

## **Tamil Nadu Civil Services (Discipline And Appeal) Rules, 1955**

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### **Tamil Nadu Civil Services (Discipline And Appeal) Rules, 1955**

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and of all other powers hereunto enabling, and in supersession of the Madras Civil Services (Classification, Control and Appeal) Rules, published with Public (Services) Department Notification No.41-C, dated the 20th August 1953, in the Supplement to Part I of the Fort St. George Gazette, dated the 14th October 1953, the Governor of Tamil Nadu hereby makes the following rules :-

## **PART 1 GENERAL**

### **1. Title :-**

(a) These rules may be called the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

(b) They shall come into force on and from the 1st January 1955.

### **2. Extent of application of rules :-**

They shall apply to every member of the Civil Service of the State and to every person holding a civil post under the State except to the extent otherwise expressly provided:-

(i) by or under any law for the time being in force or in any rule;

(ii) in respect of any such member by contract or agreement subsisting between such member or person and the Government.

Explanation.- A member of the civil service of the State and every person holding a civil post under the State whose services are placed at the disposal of any company, corporation, organization or local authority shall, for the purpose of these rules, be deemed to be a member of such civil service or be deemed to hold such civil post, notwithstanding that his salary is drawn from a source other than the Consolidated Fund of the State.

### **3. Governor to exempt any post or person from the operation of these rules :-**

Notwithstanding the provisions of rule 2, the Governor of Tamil Nadu may, by notification published in the Fort St. George Gazette, exclude, wholly or in part, from the operation of these rules, the holder of any post or the holders of any class of posts to whom the Governor of Tamil Nadu shall declare that the rules cannot suitably be applied, and these rules shall thereupon, to the extent of such exclusion, cease to apply accordingly.

### **4. Interpretation :-**

If any doubt arises -

(a) as to whether these rules apply to any person; and

(b) as to whether any person to whom these rules apply belongs to a particular service or as to which of two or more services is the service to which such person belongs, the matter shall be referred to the Government whose decision shall be final.

## **PART 2 CLASSIFICATION**

**5. Omitted :-**

**6. Omitted :-**

**7. Omitted :-**

## **PART 3 DISCIPLINE - PENALTIES**

**8. Penalties :-**

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 the penalty of withholding of increment shall not be imposed on a Government servant, if the said penalty cannot be given effect to fully while in service : Provided further that in cases where the penalty of withholding of increment cannot be given effect to fully for any contingency that arose after the penalty of withholding of increment is imposed, the monetary value equivalent to the amount of such increments that can not be given effect to shall be recovered from the person : Provided also that in cases of withholding of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld shall 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-scale ; 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 unconnected 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 or 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.

## **9. Rule 9 :-**

### **(a) Penalties - for specified categories**

In addition to the penalties specified in rule 8, the penalty of suspension for a period not exceeding fifteen days may be imposed on Forest Guards by the Forest Engineer, Forest Utilization Officer, State Sylviculturist, Working Plans Officer or District Forest Officer, as the case may be.

### **(b) Authorities to impose penalties - for specified categories.**

Notwithstanding anything contained in rule 8, any of the penalties specified in column (2) of Appendix I to these rules may be imposed on the holders of the posts in the Tamil Nadu Jail Subordinate Service, the Tamil Nadu Fire Subordinate Service and the Tamil Nadu Port Subordinate Service specified in the corresponding entry in column (1) by the authorities specified in the corresponding entry in column (3) thereof.

### **(c) Institution of Disciplinary Proceedings.**

(1) The Governor or any other authority empowered by him by general or special order may -

(i) institute disciplinary proceedings against any Government servant;

(ii) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 8\*. (2) The authority competent under these rules to impose any of the penalties specified in items

(i) to (iii) and (v) of rule 8 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in items (iv) and (vi) to (viii) of rule 8 notwithstanding the fact that such authority is not competent under these rules to impose any of the latter mentioned penalties.

**9A. Authority Competent to institute Disciplinary Proceedings where more than one Government Servant is involved :-**

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:

Provided that in the case of Government Servants belonging to different departments who are jointly involved or whose cases are interconnected, the Government shall be the authority competent to initiate disciplinary proceedings and impose any of the penalties specified in rule 8 and in such cases the administrative department of Secretariat in respect of the Government servant who holds the highest post will initiate such disciplinary proceedings and issue final orders after complying with the entire procedure laid down in these rules :

Provided further that this rule shall not apply to cases in which officers coming under the administrative control of the Chief Secretary to Government are jointly involved.

**10. "Fine" - to whom it may be imposed :-**

The penalty of fine as such shall be imposed only on a person who is a member of the Tamil Nadu Basic Service, which is one of the

Services included in the Subordinate Services, and on a person holding any of the posts specified in Appendix II to these rules.

