

GOVERNMENT OF TAMIL NADU

LETTER NO.36462/91-2,
PERSONNEL AND ADMINISTRATIVE
REFORMS (PER.S) DEPARTMENT
SECRETARIAT, MADRAS-600 009.

DATED :7.8.1991

From

Tmt.Lakshmi Pranesh, I.A.S.,
Secretary to Government

To

All Heads of Departments including District Collectors and District Judges
The Secretary, Tamil Nadu Public Service Commission, Madras-2.
The Registrar, High Court, Madras-6000 104.
The Registrar, Tamil Nadu Administrative Tribunal, Madras-6.

Sir,

Sub : Public Services – Service Right of Government Servants in more than
one service –
Persons appointed to another service outside his regular line beyond five
years – Further
instructions – Issued.

Ref : G.O.Ms.No.363, Personnel and Administrative Reforms
Department, dated 21.6.1988.

According to the proviso to Rule 9 of the General Rules for the Tamil Nadu State and Subordinate Services introduced in the Government Order cited, a member of a service who has been appointed to another service outside his regular line shall not be permitted to hold membership in the second service beyond 5 years, if he is to be considered for promotion or for appointment by recruitment by transfer to a higher post in his regular line, even though he is otherwise qualified under the rules for such promotion or appointment, unless he puts in a fresh service for a minimum period of one year in his post in the former service on reversion from the second service. This rule came into force from 21.6.1988.

2. While preparing a panel for promotion, it was observed in a case that an individual was continuously on other duty to another service outside his regular line from 1979 onwards. His name was therefore not included in the panel with reference to the proviso under General Rule 9 referred to in para 1 above. Against the non-inclusion of his name in the panel, the concerned person filed an application in the Tamil Nadu Administrative Tribunal. While delivering judgement in this case, the Tamil Nadu Administrative Tribunal allowed the appeal of the individual and

observed as follows :-

“No doubt, the proviso to General Rule 9 will be applicable to those who are on foreign service on that date. Since it is specifically stated that a person who has been appointed to another service outside his regular line shall not be permitted to hold membership beyond five years in the second service, a duty is cast on the lending department not to permit him to continue on deputation and recall such a person who may be outside the regular line for more than five years. Obviously, according to the proviso, the onus for granting permission to such a person to hold membership in the second service is certainly on the part of the lending department. Since the respondent has failed to recall the applicant immediately after the proviso was introduced, his continuance beyond five years cannot now become an impediment against the applicant for consideration of his name in the list (panel).”

3. It is observed that a number of persons are working in various posts outside their regular line for more than 5 years. I am, therefore, directed to request you to review such cases, with reference to proviso to General Rule 9 and the observation of the Tamil Nadu Administrative Tribunal indicated above and to take a decision. If an individual is not willing to revert to his former post in the regular line even after 5 years, to become eligible for consideration of his name for promotion to a higher post, he may be permitted to continue in the other duty post after obtaining a declaration from him in writing that he is not willing to be reverted to the former post and that he would be continuing in the other duty post with full knowledge of the rules position under the proviso to General Rule 9 and adding it to the Personal File and Service Register of the individual.

Yours faithfully,

Sd/-
for SECRETARY TO GOVERNMENT

Copy to:

All Departments of Secretariat (OP), Madras-9 (to communicate it to all Sections)
All Sections in Personnel and Administrative Reforms Department, Madras-9.

//True Copy//

S.ARUMUGAM
SECTION OFFICER