



## ABSTRACT

Rules – Tamil Nadu State and Subordinate Services - Amendment to General Rule 4(a) -- Orders - Issued.

### PERSONNEL AND ADMINISTRATIVE REFORMS (S) DEPARTMENT

G.O.Ms.No.22

Dated : 24.02.2014.

விஜய, மாசி 12,

திருவள்ளூர் ஆண்டு, 2045.

Read :

1. G.O.(Ms.)No. 368, Personnel and Administrative Reforms (Personnel S) Department, Dated 18.10.1993.
2. Letter No.90586/S/1994-2, Personnel and Administrative Reforms Department, Dated 17.05.1995.
3. Letter (Ms.) No.248, Personnel and Administrative Reforms (S) Department, Dated 20.10.1997.
4. Letter No.25165/S/98-1, Personnel and Administrative Reforms Department, Dated 10.06.1998 and 19.06.1998.
5. Letter No.52511/S/99-1, Personnel and Administrative Reforms Department, Dated 01.10.1999.
6. Letter No.52716/S/99-1, Personnel and Administrative Reforms Department, Dated 01.10.1999.
7. Letter No.28790/S/2001-1, Personnel and Administrative Reforms Department, Dated 05.07.2001.
8. Letter No.4992/S/2000-10, Personnel and Administrative Reforms Department, Dated 19.10.2001.
9. Letter No.67652/S/2002-6, Personnel and Administrative Reforms Department, Dated 27.08.2003.
10. Letter No.50643/S/2003-4, Personnel and Administrative Reforms Department, Dated 17.03.2004.
11. Letter No.18824/S/2005-2, Personnel and Administrative Reforms Department, Dated 07.10.2005.
12. G.O. (Ms.) No.52, Personnel and Administrative Reforms (S) Department, Dated 18.05.2009.
13. Letter (Ms.) No.54, Personnel and Administrative Reforms (S) Department, Dated 19.05.2009.
14. From the Tamil Nadu Public Service Commission, Letter No. 7611/RND-D2/2013, dated : 18.11.2013.

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### ORDER:

According to rule 4(a) of the General rules for the Tamil Nadu State and Subordinate Services the list of approved candidates for appointment by promotion or by recruitment by transfer to all categories of posts in the State and Subordinate Services have to be prepared annually with reference to the crucial

date fixed in the special rules / adhoc rules concerned against the estimated number of vacancies expected to arise during the course of year.

2. The Government in their orders/ letters read above have issued a number of instructions in the matter of drawal of approved list in an uniform manner for the guidance of various authorities.

3. The Government, oflate have had occasion to notice that the Hon'ble Courts in a number of cases filed before them have held those instructions only as executive in nature and they have no legal force as they cannot be equated to the statutory rules. Although instructions in the form of various Government orders and administrative instructions have been strictly followed as and when issued, the Government after careful consideration have decided to frame rules stipulating the procedure and other salient features in the matter of drawal of approved list by suitably amending rule 4(a) of the General Rules for the Tamil Nadu State and Subordinate Services. The statutory effect is given from 18.10.1993 and also the dates of subsequent amendments issued from time to time in order to ensure that the legal validity for the processes and procedures that are already in place are not disturbed and proper legal sanctity is continually provided for the preparation of approved lists and consequent promotions in force.

4. Accordingly, 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 amendments to the General Rules for the Tamil Nadu State and Subordinate Services (Part II in Volume I of the Tamil Nadu Services Manual, 1987):-

2. (a) Amendments (1) and (2) shall be deemed to have come into force on the 18<sup>th</sup> October 1993;
- (b) Amendment (3)(a) shall be deemed to have come into force on the 17<sup>th</sup> May 1995;
- (c) Amendment (3)(b) shall be deemed to have come into force on the 20<sup>th</sup> October 1997;
- (d) Amendment (3)(c) shall be deemed to have come into force on the 1<sup>st</sup> October 1999;
- (e) Amendment (3)(d) shall be deemed to have come into force on the 5<sup>th</sup> July 2001;
- (f) Amendment (3)(e) shall be deemed to have come into force on the 19<sup>th</sup> October 2001;
- (g) Amendment (3)(f) shall be deemed to have come into force on the 27<sup>th</sup> August 2003;
- (h) Amendment (3)(g) shall be deemed to have come into force on the 17<sup>th</sup> March 2004;
- (i) Amendment (3)(h) shall be deemed to have come into force on the 19<sup>th</sup> May 2009;
- (j) Amendment (4) shall be deemed to have come into force on the 18<sup>th</sup> May 2009;

