

GOVERNMENT OF TAMIL NADU

Abstract

PUBLIC SERVICES - Tamil Nadu Ministerial Service - Promotion to the post of Assistant - Revised procedures - Orders - Issued.

Personnel and Administrative Reforms (Per-B) Department

G.O. Ms. No.417

Dated 1.12.1993

Read the following:

1. G.O. Ms. No.224, Personnel and Administrative Reforms (Per.B) dated 8.3.1984.
2. G.O. Ms. No.245, Personnel and Administrative Reforms (Per.B), dated 12.3.1985.
3. G.O. Ms. No.256, Personnel and Administrative Reforms (Per.B), dated 1.8.1992.
4. G.O. Ms. No.284, Personnel and Administrative Reforms (Per.B), dated 19.8.1992.
5. Govt. Letter No.89237/92-1, Personnel and Administrative Reforms (Per.B), dated 23.11.92.
6. Govt. Letter No.7860/93-1, Personnel and Administrative Reforms (Per.B), dated 23.3.93.

7. From the Secretary, Tamil Nadu Public Service Commission, Letter No.3577/BA1/91, dated 23.11.1993.

ORDER:

In the rule 5 of the Special Rules for the Tamil Nadu Ministerial Service as it originally stood, there was no ratio for promoting Junior Assistants and Typists/Steno-typists as Assistants in the said Service. Subsequently, in the Government Order second read above, the Special Rules for the Tamil Nadu Ministerial Services were amended introducing the following proviso to rule 5 of the Special Rules for the Tamil Nadu Ministerial Service:

Provided also that out of every five vacancies in the post of Assistant and the posts which carry the scales of pay of Assistant, the first four vacancies shall be filled up from the post of Junior Assistant and the posts which carry the scale of pay of Junior Assistant and the fifth vacancy shall be filled up from the posts of Typist including Steno-Typist.

2. Meanwhile in T.A.No.1449/89 (W.P.No.9783/87) and batch of cases filed by certain Typists, Steno-typists, Junior Assistants etc. challenging the above ratio of 4 : 1, the Tamil Nadu Administrative Tribunal in its orders dated 27.11.1992 has quashed the ratio holding it as violative of Articles 14 and 16 of the Constitution of India. The Tribunal has observed in this connection that the ratio of 4:1 not being based on any reasonable criteria correlated either to experience or qualifications or the duration of service which are the considerations generally adopted in deciding promotion, is arbitrary in its impact in different units and that the ratio therefore, offends the principles of equality and fairness. The salient points contained in the orders of the Tribunal are as follows:

- (1) The ratio had been prescribed without taking into account the number of persons belonging to the different categories, resulting in disparity in chances of promotion.
- (2) It will be desirable that the Typists/Steno-typists work as Junior Assistants before they could be promoted as Assistant, since directly promoting a Typist / Steno-typist as Assistant without any experience in clerical work is not in the best interest of efficiency of office work.
- (3) For promotion to the post of Assistant, combined seniority of Junior Assistants and Typists/Steno-typists will be preferable, because it is not desirable that the inter-se-seniority of the persons recruited in the same year should stand modified to some extent depending on rotation of vacancies.

- (4) If the categories (of Junior Assistants and Typists / Steno-typists) are equated, combined seniority is possibly the best basis subject, however, to the requirement of the basic experience as would be a qualification and training for the responsibilities of a higher post to which one is promoted.

Consequently, in Government letter sixth read above, the Departments have been informed that pending finalisation of the procedure to be followed based on the orders of the Tribunal in the matter, promotion to the post of Assistant cannot be made following the ratio quashed by the Tribunal.

3. In the Government Order third read above, the category of Typists including Steno-typists in the Tamil Nadu Ministerial Service has been split into two categories as follows:

Category - 17	---	Steno-typist
Category - 17(a)	---	Typist including Machinists in the Tamil Nadu Treasury & Accounts Departments.

Consequent on the Splitting of the category, separate line of promotion has been provided for Steno-Typists in the Government Order fourth read above. A steno-typist in the Tamil nadu Ministerial Service has initially to be appointed as Steno-typist Grade III which post carries the scale of pay identical to that of Assistant in the Tamil Nadu Ministerial Service and he is eligible for promotion as Steno-typist Grade II and Grade I as per the above order dated 19.8.92. In Government letter fifth read above, it has also been clarified that steno-Typists, Grade III are not to be considered for appointment to the post of Assistant along with Typist and Junior Assistant. In view of these instructions, Steno-typists stand excluded for promotion as Assistant in the Tamil Nadu Ministerial Service with effect from 1.8.1992. Typists are, however, eligible for promotion as Assistants.

4. The Government have examined the whole matter in consultation with the Tamil Nadu Public Service Commission in the light of the orders of the Tamil Nadu Administrative Tribunal and the orders of the Government a fore mentioned and they direct that the following revised procedures be adopted while promoting Junior Assistants and Typists as Assistants in the Tamil Nadu Ministerial Service:

- (a) For purpose of appointment to the post of Assistant, a combined seniority list of Junior Assistants and Typists shall be drawn hereafter as observed by the Tamilnadu Administrative Tribunal.

- (b) The inter-se-seniority of the holders of the two categories of posts recruited in the same year shall be fixed with reference to the date of their regular appointments. However, the seniority among the Junior Assistants or the Seniority among the Typists as fixed by the Tamil Nadu Public Service Commission shall not be altered while fixing their inter-se-seniority.
- (c) All the seniors in the category of Typists who are likely to get their promotion as Assistants in the course of next one or two years shall be asked to undergo training as Junior Assistants for a period of one year by allotting a few subjects covering different aspects of the department and they shall be allowed to dispose of the files without detriment to their typing work.
- (d) While selecting Typists for training as Junior Assistants, strict seniority shall be adhered to.
- (e) All Typists promoted to the post of Assistant shall undergo the Foundational Training at Civil Services Training Institute, Bhavanisagar, within a period of two years from the date of their promotion as Assistant on a regular basis.
- (f) The tests already prescribed, if any, will not be affected consequent on the changes mentioned above.
- (g) In respect of future recruitments, the Tamil Nadu Public Service Commission is requested to prepare a combined seniority list of Junior Assistants and Typists based on the results of a common examination held by it. Promotions to the post of Assistant shall be made in accordance with the common seniority list after fixing the inter-se-seniority of candidates appointed as Junior Assistants/Typists by recruitment by transfer from lower posts like Record Clerks etc. along with the Commission candidates under Rule 35(aa) of the General Rules for the Tamil Nadu State and Subordinate Services.
- (h) For the existing vacancies in the category of Assistant in the Tamil Nadu Ministerial Service, the appointing authorities shall draw a combined seniority list of Typists and Junior Assistants with reference to the date of their regular appointment keeping the Commission seniority in tact and fill up the vacancies from this list without insisting on one year training ordered, since the present vacancies cannot be allowed to remain unfilled till the Typists undergo the training as Junior Assistants.

5. Consequential amendments to the Special Rules for the Tamil Nadu Ministerial Service will be issued separately.

6. Pending amendments to the Special Rules for the Tamil Nadu Ministerial Service, promotion to the post of Assistant in the Tamil Nadu Ministerial Service from the holders of the posts of Junior Assistant and peon in the said service shall be made temporarily under Rule 39(a) (i) of the General Rules for the Tamil Nadu State and Subordinate Services following the revised procedures ordered in para 4 above. Any violation of these orders will be viewed seriously.

(By order of the Governor)

T.V. VENKATARAMAN,
Chief Secretary to Government.