, unless a contrary order is passed by the Court / Tribunal and it is decided not to challenge the same. If, on the other hand, the Court / Tribunal quashes the same charge memo, then the name of the Government employee concerned should be considered for inclusion in the panel for appointment to the higher post by promotion / recruitment by transfer, if he is otherwise qualified."

II. In the said G.O., for paragraph 2 II(iv)(5), the following shall be substituted:-

"(5) If specific charges are framed or charge sheet is filed in the criminal case before actual promotion, the person concerned shall not be promoted notwithstanding the fact that his name has been included in the panel. The instructions in para 3 above will apply in such cases thereafter."

Yours faithfully,

(Sd.)

for SECRETARY TO GOVERNMENT

Copy to :

All Officers in the Personnel and Administrative Reforms Department, Madras-9.
All Sections in the Personnel and Administrative Reforms Department, Madras-9.
All Departments in Secretariat (OP) Sections, Madras-9.
(to communicate copy to all sections in that Department).