**AMENDMENTS.**

In the said Rules, -

(1) In rule 4, in sub-rule (a), for the expression "Such list shall be prepared in the prescribed manner", the expression "Such list shall be prepared in the manner as specified in Schedule VII to these rules" shall be substituted;

(2) After Schedule VI, the following Schedule shall be added, namely:-

**"SCHEDULE -VII  
[See Rule 4(a)]**

**PART-A**

**I. Procedure for preparation of approved list:-**

(1) Based on the estimate of vacancies arrived, promotion or appointment to a post shall be made from a list of approved candidates prepared on the basis of merit, ability and seniority and other qualifications as prescribed in the Special Rule for the post. The seniority of a member of service shall be determined by the rank obtained by him in the list of approved candidates drawn up by the Tamil Nadu Public Service Commission or the Appointing Authority, as the case may be, subject to the rule of reservation where it applies. The merit, ability and other aspects shall be assessed over a period of five years as per Annual Confidential Reports and punishments, if any, imposed.

(2) The proposal for preparation of approved list shall be submitted to the appointing authority as per the proforma prescribed in Part-B of this Schedule and the seniority list and other particulars shall be furnished as per Part-C of this Schedule.

(3) Particulars about members of service to be considered for inclusion in the approved lists shall be examined in seriatim in the proforma, as prescribed in Part-D of this Schedule.

**II. Consideration of members for inclusion in the approved lists:-**

(1) In cases where enquiry (except Tribunal for Disciplinary Proceedings enquiry) including preliminary or detailed enquiry by the appropriate Investigating Authority is pending against a member of service and no specific charges have been framed, promotion or appointment of such member of service shall be considered on the basis of the merit revealed through Annual Confidential Reports, Record Sheets and Punishments imposed. In cases where specific charges have been framed or charge sheet has been filed in criminal case against a member of service, promotion or appointment of such member of service shall be deferred till such proceedings are concluded. On exoneration or acquittal from the charges, a member of service shall be considered for promotion or appointment with retrospective effect from the date on which his immediate junior was promoted, if he is otherwise qualified for such promotion.

(2) The performance of a member of service for promotion or appointment shall be assessed on the basis of the Annual Confidential Report or Record Sheet written for a period of five years prior to the crucial date. If any adverse

remarks are recorded against a member of service in the Annual Confidential Report or Record Sheet within a period of five years prior to the crucial date, his name shall not be considered for inclusion in the approved list. Any adverse remarks relating to a period of five years prior to the crucial date which have not been shown to and acknowledged by the member of service shall be ignored and his name shall be considered for inclusion in the approved list.

(3) The case of a member of service whose promotion or appointment has been deferred on account of any pending charges, shall be reopened after disposal of the charges and appropriate orders shall be passed on merits, either giving him promotion or appointment if he is exonerated or acquitted of the charges and if there is no other adverse factor to be reckoned or denying him promotion or appointment or giving promotion or appointment from a later date, depending upon the nature of punishment and other factors to be reckoned in other cases. In all such cases, the appointing authority shall take suo-moto action within fifteen days from the date of issue of final orders in the departmental disciplinary case or criminal case.

(4) Whenever a temporary post is newly created and 'ad-hoc' rules are not framed for the post, appointment to such post shall be made on 'ad-hoc' basis. In case of posts governed by rules, promotion or appointment shall not be made with reference to the proposed amendment to rules but shall be made only with reference to the existing rules. No promotion or appointment shall be made on the basis of the executive orders seeking to modify the rules. While selecting candidates for appointment or promotion, the claim of contesting candidate shall be weighed with reference to the rules in force and not with reference to executive orders or contemplated changes in rules.