**11. Authorities competent to impose penalties on specified categories in State Services :-**

Omitted

**12. Rule 12 :-**

(1) Powers of State Government to impose penalties on members of State Services.

The State Government may impose any of the penalties specified in items (i) and (iii) to (viii) in rule 8 on members of the State Services; Provided that if the Governor of Tamil Nadu is himself, the appointing authority for any service or class or category thereof, he may himself impose any of the said penalties on members of that service, class or category, as the case may be: Provided further that in the case of the members of the Services specified in column(1) of Appendix IV to these rules, the authority which may impose any of the penalties mentioned in items (i),(iii) so far as it relates to withholding of increments and (v) in rule 8 shall be the authorities specified in the corresponding entries in columns(2),(3) and (4) thereof.

Provided also that the High Court of Judicature at Madras may impose on members of the Tamil Nadu State Judicial Service any of the penalties specified in items (i), (iii), 9iv),(v) and (ix) in rule 8.

(2) Powers of Head of department to institute proceedings against specified categories in State Services and impose specified penalties

Notwithstanding anything contained in these rules, the appointing authority or any authority administratively higher to the appointing authority may impose the penalties specified in items (i),(iii) to (viii) and (ix) of rule 8 on members of the State Service:

Provided that where the members of the State Services have been appointed by the Government or by any authority administratively higher than the appointing authority, the penalties specified in items (iii) in so far as it relates to withholding of promotion and items (iv),(vi),(vii) and (viii) in rule 8 shall be imposed only by the Government or by such higher authority:

Provided further that where the State Government are the appointing authority for members holding the posts included in the State Services, the Heads of Departments concerned may impose



any of the penalties specified in item (i) and item (iii) in so far as it relates to withholding of increments and items (v) and (ix) in rule 8 on those members other than such members who are immediately below such Heads of Departments:

Provided also that all authorities directly higher to the members holding the posts included in the State Services may frame charges against such members of the State Services under rule 17(b) or issue show cause notice under rule 17(a) even if they are not the competent authority to impose the penalty and they may conduct the inquiry themselves or request the competent authority to appoint an officer to conduct the inquiry.

They shall remit the papers to the competent authority for passing final orders, after the case is processed upto the level of completion of inquiry or after receipt of explanation to show cause notice, as the case may be.

Provided also that where the appointing authority or the authority administratively higher to the appointing authority have passed orders of suspension under rule 17(e) on the members of the State Services, they may exercise the power to impose the penalty specified in item (ix) in rule 8 on such members."

### **13. Authorities competent to impose suspension on members of State Services :-**

The authority which may impose suspension referred to in rule 17(e) on members of the State Services shall be as follows:-

<b>Class of members of the State Service</b>	<b>Authority which may impose suspension.</b>
(1) Members of the Tamil Nadu State Judicial Service.	The High Court of Judicature at Madras.
(2) First Assistant, Board of Revenue.	Board of Revenue (Full Board).
(3) Assistant Engineers in Public Works Department, Junior Superintendent, Public Works Workshops, and the Nontechnical Personal Assistant to the Chief Engineer, P.W.D. (General).	Chief Engineer, P.W.D.(General).
(4) Assistant Electrical Inspectors, Chief Accountants and Administrative Officers.	Chief Electrical Inspector to the Government.
(5) All Officers in the cadre of Assistant Surgeons.	Director of Medical Services, Chennai, Director of Medical Education, Chennai.
(6) Senior and Junior	

Assistants, Vaccine Section, King Institute, Guindy.	Director of Medical Services.
(7) Health Officers, Class-II, Statistician and Medical Officers (Maternal and Child Health), Grade II, Chief Entomologist and Senior Entomologist.	Director of Public Health.
(8) Lay Secretaries and Treasurers in Government Medical Institutions.	Director of Medical Services or Honorary Director of Indigenous Medicine, as the case may be.
(9) Assistant Engineers (Highways and Rural Works).	Chief Engineer (Highways and Rural Works).
(10) *Members of State Services, where the appointing authority is other than State Government.	Appointing authority
(11) Other Members of the State Services.	State Government
(12) Drugs Inspectors	Drugs Controller
(13) Members of the Tamil Nadu Stationery and Printing Service except the General Manager and the Works Manager.	Director of Stationery and Printing.
(14) Agricultural Officers.	Assistant Director of Agriculture in-charge of a Division / Taluk / Seed Centre or Deputy Director of Agriculture or Joint Director of Agriculture in-charge of the Region, as the case may be, and the Additional Director of Agriculture (Personnel) in Head office.
(15) Headmasters/Headmistresses in Government High Schools and Government Higher Secondary Schools (under the Department of School Education).	Director of School Education
Teachers in Academic Subjects, Teachers in Languages, Physical Directors / Directresses in Government Higher Secondary Schools (under the Department of School Education).	Joint Director of School Education (Higher Secondary).
Personal Assistants to District Educational Officers / Inspectresses of Girls Schools.	Joint Director of School Education (Personnel).

