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SI. NO. 115



GOVERNMENT OF TAMIL NADU

Abstract.

Personnel - Tamil Nadu Civil Services (Discipline and Appeal) Rules-  
Amendment to rule 9 A- Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS(N) DEPARTMENT.

G.O.(Ms) No.26

Dated: 15.02.2008.

Sarvajith, Masi 3,

Thiruvalluvar Andu, 2039

ORDER:

According to rule 9A of the Tamil Nadu Civil Services(Discipline and Appeal) Rules, in any case where more than one Government servant of the same Department are involved, the authority competent to institute disciplinary proceedings and impose any of the penalties specified in rule 8 shall be the authority in that Department in respect of the Government servant who holds the highest post and the disciplinary proceedings against all of them shall be taken together.

2.The Government have examined the matter of delegating the power to initiate the disciplinary proceedings in such common disciplinary proceedings against Government servants to the lower authorities who are not the punishing authorities. The Supreme Court of India in its order, dated 1.12.1994 in Civil Appeal No.8561-62 of 1994 has observed that in so far as initiation of enquiry by an Officer subordinate to the appointing authority is concerned, it is well settled now that it is unobjectionable. The Government have, therefore, decided to delegate the power to initiate disciplinary proceedings under rule 17(b), or under rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules against the Government servants involved in cases in which more than one Government servant of the same Department is involved, to the immediate higher authority to the Government servant holding highest post among the Government servants in the same Department, subject to condition that he should remit, the case to the competent authority specified in rule 9-A, at the appropriate stage for passing final orders.

3.In the light of the above decision, the Government have decided to amend rule 9A of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

4. 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 (Volume I of the Tamil Nadu Services Manual, 1987).

2. The amendment hereby made shall come into force on the 15<sup>th</sup> February, 2008.

AMENDMENT

In the said Rules, in rule 9A, for the sentence beginning with the words "in any case" and ending with the words "shall be taken together", the following sentences shall be substituted, namely:-

"In any case where more than one Government servant of the same Department are jointly involved or whose cases are interconnected, the authority competent to institute disciplinary proceedings shall be the immediate higher authority in that Department in respect of the Government servant who holds the highest post among such Government servants and the disciplinary proceedings against all of them shall be taken together. Where inquiry is to be conducted in terms of rule 17(b), the said authority may either himself conduct the inquiry or get the inquiry conducted by an inquiring officer appointed by the authority competent to impose major penalty in respect of the Government servant who holds the highest post among such Government servants. The said authority shall remit the case, at the appropriate stage, to the authority competent to impose any of the penalties specified in rule 8 in respect of the Government servant who holds the highest post among such Government servants in that Department for passing final orders."

(BY ORDER OF THE GOVERNOR)

L.K. TRIPATHY,  
CHIEF SECRETARY TO GOVERNMENT.

To  
The Registrar,  
High Court, Chennai-104.



P. Dis. No. 16 / 2008.

Copy Communicated for information, guidance and strict adherence to.

High Court, Madras  
Dated: 03-03-2008.

P. Vijayalakshmi  
Sub-Assistant Registrar(A.D.-I)  
RD

- To
1. All The Principal District Judges.
  2. All The Chief Judicial Magistrates.
  3. The Principal Judge, City Civil Court, Chennai.
  4. The Chief Judge, Court of Small Causes, Chennai.
  5. The Chief Metropolitan Magistrate, Egmore, Chennai.
  6. The Principal Judge, Family Court, Chennai.
  7. The Judge, Family Court, Madurai, Coimbatore & Salem.
  8. The Presiding Officer, Labour Court, Chennai /Madurai/Salem  
Vellore/Coimbatore/Tirunelveli/Cuddalore/Tiruchirappalli.
  9. The Presiding Officer, Special Court under E.C. Act Cases, Chennai/  
Madurai/Coimbatore/Salem/Thanjavur/Pudukkottai.
  10. The Additional District Judge & Sessions Judge, Court under PCR  
Act Cases, Tirunelveli/Tiruchirappalli, Thajavur at Kumbakonam and Madurai.
  11. The Additional District & Sessions Judge, Court for Comunal Clashes,  
Madurai.
  12. The Sessions Judge, Special Court for Bomb Blast Cases, Poonamallee/  
Chennai /Coimbatore.
  13. The Special Judge, Special Court under TNPID Act, Chennai-104.
  14. The Special Judge, Special Court for CBI Cases, Chennai/Madurai &  
Coimbatore.
  15. The Industrial Tribunal, Chennai.
  16. The Administrator General & Official Trustee of Tamil Nadu, High Court-  
Campus, Chennai.
  17. The City Government Pleader, Chennai.
  18. The Director, Tamil Nadu Judicial Academy, 'Malligai,' NO.30, Greenways  
Road, R.A. Puram, Chennai.28.
  19. The Registrar, (Administration), High Court, Madras.
  20. The Registrar (Administration), Madurai Bench of Madras High Court,  
Madurai. (5 copies)

Dr. R. 228/08 dated 17.3.08

Copy communicated to all the  
Jnol. magistrates. Stock file.

B. S. Venkatarao

S. Venkatarao  
Serishtadar

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