(5) The appointing authority shall take into account the provisions of rules 9 and 36(c) of the General Rules for Tamil Nadu State and Subordinate Services, while preparing approved list for promotion or appointment.

### PART-B

#### **Particulars / Documents required for preparation of approved lists:-**

Particulars / Documents to be submitted to the Appointing authority for preparation of approved list.

- (1) Grade of post to which appointment by promotion or by recruitment by transfer is to be made.
- (2) Whether the post is a selection category post or not and the scale of pay attached to the post.
- (3) Year of the approved list.
- (4) Crucial date for preparation of the approved list.
- (5) The estimate of vacancies for the post under reference.
- (6) Whether the posts are within the purview of the Tamil Nadu Public Service Commission.

- (7) Whether the last approved list has been exhausted and the persons, if any, not promoted are considered for this approved list, if not, the reason therefor?
- (8) Whether all the persons overlooked in the previous approved list are being considered in this approved list.
- (9) (i) Whether all the persons on other duty have been considered for inclusion in this approved list.  
(ii) Details of the persons who are outside the regular line for over five years.
- (10) Whether all the eligible persons in all the feeder categories for the post have been considered for this approved list
- (11) If there is more than one feeder category, indicate the scale of pay of each category.
- (12) Whether rule of reservation is applicable to the post and, if so, to state whether it has been followed.
- (13) Original of the order approving the previous approved list.
- (14) Updated copy of the Special/Adhoc Rules governing the post (copy to be furnished).
- (15) The seniority list covering all the feeder categories for the post should be furnished. If there is more than one feeder category, enclose separate seniority list for each category together with the combined seniority list.
- (16) Copies of orders of punishments imposed on a member of service, in the zone of consideration to be added to Sectional Notes.
- (17) (a) Where Personal Files could not be written for short periods, a certificate of the Heads of Departments that the persons concerned has not come to adverse notice during the relevant period and that no punishment has been awarded, should be furnished.  
(b) A similar certificate to be given by the Department of Secretariat, whether charges under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules are pending as on date.

### PART-C

#### **Seniority List**

1. The seniority list should be a printed or cyclostyled one, published and communicated to all the persons concerned. (With number and date of reference in which the list was communicated)

2. While furnishing the seniority list in the approved list files, the following particulars should also be typed against the name of each individuals:-

- (i) Date of birth :
- (ii) Date of superannuation :

(iii) Whether he is now in service or whether he has voluntarily retired, resigned, dismissed or removed from service after publication of the list:

(iv) The post now held by him:

(v) If the member of service has relinquished his right for appointment to the post, state whether the relinquishment was temporary or permanent. (Number and date of order of acceptance to be indicated). In case of temporary relinquishment, the date on which the temporary relinquishment would expire should be indicated.

3. Typed seniority list which has not been published / communicated should not be sent or accepted.

#### PART-D

#### **Brief particulars about the members to be considered for inclusion in the approved list**

1. (a) Name and designation of the member and the scale of pay attached to the post now held.
- (b) Classification of community  
(S.C/ S.T./B.C./M.B.C./D.N.C./O.C.)
- (c) Name of the Community as specified in the General Rules (except OC)  
(columns (b) and (c) are applicable only for the posts for which rule of reservation is followed for recruitment by transfer/ promotion to higher posts)
2. Age and date of birth
3. Date of retirement
4. Educational qualifications, Special qualifications, if any
5. Training undergone
6. Date of regular appointment, date of completion of probation and total service in the post presently held. If, on O.D., period from which he is on O.D.
7. Whether the member of service has acquired all the qualifications prescribed in the Special or Ad-hoc Rules for higher posts including previous experience, teaching experience, special training, etc., on the crucial date.