#### **14. Rule 14 :-**

(a)(1) Authorities competent to impose Suspension and Minor

penalties except withholding of promotion on members of Subordinate Services.

The authority which may impose suspension referred to in rule 17(e) or penalties of -

(i) censure,

(ii) fine,

(iii) withholding of increments, and

(iv) (a) recovery from pay of the whole or part of any pecuniary loss caused to the State Government or the Central Government or to a local body by negligence or breach of orders, or

(b) recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld, where such an order cannot be given effect to, on a member of a Subordinate Service shall be his immediate superior Officer of the State Services or, where the appointing authority for such members is an Officer of the Subordinate Services, such officer or any higher authority ;

Provided that in respect of the members of Subordinate Services working in a medical institution in the City or mufassal, the authority competent to impose the penalty of withholding of increments shall be the head of that institution in cases where he is not below the rank of a Civil Surgeon and the District Medical Officer concerned in other cases, subject to the condition that where such head of the institution or District Medical Officer, as the case may be, is not the appointing authority, he shall, before, imposing that penalty, report the matter to such authority and obtain its prior sanction:

Provided further that in respect of the members of subordinate services working in the National Cadet Corps Units, the authority competent to impose the penalties referred to in this clause shall be the Officer Commanding the Units concerned.

Note 1.- In this clause the expression "Immediate Superior Officer of the State Services" means the Immediate Superior Officer of the State Services under whom the delinquent was working at the time when lapses were committed and includes his successor in office.

Note 2.- The expression "Immediate Superior Officer of the State Services" shall, in its application to the members of the Tamil Nadu Jail Subordinate Service, the Tamil Nadu Ministerial Service, the Tamil Nadu General Subordinate Service (Class XXII) and the Tamil Nadu Basic Service employed in the Central Jails, the District Jails, the State Jail for Women, Vellore and the Borstal School be construed as referring to the Superintendent of the Jail or the

School concerned.

Note 3.- The expression "Immediate Superior Officer of the State Services" shall, in its application to the members of the Tamil Nadu Secretariat Service, the Tamil Nadu General Subordinate Service (Classes XV and XXII) and the Tamil Nadu Basic Service be deemed to be the Under Secretary in charge of the establishment matters of the staff in the department of the Secretariat concerned ;

Provided that the expression "Immediate Superior Officer of the State Services" shall, in its application to the drivers, van cleaners and motor cycle messengers in the Chief Secretariat (Class XV of the Tamil Nadu General Subordinate Service), be deemed to include also the Under Secretary, Public Department :

Provided further that the expression "Immediate Superior Officer of the State Services" shall, in its application to the members of the Tamil Nadu Secretariat Service, the Tamil Nadu General Subordinate Service (Classes XV and XXII) and the Tamil Nadu Basic Service, working in the Information and Public Relations Wing of the Public Department, be deemed to be the Under Secretary to Government, Public (Information and Public Relations) Department, Fort St. George, Chennai-600 009.

Note 4.- The expression "Immediate Superior Officer of the State Services" shall, in its application to the members of the Tamil Nadu General Subordinate Service, the Tamil Nadu Ministerial Service and the Tamil Nadu Basic Service, be the District Assistant Director of Statistics, Regional Deputy Director of Statistics or Joint Director of Statistics (Administration) in the Office of the Department of Economics and Statistics, Chennai.

Note 5.- The expression "Immediate Superior Officer of the State Services" shall, in its application to the members of the Tamil Nadu Survey and Land Records Subordinate Service, the Tamil Nadu Ministerial Service, the Tamil Nadu General Subordinate Service and the Tamil Nadu Basic Service employed in the Survey and Land Records establishment include the Deputy / Sub-Collector under whom the member is working and the concerned Assistant Director of Survey and Land Records, as the case may be.

(2) Authorities competent to impose Major penalties and the penalty of withholding of promotion on members of Subordinate Services.

The authority which may impose the penalties of--

(i) Withholding of promotion;

(ii) 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, or

to a lower stage in a time-scale;

(iii) compulsory retirement otherwise than under article 465 (2) and under Note I to the article 465-A of the Civil Service Regulations;

(iv) removal from the Civil Service of the State Government; and

(v) dismissal from the Civil Service of the State Government, on a member of a Subordinate Service including those in the National Cadet Corps Units, shall be the appointing authority or any higher authority ;

Provided that in the case of persons appointed to a service by any authority higher than the appointing authority, the penalties mentioned in this clause shall not be imposed by any authority subordinate to such higher authority:

Provided further that in the case of the members of the services specified in Appendix III to these rules ,the authority which may impose any of the penalties mentioned in clauses (1) and (2) or suspension referred to in rule 17(e) shall be as specified against each:

Provided also that the case of the irregularities committed by Deputy Panchayat Officers when they were holding the office of Executive Officers of Panchayats, the authority competent to impose the penalties specified in clauses (1) and (2) except the penalty specified in item (ii) of clause (1) shall be the Inspector of Municipal Councils and Local Boards.

