

GOVERNMENT OF TAMIL NADU

LETTER NO.44007/S/96-2,
PERSONNEL AND ADMINISTRATIVE
REFORMS (S) DEPARTMENT
SECRETARIAT, CHENNAI 600 009

DATED : 29.10.1996

From

Thiru P.Baskaradoss, I.A.S.,
Secretary to Government

To

All Departments of Secretariat, Chennai-6
All Heads of Departments including District Collectors and District Judges
The Secretary, Tamil Nadu Public Service Commission, Chennai-2.
The Registrar, High Court, Chennai-104.
The Registrar, Tamil Nadu Administrative Tribunal, Chennai-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 : 1. G.O.Ms.No.363, Personnel and Administrative Reforms (S)
Department, dated 21.6.83.
2. Government Letter No.36462/91-2, Personnel and
Administrative Reforms (S) Department,
dated 7.8.91.

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 21.6.88.

2. In the Government letter cited, it was instructed to review cases of persons working in various posts outside their regular line for more than five years, with reference to proviso to General Rule 9. Moreover, it was directed that 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 rule position under the proviso to General Rule 9 and adding it to Personal File and Service Register of the individual.

3. But, of late, cases are coming to the notice of the Government that such review has not been conducted by the administrative departments and persons are continuing in the second service outside the regular line without producing any declaration as per the instructions in the Government letter cited. Moreover, such persons are claiming that they have not completed 5 years on the crucial date for drawal of panel for promotion and thereby stating that they are not coming under the purview of proviso to General Rule 9.

4. I am, directed to state that in view of the expression “shall not be permitted” occurring in the proviso to General Rule 9 the appointing authority should not permit person appointed in another service outside his regular line to act beyond the period of five years in such second service. As such, duty is cast on the appointing authority to get him reverted to his original service prior to completion of five years in the second service.

5. I am, therefore, directed to reiterate the instructions issued in the Government letter cited and to request you to make review of such cases to obtain a declaration from the individuals regarding their willingness in writing either to continue in the higher duty or to revert back to their former post in the regular line with the full knowledge of the conditions laid down in the proviso to General Rule 9, who are completing or about to complete five years on other duty as on date and add it to the Personal File or Service Register of the individuals.

6. I am also to clarify that whenever a person on other duty completes five years in the second service, he comes under the purview of the proviso to General Rule 9 and he should necessarily revert back and put one year of service in the former service if he wants to be considered for promotion in the regular line. Moreover, he should not have completed 5 years on other duty in the second service on the date of consideration of his name for inclusion in the panel for promotion.

7. The receipt of the letter may be acknowledged.

Yours faithfully,
Sd/-
for SECRETARY TO GOVERNMENT

To

All Sections in Personnel and Administrative Reforms Department, Chennai-9.
All (OP) Sections in Secretariat, Chennai-9.

//True Copy//

S.ARUMUGAM
SECTION OFFICER