

# **GOVERNMENT OF TAMIL NADU**

## **Abstract**

**PUBLIC SERVICE - Imposition of punishments - Amendment to rule 8 of Tamil Nadu Civil Services (Discipline and Appeal) Rules - Issued.**

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### **Personnel & Administrative Reforms (N) Department**

G.O. Ms. No. 62

Dated : 2.2.1996

#### **ORDER:**

The Tamil Nadu Civil Services (Discipline and Appeal) Rules provide for imposition of both major and minor penalties upon the delinquent Government servants for the charges held proved against them. A review of rule 8 has been made and the following decision has been taken.

2. One of the penalties referred to in rule 8 of the above said Rules is withholding of increment or promotion including stoppage at an efficiency bar. The Punishment said above under item (iii) in the said rule 8 requires to be modified as the existing time scales of pay do not provide for stoppage of increment at the

efficiency bar. Hence, the words "including stoppage at an efficiency bar" has to be deleted.

3. The Punishment in item (iv) in rule 8, viz, reduction to a lower rank in the seniority list or to a lower post or time scale whether in the same service or in another service State and Subordinate or to a lower stage in the time scale also requires revision since a person appointed directly to a higher post service, grade of time scale of pay cannot be reduced by way of punishment to a post lower time scale, grade, service or to a post which he never held before.

4. The Punishments specified in items (v) (b) and (v) (c) of rule 8 relating to recovery from pay require to be modified and brought under the appropriate places as provisos for the reason that the above mentioned punishments are really not independent punishments. But the consequences of corresponding punishments. They only deal with the method of giving effect to the specific punishment on them. Therefore, they cannot be as main punishments but should be appropriately amended to the concerned main punishments themselves.

5. Consequently the explanation under item (v) ( c ) also has to be reallocated and the clause under the explanation about date of effect would now be redundant and hence it may be deleted.

6. The punishment under rule 8 (vi) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, viz. Compulsory retirement otherwise than under Article 465(2) or under Note 1, Article 465A of the Civil Service Regulations, as a penalty shall not cover the compulsory retirement under FR 56 (2). Hence, the punishment said above also requires modification.

7. In explanation I, under rule 8, there are 4 casuses, namely (a), (b), (c) and (d). Item (d) does not belong to the class use of (a), (b) or (c). Therefore, items (a) to (c) may be retained under Explanation - I, re-numbering them as (i) to (iii) to be in conformity with the numbering pattern in (d). Item (d) may be converted as Explanation-II and consequentially Explanation-II may be numbered as Explanation - III.

8. 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.

The amendment hereby made shall come into force on 2<sup>nd</sup> February, 1996.

## **Amendment**

In the said Rules, for rule 8, the following rule shall be substituted, namely:

"8. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon every person who is a member of the civil service of the State and every person holding a civil post under the State specified in rule-2, namely:-

- (i) Censure;
- (ii) Fine (in the case of persons for whom such penalty is permissible under these rules);
- (iii) withholding of increments or promotion;

Provided that in cases where the punishment of withholding of increment cannot be given effect to fully, the monetary value equivalent to the amount of increments ordered to be withheld for the unexpired period of the punishment shall be recovered from the person:

Provided further that in cases of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered;

(iv) Reduction to a lower rank in the seniority list or to a lower post not being lower than that to which he was directly recruited, whether in the same service or in another service, State or Subordinate, or to a lower time-scale, not being lower than that to which he was directly recruited, or to a lower stage in a time-scales;



Provided that in cases where the punishment of reduction to a lower stage in a time-scale cannot be given effect to fully. The monetary value equivalent to the difference in emoluments as a result of reduction to such lower stage in the time-scale for the unexpired period of the punishment shall be recovered from the person;

(v) Recovery from pay of the whole or part of any pecuniary loss caused to the State Government or the Central Government or to any Government Company or Organisation or Local Authority or to a Local Body, while on deputation, by negligence or breach of orders;

(vi) Compulsory retirement;

(vii) Removal from the Civil Service of the State Government;

(viii) Dismissal from the Civil Service of the State Government and

(ix) Suspension, where a person has been suspended under rule 17 (e), to the extent considered necessary by the authority imposing the penalty.

The penalties mentioned in items (i) to (iii) (v) and (ix) shall be deemed to be minor penalties and those in items (iv) and (vi) to (viii) shall be deemed as major penalties.

The penalties mentioned in items (vi) , (vii) or (viii), as the case may be, shall be imposed on a Government servant for the violation of rule 19 of the Tamil Nadu Government servants' Conduct Rules; 1973.

*Explanation I - The discharge, -*

(i) of a person appointed on probation before the expiry or at the end of the prescribed or extended period of probation, or;

(ii) of a person engaged under contract, in accordance with the terms of his contract; or

(iii) of a person appointed, otherwise than under contract, to hold a temporary appointment on the expiration of the period of the appointment, does not amount to the removal or dismissal within the meaning of this rule.

*Explanation II* - The following shall not amount to a penalty within the meaning of this rule, namely:-

(i) withholding of increments of pay of a Government servant for his failure to pass any Departmental examination in accordance with the rules or orders governing the service to which he belongs or post which he holds or the terms of his appointments;

(ii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a service grade or post for promotion to which he is eligible;

(iii) reversion of Government servant officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground connected with his conduct;

(iv) reversion of a Government servant, appointed on probation to any other service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or to the rules and orders governing such probation;

(v) replacement of the services of a Government servant, whose services had been borrowed from a State Government or the Central Government of an authority under the control of a State Government or the Central Government at the disposal of the State Government or the Central Government or the authority from which the services of such Government Servant had been borrowed; and

(vi) compulsory retirement of a Government servant in accordance with the provisions relating to superannuation or retirement;

*Explanation III* - The removal of a person from the Civil Service of the State Government shall not disqualify him for future employment but the dismissal of a person from the Civil Service of the State Government shall ordinarily disqualify him for future employment."

S. SIVASUBRAMANIAN  
Secretary to Government