14(b) to (e). Certain special powers vested with higher authorities.

(b) where in any case a higher authority has imposed or declined to impose a penalty under this rule, a lower authority shall have no jurisdiction to proceed under this rule in respect of the same case.

(c) The fact that a lower authority has imposed or declined to impose a penalty in any case shall not debar a higher authority from exercising his jurisdiction under this rule in respect of the same case.

(d) The order of a higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by a lower authority in respect of the same case.

(e) The fact that a lower authority has dropped a charge against a person as not proved shall not debar a higher authority from reviving it, for reasons to be recorded in writing and taking suitable action on the charge so revived.

**15. Authorities competent to impose penalties for any acts committed prior to promotion/ transfer/ reversion of a member of service :-**

(a) Where, on promotion or transfer or recruitment by transfer\*, a member of a service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another service, State or Subordinate, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the service in the latter class, category, grade or service as the case may be.

(b) where a person has been reverted or reduced --  
from a State to a Subordinate Service, or  
from one service to another, or  
from one class, category or grade of a service to another class, category or grade thereof,  
no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service, class, category or grade, as the case may be, from which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such service, class, category or grade, as the case may be.

**16. Authorities competent to impose penalties on persons whose services lent to another Department of Government :-**

Where a person to be punished has been lent to the punishing authority--

(i) the power to impose the penalty of compulsory retirement or removal or dismissal, shall not lie with any authority other than the lending authority ; the borrowing authority shall, in a case where it considers that the punishment of compulsory retirement, removal or dismissal should be imposed, complete the inquiry and revert the person concerned to the lending authority for such action as that authority may consider necessary ;

Provided that the provision in this clause requiring the reversion of the person concerned to the lending authority shall not apply where the person has been lent by one department to another and both the departments are under the same administrative authority; and

(ii) unless in any case it be otherwise provided by specific orders by the Governor of Tamil Nadu, the punishing authority shall consult the lending authority before imposing any lesser penalty and in the case of suspension shall report forthwith to the lending authority

the circumstances leading to the imposition of that penalty.

Explanation .- For the purpose of this rule, a clerk of the Secretariat or of the Board of Revenue or of the other Government Offices in the City of Chennai deputed to Tamil Nadu Ministerial Service for training as a Revenue Inspector or a Superintendent of the Secretariat or of the Board of Revenue or of the other Government Offices in the City of Chennai deputed to the Tamil Nadu Revenue Subordinate Service for training in the districts shall be deemed to be a person lent.

**16A. Authorities competent to institute proceedings and impose penalties on a Government servant whose services are placed at the disposal of Government owned companies/ corporations/ local authorities, etc :-**

Where a member of a Civil Service of the State or a person holding a civil post under the State, whose services are placed at the disposal of any Company, Corporation, Organisation or local authority has, at any time before his services were so placed, committed any act or omission which renders him liable to any penalty specified in rule 8, the authority competent under rule 14 to impose any such penalty on such member or person, shall alone be competent to institute disciplinary proceedings against him and to impose on him such penalty specified in rule 8 as it thinks fit and the borrowing authority under whom he is serving at the time of the institution of such proceedings, shall be bound to render all reasonable facilities to such competent authority instituting and conducting such proceedings.

**16B. Procedure for taking action against persons whose services are borrowed from companies/ corporations/ boards, etc. :-**

(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a person whose services have been borrowed from any Company, Corporation, Organisation, Autonomous Boards or other authority, the authority lending his services (hereinafter in this rule referred to as the "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceedings

conducted against the Government servant if the disciplinary authority is of the opinion that any of the penalties specified in clause (i) to (iii) and (v) of rule 8 should be imposed on him it may after consultation with the lending authority pass such orders on the case as it may deem necessary--

(i) provided that in the event of a difference of opinion between the borrowing authority and the lending authority the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) If the borrowing authority is of the opinion that any of the penalties specified in items (iv) and (vi) to (viii) of rule 8 should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary.

