



ABSTRACT

Public Services - Conviction cases - Dispensing with the procedure of consulting the Tamil Nadu Public Service Commission in the cases of disciplinary proceedings initiated under rule 17 (c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules - Fixing-up of time limit for issuing final order - Instructions - Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (N) DEPARTMENT

G.O.(Ms)No.36

Dated:09.03.2020

விகாரி, மாசி - 26

திருவள்ளூர் ஆண்டு - 2051

Read:

ORDER

Article 320 of the Constitution of India mandates the consultation with the State Public Service Commission on all disciplinary matters affecting a person serving under the State Government.

2. In consonance, clause (b) of sub-regulation (1) of regulation 18 of the Tamil Nadu Public Service Commission Regulations, 1954 mandates the State Government to consult the Tamil Nadu Public Service Commission for its opinion before imposing any of the major penalties on a Government servant.

3. In cases where a Court of law convicts a Government servant in a criminal case, sub-clause (1) of clause (i) of sub-rule (c) of rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules enables the disciplinary authority to impose a penalty on the basis of the facts which have led to his conviction.

4. The said rule 17 (c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules excludes the requirements of sub-rule (b) of rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for imposing any of the major penalties on a Government servant on the basis of facts which have led to his conviction in a criminal Court. The said rule mandates a reasonable opportunity to the convicted Government servant for submitting his representation on the show cause notice issued to him.

5. In view of the fact that in convicted cases, the fact, merits, circumstance of the case and the guilt of the accused officer have already been assessed by the Court of Law and the authority has to impose a penalty based on the facts which have led to his conviction, the need for consulting the Tamil Nadu Public Service Commission in assessing the guilt or otherwise of the convicted Government servant would not arise.

6. The Government, after due examination, in the light of the above context, have decided to dispense with the procedure of consulting the Tamil Nadu Public Service Commission under regulation 18 (1) (b) of the Tamil Nadu Public Service Commission Regulations, 1954 in the cases where the State Government

(p.t.o.)

propose to impose a major penalty in the disciplinary proceedings initiated under rule 17 (c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, based on the facts which led to the conviction in a criminal Court and issue orders accordingly.

7. The Government also prescribe the following time limit for processing / finalizing the disciplinary proceedings initiated under rule 17 (c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules:-

- i) For issuing the show-cause notice under rule 17 (c) (i) (1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules from the date of receipt of copy of Court order : 15 days
- ii) For obtaining the representation from the convicted Government servant : 15 days
- iii) For issuing and serving the final orders (from the date of reply received from the convicted Government servant) : 30 days

8. All the respective authorities are requested to strictly adhere to the instructions issued above.

9. The necessary amendments to the Tamil Nadu Public Service Commission Regulations, 1954 will be issued separately by the Personnel and Administrative Reforms (M) Department.

(BY ORDER OF THE GOVERNOR)

**S.SWARNA
SECRETARY TO GOVERNMENT**


To

All Additional Chief / Principal / Secretaries to Government, Chennai - 09.
All Departments of Secretariat, Chennai - 09.
All Heads of Departments / All District Collectors.
The Secretary, Tamil Nadu Public Service Commission, Chennai - 03.
The Vigilance Commission, Chennai - 09.
The Personnel and Administrative Reforms (M) Department, Chennai - 09.
(for issuing necessary amendments in the Tamil Nadu Public Service Commission Regulations, 1954).

Copy to:

The Private Secretary to Chief Secretary to Government, Chennai - 09.
The Private Secretary to Secretary, Personnel and Administrative Reforms Department, Chennai - 09.
The Private Secretary to Vigilance Commissioner / Commissioner for Administrative Reforms, Chennai - 09.
All Officers and Sections of Personnel and Administrative Reforms Department, Chennai - 09.
The Personnel and Administrative Reforms (AR-II) Department, Chennai - 09.
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09/03/2020
SECTION OFFICER