



ABSTRACT

Personnel – Tamil Nadu Civil Services (Discipline and Appeal) Rules – Amendment to rule 9 A – Issued

PERSONNEL AND ADMINISTRATIVE REFORMS (N) DEPARTMENT

G.O. (Ms) No. 26

Dated: 15.2.2008
Servaljth, Masi 3,
Thiruvalluvar Aandu, 2039

ORDER:

According to rule 9A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, in any case where more than one Government servant of the same Department are involved, the authority competent to institute disciplinary proceedings and impose any of the penalties specified in rule 8 shall be the authority in that Department in respect of the Government servant who holds the highest post and the disciplinary proceedings against all of them shall be taken together.

2. The Government have examined the matter of delegating the power to initiate the disciplinary proceedings in such common disciplinary proceedings against Government servants to the lower authorities who are not the punishing authorities. The Supreme Court of India in its order, dated 1.12.1994 in Civil Appeal No.8561-62 of 1994 has observed that in so far as initiation of enquiry by an Officer subordinate to the appointing authority is concerned, it is well settled now that it is unobjectionable. The Government have, therefore, decided to delegate the power to initiate disciplinary proceedings under rule 17(b), or under rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against the Government servants involved in cases in which more than one Government servant of the same Department is involved, to the immediate higher authority to the Government servant holding highest post among the Government servants in the same Department, subject to condition that he should remit the case to the competent authority specified in rule 9A, at the appropriate stage for passing final orders.

3. In the light of the above decision, the Government have decided to amend rule 9A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

4. The following Notification will be published in the Tamil Nadu Government Gazette:

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 amendment to the Tamil Nadu Civil Services (Discipline and Appeal) Rules (Volume I of the Tamil Nadu Services Manual, 1987).

2. The amendment hereby made shall come into force on the 15th February, 2008.

AMENDMENT

In the said Rules, in rule 9A, for the sentence beginning with the words "In any case" and ending with the words "shall be taken together", the following sentences shall be substituted, namely:-

"In any case where more than one Government servant of the same Department are jointly involved or whose cases are interconnected, the authority competent to institute disciplinary proceedings shall be the immediate higher authority in that Department in respect of the Government servant who holds the highest post among such Government servants and the disciplinary proceedings against all of them shall be taken together. Where inquiry is to be conducted in terms of rule 17(b), the said authority may either himself conduct the inquiry or get the inquiry conducted by an Inquiring Officer appointed by the authority competent to impose major penalty in respect of the Government servant who holds the highest post among such Government servants. The said authority shall remit the case, at the appropriate stage, to the authority competent to impose any of the penalties specified in rule 8 in respect of the Government servant who holds the highest post among such Government servants in that Department for passing final orders."

(BY ORDER OF THE GOVERNOR)

L. K. TRIPATHY
CHIEF SECRETARY TO GOVERNMENT.

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