### **17. Rule 17 :-**

(a) Procedure to be followed to impose Minor penalties

In every case where it is proposed to impose on a member of a service or a person holding a civil post under the State any of the penalties specified in items (i), (ii), (iii), (v) and (ix) in rule 8 or in rule 9, he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed ; Provided that the requirements of this sub-rule shall not apply where it is proposed to impose on a member of a service any of the penalties aforesaid on the basis of facts which have led to his conviction by a court martial or where the officer concerned has absconded or where it is for other reason impracticable to communicate with him: Provided further that, in every case where it is proposed, after considering the representation, if any, made by the Government servant, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay without cumulative effect for a period exceeding 3 years or to withhold increment of pay with cumulative effect for any period, the procedure laid down in sub-rule (b) shall be followed before making any order imposing on the Government servant any such penalty.

(b) Procedure to be followed to impose Major penalties.

(i) Without prejudice to the provisions of the Public Servants



Inquiries Act, 1850, (Central Act XXXVII of 1850), in every case where it is proposed to impose on a member of a service or on a person holding a Civil Post under the State any of the penalties specified in items (iv), (vi), (vii) and (viii) in rule 8, the grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged, together with a statement of the allegation, on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time to put in a written statement of his defence and to state whether he desires an oral inquiry or to be heard in person or both. An oral inquiry shall be held if such an inquiry is desired by the person charged or is directed by the authority concerned. Even if a person charged has waived an oral inquiry, such inquiry shall be held by the authority concerned in respect of charges which are not admitted by the person charged and which can be proved only through the evidence of witnesses. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. Whether or not the person charged desired or had an oral inquiry, he shall be heard in person at any stage if he so desires before passing of final orders. A report of the inquiry or personal hearing (as the case may be) shall be prepared by the authority holding the inquiry or personal hearing whether or not such authority is competent to impose the penalty. Such report shall contain a sufficient record of the evidence, if any, and a statement of the findings and the grounds thereof. Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor or partly recorded by its predecessor and partly recorded by itself; Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided:

Provided further that where there is a complaint of sexual harassment within the meaning of rule 20-B of the Tamil Nadu Government Servants Conduct Rules, 1973, the complaints Committee established in each Government department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the Disciplinary Authority for the purpose of these rules and the Complaints Committee shall hold the inquiry as far as practicable in accordance with the procedure laid down in these Rules.

Provided also\* that the Government Servant may take the assistance of any retired Government servant to present the case on his behalf but may not engage a legal practitioner for the purpose unless the inquiring authority is a legal practitioner or the inquiring authority, having regard to the circumstances of the case, so permits. Explanation .- The Government servant shall not take the assistance of any retired Government servant who has two pending disciplinary cases on hand, in which he has to give assistance.

(ii) After the inquiry or personal hearing referred to in clause (i) has been completed, the authority competent to impose the penalty specified in that clause, is of the opinion, on the basis of the evidence adduced during the inquiry, that any of the penalties specified in rule 8 should be imposed on the person charged, it shall, before making an order imposing such penalty, furnish to him a copy of the report of the inquiry or personal hearing or both, as the case may be, and call upon him to submit his further representation, if any, within a reasonable time, not exceeding fifteen days. Any representation received in this behalf within the period shall be taken into consideration before making any order imposing the penalty, provided that such representation shall be based on the evidence adduced during the inquiry only. It shall not be necessary to give the person charged any opportunity of making representation on the penalty proposed to be imposed ;

Provided that in every case where it is necessary to consult the Tamil Nadu Public Service Commission, the disciplinary authority shall consult the Tamil Nadu Public Service Commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty:

Provided further that in the case of a person appointed to a post in a temporary department by transfer from any other class or by recruitment by transfer from any other service, the State Government may, at any time before the appointment of such

person as a full member to the said post, revert him to such other class or service, either for want of vacancy or in the event of his becoming surplus to requirements or if the State Government are satisfied that he has not got the necessary aptitude for work in the said post, without observing the formalities prescribed in this sub-rule.

(c) Procedure to be followed when a Government Servant is convicted on a Criminal Charge / convicted by Court Martial / absconded or other reasons

(i)(1) The requirements of sub-rule (b) shall not apply where it is proposed to impose on a member of a service any such penalty as is referred to in clause (i) of that sub-rule on the basis of facts which have led to his conviction in a criminal court (whether or not he has been sentenced at once by such court to any punishment); but he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed.

(2) The requirements of sub-rule (b) shall not apply where it is proposed to impose on a member of a service any of the penalties mentioned in rule 8 or 9, on the basis of facts which have led to his conviction by a court martial or where the officer concerned has absconded or where it is for other reasons impracticable to communicate with him.

(ii) The provisions of sub-rule (b) shall not apply where the Governor is satisfied that in the interest of the security of the State it is not expedient to follow the procedure prescribed in that sub-rule.

(d) Conditions under which the provisions of sub-rules (a) and (b) of rule 17 may be waived.

(i) All or any of the provisions of sub-rules (a) and (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is difficulty in observing exactly the requirements of the sub-rules and those requirements can be waived without injustice to the person charged.