Crucial Date	Qualifications / Tests, experience etc. prescribed	Date of acquiring the qualification/ experience etc. and date of passing the test
(1)	(2)	(3)

8. Whether any charges are pending against the member of service, and if so, indicate the period to which charges relate, nature of charges and date from which pending, the present stage. Reasons for delay in finalizing the disciplinary proceedings. Whether any appeals are pending and if so, the present stage.
- (a) Extract of charges pending under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules
- (i)
- (ii)
- (iii)
- (b) Extract of lapses for which disciplinary action under rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules have been instituted.
9. (a) Whether any vigilance or other enquires are pending against the member of service and, if so, indicate the details thereof, nature of irregularities, lapses for which he is proceeded against, period to which lapses relate.
- (b) Present stage of disciplinary proceedings.
10. Whether any penalties have been imposed on the member of service and, if so, the nature of lapses and penalties imposed and date of imposition of the punishment. Copies of orders imposing punishment should be attached.
- (a) Whether the penalties have been given effect to, if not, the reasons therefor.
- (b) Whether on suspension or undergoing punishment at the time of consideration.
11. (i) Whether there are any adverse remarks in his personal file and, if so, indicate the details therefor and whether they have been communicated to the individual.
- (ii) Resume of Personal File for the last 5 years
- | From | To  | Rating | Adverse remarks, if any; If there are no Adverse remarks put 'nil'. (In no case, it should be left blank) |
|------|-----|--------|---|
| (1)  | (2) | (3)    | (3)   |

12. Whether the individual has been considered earlier in the last approved list, and passed over. If so, the reasons therefor may be indicated.
13. Specific recommendation of the Head of the Department
14. Special remarks of the Secretary to Government of the Administrative Department.

**NOTE.-** (a) Particulars in respect of persons retired and those whose relinquishment of right for promotion has been accepted and final orders accepting such relinquishment have been issued by Government, need not be furnished

(b) Pro-forma particulars in respect of persons who have relinquished but whose relinquishment has not been accepted and orders issued by Government should be furnished.

(c) The terminologies viz. Fit / Not Fit / Deferred / Not eligible / Not qualified / Relinquished / Over aged / Retired should be used by the appointing authorities while offering their remarks.”;

(3) in Schedule --VII as so added, in Part --A, in Paragraph II,-

(a) after item (1), the following item shall be inserted, namely:-

“(1-A) If the disciplinary proceedings under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules pending against a member of service are merely stayed by a Court, his case shall be deferred till the judicial proceedings are concluded, unless a contrary order is passed by the Court and it is decided not to challenge the same. If the Court quashes the charge memo, then the name of the member of service concerned shall be considered for inclusion in the approved list for promotion or for appointment, if he is otherwise qualified.”;

(b) for item (1-A) as so inserted, the following items shall be substituted, namely:-

“(1-A) The name of a member of service shall not be considered for inclusion in the approved list, if any enquiry is pending against him in the Tribunal for Disciplinary Proceedings

(1-B) issuance of a show cause notice or charges framed under rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against a member of service shall not be a bar for inclusion of his name in the approved list.

(1-C) Mere filing of cases in Courts by the appropriate Investigating Authority against a member of service, shall not be a bar for inclusion of his name in the approved list. If specific charges are framed or charge sheet has been filed in the criminal case on the crucial date his name shall not be considered for inclusion in the approved list.



(1-D) The name of a member of service shall not be considered for inclusion in the approved list if he is arrested for an offence under the Prevention of Corruption Act, 1988.

(1-E) The remittal orders issued by the Government directing the appropriate authority to initiate disciplinary action against a member of service shall not be a bar for inclusion of his name in the approved list. If charges are framed under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules as a result of such remittal orders, the name of the member of service shall not be considered for inclusion in the approved list.

(1-F) Pendency of charges framed under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against a member of a service shall be a bar for inclusion of his name in the approved list.

(1-G) If the disciplinary proceedings under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules pending against a member of the service are merely stayed by a Court, his case shall be deferred till the judicial proceedings are concluded, unless a contrary order is passed by the Court and it is decided not to challenge the same. If the Court quashes the charge memo, then the name of the member of service concerned shall be considered for inclusion in the approved list for promotion or for appointment, if he is otherwise qualified.

(1-H) The name of a member of service placed under suspension on the crucial date or on the date of consideration for actual promotion shall not be considered for inclusion in the approved list or for actual promotion, as the case may be and his name shall be deferred till finalisation of disciplinary proceedings.