(ii) If any question arises whether it is reasonably practicable to follow the procedure prescribed in sub-rule (b), the decision thereon of the authority empowered to dismiss or remove such person or reduce him in rank, as the case may be, shall be final.

(iii) The provisions of sub-rule (b) may be waived in cases where deficiency in the stores incharge of a member of a Subordinate

Service in the Jail Department detected at the time of stock-taking is due to negligence or breach of orders on his part and the authority competent to write off the loss caused to the Government by such deficiency is of opinion that the loss does not exceed Rs.100 and that it should be recovered from the pay of such member. In such cases the member shall, before the recovery is ordered from him, be given a reasonable opportunity of showing cause why the loss should not be recovered from his pay.

(iv) The procedure prescribed in clause (b) shall be followed also in the case of persons appointed under rule 10 (a) (i) and (ii) or promoted under rule 39(a) (i) of the General Rules for the Tamil Nadu State and Subordinate Services and those paid from contingencies provided the termination of appointment is made as a measure of punishment.

(e) Conditions under which a member of a Service be placed under suspension

(1) A member of a service may be placed under suspension from service, where-

\* (i) where-a disciplinary Proceedings against him is contemplated or is pending; or

(ii) a case against him in respect of any criminal offence is under investigation, inquiry or trial.

(2) A Government servant who is detained in custody whether on a criminal charge or otherwise, for a period longer than forty-eight hours shall be deemed to have been suspended under this rule.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government Servant is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the appointing authority from the date of the original

order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court of law has passed an order purely on technical grounds without going into the merits of the case.

(5) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceedings are commenced or any other criminal complaint is under investigation or trial against him during the continuance of that suspension, and where the suspension of the Government servant is necessary in public interest as required under clause (1), the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings including departmental proceedings taken on the basis of facts which led to the conviction in a Criminal Court.

(6) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(f) Conditions when Ex-parte enquiry to be resorted to

If the Government Servant, to whom a copy of the charges together with a statement of the allegation on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case, is communicated, does not submit the written statement of his defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

(g) Inquiry Authority.

Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint an authority to inquire into the truth thereof.

Explanation .- Where the disciplinary authority itself holds the inquiry, any reference to the "inquiring authority" shall be construed as a reference to the disciplinary authority.

**17A. Commissioner for Disciplinary Proceedings and Deputy Commissioner for Disciplinary Proceedings to hold departmental inquiry :-**

The Commissioner for Disciplinary Proceedings and the Deputy Commissioner for Disciplinary Proceedings shall, on a reference by the disciplinary authority concerned, hold the inquiry under rule 17 (b) (i) in respect of a member of a service or a person holding a civil post under the State. Explanation .- "Disciplinary Authority" for the purpose of this rule shall mean the authority competent to impose the penalties referred to in rule 17(b) (i) or any authority Subordinate to him but who is superior in rank to the officer against whom the inquiry is to be conducted.

**18. Rule 18 :-**

(a) Records to be maintained by authorities imposing penalties.

The authority imposing any penalty under these rules shall maintain a record showing -

(i) the allegations upon which action was taken against the person punished;

(ii) the charges framed, if any;

(iii) the persons representation, if any, and the evidence taken, if any ; and

(iv) the finding and the grounds thereof, if any.

(b) Orders of punishments - to contain the grounds and be communicated to the person concerned.

All orders of punishment shall also state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

(c) Mode of service of Order, Notice and other Process

Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or sent to him by registered post acknowledgment due or if such person is not found by leaving it at his last known place of residence or by giving or tendering it to an adult member of his family or if none of the means aforesaid is available by affixing it in some conspicuous part of his last known place of residence.

(d) Disposal of material objects marked during inquiry

While passing final orders, the disciplinary authority shall also pass orders regarding the manner of disposal of the material objects

marked during the enquiry. After the appeal time is over, the officers concerned shall accordingly dispose of the material objects.

## **PART 4 APPEALS**

### **19. Appeal against penalties :-**

Every Government servant including a person who has ceased to be in Government service shall be entitled to appeal as hereinafter provided, from an order passed by an authority:-

- (a) imposing upon him any of the penalties specified in rule 8 or 9;
- (b) discharging him in accordance with the terms of his contract, if he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated; and
- (c) reducing or withholding the maximum pension, including an additional pension, admissible to him under the rules governing pensions.

### **20. Review petition to Government where the original order is passed by Government and Appeals to Government against orders passed by lower authorities on certain specified categories in State Services :-**

(1) A member of a State Service or a member of a Subordinate Service including a person who has ceased to be a member of such service in whose case the Government have passed original orders, shall be entitled to submit, within a period of two months from the date on which the order was communicated to him, a petition to the Government for review of the orders passed by them on any of the grounds specified below:-

- (a) that the order was not passed by the competent authority;
  - (b) that a reasonable opportunity of defending himself was not given;
  - (c) that the punishment is excessive or unjust;
  - (d) discovery of new matter or evidence which the appellant alleges and proves to the satisfaction of the Government was not within his knowledge or could not be adduced by him before the order imposing the penalty was passed;
  - (e) evident error or omission such as failure to apply the Law of Limitation or an error of procedure apparent on the face of record;
- Provided that the Government may, in its discretion, condone any

delay in submitting the petition for review within the said period of two months.

(2) The petition for review which does not satisfy any of the above grounds shall be summarily rejected.

(3) \*Where an authority other than the State Government, by virtue of sub-rule (2) of rule 12, has passed orders imposing a penalty on a member of the State Service, such member shall be entitled to appeal to the Head of Department, if the orders were passed by an authority subordinate to the Head of Department or to the Government, if the orders were passed by the Head of Department.

## **21. Omitted :-**

Omitted

## **22. Appellate Authorities in respect of members of subordinate services :-**

A member of a Subordinate Service including those members in the National Cadet Corps Units shall be entitled to appeal from an order imposing on him any of the penalties specified in rule 8 or 9 except to the extent specified in Appendix-I if such order was passed by any authority specified in rule 9 or 14(a) to the next higher authority to whom the former authority is administratively subordinate ;

Provided that a member of the Tamil Nadu Municipal Engineering Subordinate Service shall be entitled to appeal to the State Government against the orders passed by the Sanitary Engineer:

Provided also that in respect of a Peon borne on Category 5 of Tamil Nadu Basic Service working in the office of the Assistant Public Prosecutor, the appellate authority shall be the District Collector concerned in respect of orders passed by the Assistant Public Prosecutor:

Provided also that the State Government shall be the appellate authority in relation to Deputy Panchayat Officers in respect of the penalties imposed on them for the irregularities committed by them as Executive Officers:

Provided also that in respect of an order passed by the Deputy Director General, National Cadet Corps, Directorate (Tamil Nadu, Pondichery and Andaman Nicobar), Chennai, the Appellate Authority shall be the Commissioner and Secretary to Government, Youth Welfare and Sports Development Department, Chennai:



Provided also that the State Government shall be the appellate authority in relation to Assistant State Prosecutor in the City of Chennai in respect of the penalties imposed on them by the Commissioner of Police, Chennai:

Provided also that in respect of the members of the Subordinate Services working in the Single Digit System of Finger Print Units, the appellate authority shall be the Deputy Inspector-General of Police, C.I.D., Chennai in respect of the orders passed by the Deputy Commissioner of Police, Crime Branch, Chennai and the Superintendent of Police, concerned:

Provided that in respect of the members of the Survey and Land Records Subordinate Service, the Tamil Nadu Ministerial Service and the Tamil Nadu General Subordinate Service and the Tamil Nadu Basic Service employed in the Survey and Land Records Establishment, the Deputy Director of Survey and Land Records, shall be the appellate authority in respect of orders passed by the Assistant Director of Survey and Land Records, and the District Revenue Officer / the Collector of the District shall be the appellate authority in respect of orders passed by the Deputy / Sub-Collector and the Director of Settlements shall be the appellate authority in respect of original orders passed by the Deputy Director of Survey and Land Records and the Commissioner of Land Administration shall be the appellate authority in respect of original orders passed by the Collector / the District Revenue Officer of the District :

Provided also that in respect of minor penalties imposed by the Chief Educational Officers on any of the members in the Subordinate Services working under their administrative control, the appellate authority shall be the Joint Director of School Education (Personnel) and the Joint Director of School Education (Higher Secondary) in the respective branch:

Provided also that in respect of the staff other than the teaching and nonteaching staff in schools / hostels under the control of Adi-Dravidar and Tribal Welfare Department working under the District Adi-Dravidar Welfare Officer, the Collector concerned shall be the appellate authority against the orders passed by the District Adi-Dravidar Welfare Officers:

Provided also that in respect of the staff covered by the Tamil Nadu Backward Classes Welfare Subordinate Service working under the control of the District Backward Classes Welfare Officers and Special Deputy Collector (Kallar Reclamation), Madurai, the appellate authority shall be District Collectors concerned.

### **23. Power and procedure of the Appellate Authorities :-**

(1) In the case of an appeal against an order imposing any penalty specified in rule 8 or 9, the appellate authority shall consider--

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty is excessive, adequate or inadequate and pass orders- -

(i) confirming, enhancing, reducing, or setting aside the penalty; or

(ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case ; Provided that --

(i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (iv), (v)\* , (vi), (vii) and (viii) of rule 8 and an inquiry under sub-rule (b) of rule 17 has not already been held in the case, the appellate authority shall, subject to the provisions of sub-rule (c) of rule 17, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of sub-rule (b) of rule 17 and thereafter, on a consideration of the proceedings of such inquiry make such orders as it may deem fit;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (iv), (v)\*, (vi), (vii) and (viii) of rule 8 and an inquiry under sub-rule (b) of rule 17 has already been held in the case, the appellate authority shall , after giving the appellant a reasonable opportunity of making representation against the penalty proposed on the basis of the evidence adduced during the enquiry, make such orders as it may deem fit ; and

(iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be in accordance with the provisions of sub-rule (a) of rule 17 of making representation against such enhanced penalty.