(1-I) A member of service whose name has not been included in the approved list for a punishment shall not be overlooked in the subsequent years' list for the same punishment or punishments, provided the member of service is not undergoing any punishment on the crucial date for preparation of approved list.”;

(c) after item (1-I) as so substituted, the following item shall be inserted, namely:-

“(1-J) No member of service shall be promoted or appointed to a post, if the member is undergoing any punishment imposed under rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, either on the crucial date or on the date of consideration for actual promotion.”;

(d) after item (1-J) as so inserted, the following item shall be inserted, namely:-

“(1-K) Any punishment imposed on a member of service under rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules shall take effect from the date on which the said punishment order is served to the member of service concerned and the name of such member of service shall not be considered for inclusion in the approved list until the said punishment is over.”;

(e) before item (1-J) as so inserted, the following item shall be inserted, namely:-

"(1-I) If a member of service is imposed with punishment for irregularities or delinquencies that were committed five years prior to the crucial date, his name shall be considered for promotion or appointment to a post, if the member of service is not undergoing such punishment on the crucial date or on the date of consideration for actual promotion.";

(f) after item ( 1-H ) as so inserted, the following item shall be inserted, namely:-

"(1-II) Any punishment (other than 'Censure') imposed on a member of service within a period of five years prior to the crucial date and a punishment of 'Censure' imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including 'Censure' imposed on a member of service after the crucial date, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment.";

(g) after item ( 1-II ) as so inserted, the following item shall be inserted, namely -

"(1-III) The punishment of 'Censure' imposed on a member of service within a period of one year preceeding the crucial date shall not be held against a member of service, if the delinquency in respect of which such punishment is imposed had occurred prior to five years preceeding the crucial date. In such cases the name of the member of service shall be considered for inclusion in the approved list.";

(h) after item ( 1-J ) as so inserted, the following item shall be inserted, namely:-

"(1-JJ) In cases where recovery to make good the monetary loss caused to the Government is ordered against a member of service, his name shall not be considered for inclusion in the approved list during the period of such recovery, subject to a maximum period of 24 months from the date of issue of order irrespective of the fact whether it is recovered in full or not.";

(4) In Schedule VII as so added, in Part-D, after item 9, the following items shall be inserted, namely:-

"9-A. (a) Whether any criminal case is pending against the member of service in the official capacity and if so, indicate the details thereof; nature of crime for which he is proceeded against:

(b) Whether charge sheet has been filed.

(c) Present stage of the criminal case:

9-B. (a) Whether any criminal case is pending against the member of service in the personal capacity / private in nature and if so, indicate the details thereof, nature of crime for which he is proceeded against:

(b) Whether charge sheet has been filed:

(c) Present stage of the criminal case:

9-C. (a) Whether charges have been framed by the Tribunal for Disciplinary Proceedings and the enquiry by the Tribunal for Disciplinary Proceedings is pending:

(b) Whether the case was referred to the Tribunal for Disciplinary Proceedings by the Government themselves or on recommendation of the Vigilance Commission:

(c) Present stage of the enquiry by the Tribunal for Disciplinary Proceedings.”

(BY ORDER OF THE GOVERNOR)

**P.W.C.DAVIDAR,  
PRINCIPAL SECRETARY TO GOVERNMENT.**

To

All Secretaries to Government, Chennai-600 009.

All Departments of Secretariat, Chennai-600 009.

All Heads of Departments.

All District Collectors/District Judges/District Magistrates.

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The Pay and Accounts Officer (South), Chennai-600 035.

The Pay and Accounts Officer (North), Chennai-600 079.

The Pay and Accounts Officer (East), Chennai-600 005.

The Pay and Accounts Officer, Chennai-600 009.

The Registrar, High Court of Madras, Chennai – 600 104.

The Registrar, Madurai Bench of Madras High Court, Madurai – 23.

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The Hon'ble Chief Minister's Officer, Chennai-600 009.

The Special P.A. to Minister (Municipal Administration, Rural Development,  
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All Sections, Personnel and Administrative Reforms  
Department, Chennai -600 009

Personnel and Administrative Reforms (AR-II/CC) Department,  
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*J. S. S.*  
*24/2/2014*  
SECTION OFFICER.

*PS.*  
*24.2.14*