(2) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers, for reasons to be recorded in writing, that error or defect was not material and has neither cause injustice to the person concerned nor affected the decision of the case.

#### **24. Order to be passed by the Appellate Authority :-**

In the case of an appeal the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

#### **25. Appeal to be in the own name of Government servant :-**

Every person preferring an appeal shall do so separately and in his own name.

#### **26. Procedure for preferring an Appeal :-**

Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal is preferred and shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred and in the case of members of Subordinate Services, through the usual official channel.

#### **27. Conditions under which an Appeal may be withheld :-**

An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if --

(1) it is an appeal in a case in which under these rules no appeal lies, or

(2) it does not comply with the provisions of rule 26, or

(3) it is not preferred within two months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay, or

(4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford ground for a reconsideration of the case, or

(5) it is addressed to an authority to which no appeal lies under these rules ; Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it :

Provided further that an appeal withheld on account only of failure to comply with the provisions of rule 26 may be resubmitted at any

time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with those provisions, shall not be withheld.

**28. No Appeal lies against withholding of an Appeal :-**

No appeal shall lie against the withholding of an appeal by a competent authority.

**29. Omitted :-**

**30. Omitted :-**

**31. Rule 31 :-**

(a) Appeal to be forwarded without an expression of opinion

Every appeal which is not withheld under the rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred without an expression of opinion.

(b) A list of Appeals withheld to be forwarded to the Appellate Authority

A list of appeals withheld under rule 27, with the reasons for withholding them shall be forwarded half-yearly by the withholding authority to the appellate authority.

**32. A list of Appeals withheld to be forwarded to the Appellate Authority :-**

An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

**33. A list of Appeals withheld to be forwarded to the Appellate Authority :-**

Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after these rules came into force shall be deemed to be an appeal under these rules, and rule 23 shall apply as if the appeal were against an order appealable under these rules.

**34. Omitted :-**

### **35. Exception to personnel in Stationery and Printing Department :-**

Nothing contained in these rules shall affect the operation of the provision of rule 39 of the Madras Stationery Manual, Volume I, authorising recovery from the pay of Warehousemen (Packers) in the office of the Director of Stationery and Printing of the value of short receipts reported by indenting officers.

### **PART 5 REVISION**

### **36. Revision of any orders by Appellate / Higher Authorities :-**

(1) Notwithstanding anything contained in these rules -

(i) the State Government; or

(ii) the head of the department directly under the State Government, in the case of a Government servant serving in a department or office under the control of such head of the department, or departments; or

(iii) the appellate authority, other than the State Government, within six months of the date of the order proposed to be revised; or

(iv) any other authority specified in this behalf by the State Government by a general or special order, and within such time as may be prescribed in such general or special order ; may at any time, either on their or its own motion or otherwise call for the records of any inquiry and after consultation with the Tamil Nadu Public Service Commission, where such consultation is necessary and revise any order made under these rules, may -

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as they or it may deem fit; Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government Servant concerned has been given a reasonable opportunity of making his representation against the penalty proposed and where it is proposed to impose

any of the penalties specified in clauses (iv), (v)\*, (vi), (vii) and (viii) of rule 8 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under sub-rule (b) of rule 17 has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in the said sub-rule (b) of rule 17 which shall be subject to the provisions of sub-rule (c) thereof, and except after consultation with the Tamil Nadu Public Service Commission, where such consultation is necessary:

A Provided further that no power of revision shall be exercised by the head of the department, unless --

- (i) the authority which made the order in appeal, or
- (ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced --

- (a) Where no appeal has been preferred, before the expiry of the period of limitation for an appeal, or
- (b) Where an appeal has been preferred, before the disposal of such appeal.
- (c) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

## **PART 6 REVIEW**

### **37. Review by Government of any orders passed by them under these rules on the basis of new material or evidence at any time :-**

The State Government may, at any time, either on their own motion or otherwise, review any order passed by them under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to their notice;

Provided that no order imposing or enhancing any penalty shall be made by the State Government unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in rule 8 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an inquiry under sub-rule (b) of rule 17 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid

down in the said sub-rule (b) of rule 17 which shall be subject to the provisions of sub-rule (c) thereof, and except after consultation with the Tamil Nadu Public Service Commission, where such consultation is necessary.